

SUBMISSION REGARDING MODERNISATION OF THE ANTI-DISCRIMINATION ACT REFERENCING 2017 MARRIAGE EQUALITY PLEBISCITE AS NORTHERN TERRITORY EXAMPLE OF NEED FOR BETTER VILIFICATION LAWS

There is currently no Territory law providing the equivalent rights and protection, aside from criminal laws that may cover some conduct (for example, the threat to kill). Territorians who experience vilification need to lodge a complaint under the *Racial Discrimination Act 1975* (Cth) with the Australian Human Rights Commission in Sydney to obtain protection.

There are also no federal or Territory laws that protect against vilification on the basis of religious belief, disability, sexual orientation, gender identity or any other attribute under the Act.

**Alternative approach**

The Act could be amended to make it unlawful for a person to do an act, other than in private (for example at home), if the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and the act is done because of a characteristic of that person or they are a members of the group on the basis of race, disability, sexual orientation, religious belief, gender identity or intersex status.

To balance these protections, the Act could also be amended by including appropriate exemptions to cover acts done "reasonably and in good faith" to allow for free and fair speech on related topics. For example, this could include artistic works, statements made for any genuine academic, artistic or scientific purpose or in the public interest. These exemptions would also extend to publishing a fair and accurate report of any event or matter of public interest or a fair comment on any event or matter of public interest if it is a genuine belief held by the person making the comment.

**What difference should it make?**

Protection under the Act from vilification will provide legal redress against extreme or pervasive vilification that is essential for Territorians to maintain the

1194

right to live their lives free from harassment, psychological distress, hurt, anger and anxiety that exists in society.

Providing appropriate exemptions recognises that we live in a free and democratic society with a right to voice opinions in a respectful manner.

#### Question 4

Should vilification provisions be included in the Act? Should vilification be prohibited for attributes other than on the basis of race, such as disability, sexual orientation, religious belief, gender identity or intersex status?

During the plebiscite on marriage equality, I experienced harassment and endured public slurs against non-heterosexual people.

This was very distressing to me and my family; many news outlets, 'public opinion' and public graffiti stated homosexual people and families are inferior to hetero-normative families.

Some examples of this include:

- Graffiti on walls of shop on Mitchell street Darwin saying gays are paedophiles
- A reticulation box on Trower Road in the middle of a busy 6 lane road – 'gays are paedophiles and rapists' I had to phone around 3 different departments to discover it was 'not local council because it's infrastructure'; about a fortnight after having to see this upsetting graffiti every day on my way to work, it was removed
- An MLA on ABC television said 'if we allow gays to be parents it might spread' he also said this statement was 'cultural' which it is not
- I repeatedly heard community members state that 'people are just having their say' when they were being bigoted
- Television ads were repeatedly screened regarding transphobia and homophobia made sensationalist, untrue claims about children being manipulated, through 'Safe Schools'
- Tony Abbott said his own sister's children would be better off living in a heterosexual family

- I became aware of unfriendliness at work regarding the marriage equality 'debate' people were laughing about it, or saying they were 'so sick of hearing about it' 'they (the LGBTIQ 'lobby') are extremists'
- [REDACTED] the tour stopped at Edward's art (see below) – the community service employee who drove the group to the art exhibition said 'we don't agree with gays' as though she spoke for the entire group of clients.
- A community service meeting, an employee of a youth community service said Safe Schools was wrong and started yelling to the meeting that parents have 'no choice'.

[REDACTED] had a full-page news article in the NT News stating there was no hate speech toward non-heterosexual people, in fact that they were extremists.

- The plebiscite emboldened many haters to speak out about non-heterosexual people being sinners, less than human, inferior; social media was rife with homophobic comments.
- A man who vandalised a very public on overpass with graffiti stating homosexuals are paedophiles and not 'real' people appears to have gone 'unpunished'. Rainbow Territory and/or community representatives could have engaged in a conciliatory process with him if we had vilification laws, could have educated him.
- Not able to be 'authentic self' due to safety concerns, felt everyone discussing what I'm allowed to do with my genitals – which is very humiliating
- When posted 'vote' felt that I had no dignity in the fact that Australians were 'voting' on whether I deserved equal rights.
- Queer long history of oppression in Australia - only recently quashed sodomy convicted which wrecked lives. Men couldn't teach or hold many professions, on sex offenders list and criminal conviction of very personal nature lead to homelessness and not feeling part of community.

**EXAMPLES OF SIGNS GRAFFITED IN DARWIN DURING PLEBISCITE:**





ALWAYS Say NO to Homosexuals!



Australia needs Real men & women Not Homosexuals

1198



GRAFFITI ON HIGHWAYS AND IN SHOPPING CENTRES REMAINED THERE FOR WEEKS DESPITE REPEATED REQUESTS TO OWNERS FOR ITS REMOVAL; PEOPLE IN THE COMMUNITY FELT THEY HAD TO CLEAN IT UP THEMSELVES OR GIVE IT A 'POSITIVE' SPIN

1200



DARWIN EXHIBITION  
ARTWORK; ATTENDEES AT AN  
ORGANISED TOUR FOR A  
COMMUNITY SERVICE HEARD  
THE EMPLOYEE OF THE  
COMMUNITY SERVICE STATE  
'WE DON'T AGREE WITH GAYS'

1201





1202