

Free speech and hate speech

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Overview

1. What is 'hate speech'
2. What laws does Australia have?
3. How do the laws work?
4. Why are they controversial?
5. Case studies/examples

1. What is hate speech?



2. What laws does Australia have?

- *Racial Discrimination Act 1975 (Cth)* – sections 18C: 'offend, insult, humiliate or intimidate', and 18D: exemptions.
- *Anti-Discrimination Act 1977 (NSW)* – race, transgender/gender identity, homosexuality, HIV/AIDS: 'incite hatred towards, serious contempt for, or severe ridicule of'.
- NSW model followed relatively closely in Qld, Vic, Tas, and ACT.
- SA – a criminal provision + a civil liability tort provision – never used.
- WA – idiosyncratic criminal provisions.

3. How do the laws work?



1.8%



4. Why are they controversial?



5. Case studies/examples



It's so hip to be black



The 'Bolt' case



QUT students' case