

7 December 2016

Committee Secretary
Parliamentary Joint Committee on Human Rights
By email: 18Cinquiry@aph.gov.au

Dear Committee Secretary

Re: Inquiry into freedom of speech in Australia

Mission Australia is a national non-denominational Christian organisation that delivers evidence-based, client-centred community services. In the 2015-16 financial year we supported over 131,000 Australians through 452 programs and services. We work with families and children, youth and people experiencing homelessness and also provide specialist services for mental health, disability and alcohol and drug issues.

Each year Mission Australia conducts the *Youth Survey*, which is the largest annual survey of young people in Australia, with close to 22,000 respondents in 2016. Young people's concern about equity and discrimination has risen in recent years and it was the second top issue nationally in 2015 and 2016. This year we asked specific questions on young people's experience and witnessing of discrimination, including on the grounds of race or cultural background.

Just over one quarter (26.6%) of young people indicated that they had experienced some form of unfair treatment or discrimination in the last twelve months. Race or cultural background was the reason for discrimination in over 30 per cent of these cases and males reported higher levels of discrimination based on race or cultural background than females (40.7% compared to 25.1% of females, among those who had experienced discrimination).

In addition, half of young people surveyed had *witnessed* someone else being unfairly treated or discriminated against in the last twelve months. The discrimination they witnessed was most commonly on the basis of race/cultural background (57.5%).

The experience of discrimination was not borne equally by all respondents. Aboriginal and Torres Strait Islander young people were almost twice as likely to have experienced discrimination on the basis of race or cultural background compared to non-Aboriginal or Torres Strait Islander young people (54.7% compared to 28.3%). They were also more likely to experience unfair treatment or discrimination on the basis of mental health, age, physical health or ability, sexuality, religion and other reasons than their non-Aboriginal or Torres Strait Islander peers.

We also know that racial discrimination is a reality for young people from migrant and refugee backgrounds and can be experienced in education, employment, sport, public transport and in interactions with the police.¹

Findings from the Youth Survey 2016 add to the weight of other recent research which found similar levels of discrimination for Aboriginal and Torres Strait Islander young people.² These high levels of unfair treatment and discrimination experienced and witnessed by young people are unacceptable and it is particularly concerning that they are occurring at such a young age. While many young people show great resilience in the face of discrimination, studies have shown that discrimination can have a negative impact on mental health, with effects including increased psychological distress, depression and anxiety.³

The evidence suggests that unfair treatment or discrimination is obvious to young people, even when they are not personally experiencing it, and the effects of this are felt broadly throughout the community, detracting from feelings of inclusion and cohesion.

In the context of high levels of ongoing racial discrimination and the negative impacts this has on the wellbeing of many people, including young people, **we do not believe that Part IIA of the Racial Discrimination Act 1975 (Cth) imposes unreasonable restrictions upon freedom of speech, and do not think that ss.18C and 18D should be reformed.**

Racial vilification causes harm at many levels and protecting people from that harm is an appropriate object of government legislation. Freedom of expression is not an absolute right and preventing the harm caused by racist speech is of sufficient importance to warrant appropriate restrictions on freedom of speech as in sections 18C and 18D of the Racial Discrimination Act 1975 (Cth).

Please do not hesitate to contact me if there is any area of this submission on which we can provide further assistance.

Yours sincerely



Catherine Yeomans

CEO, Mission Australia

¹ Centre for Multicultural Youth, 2014, *Everyday Reality: Racism and Young People*. CMY: Melbourne.

² Markus, A., 2015, *Mapping Social Cohesion*, Caulfield East: Monash University.

³ Vogl G., Ratnaik D., Ivancic L., Rowley A. & Chandy V., 2016, *One Click Away? Insights into Mental Health Digital Self-help by Young Australians*. Sydney: EY; and ReachOut Australia; Ferdinand, A., Paradies, Y. & Kelaher, M., 2012, *Mental Health Impacts of Racial Discrimination in Victorian Aboriginal Communities: The Localities Embracing and Accepting Diversity (LEAD) Experiences of Racism Survey*, The Lowitja Institute, Melbourne.