Economics at Macquarie University, found that the basis of liability suggested by the Commission would provide effective and equitable compensation to persons injured by goods, taking into account unreasonable conduct by the injured person and third parties. It would also reduce litigation costs.

Mr Braddock says that the ALRC's most recent proposals

> are an improvement in the delivery of economically efficient compensation to persons suffering product related injuries. They would provide a very acute incentive for manufacturers . . . to produce safer goods, with accurate, adequate . . . information and warnings.

However, Mr Braddock indicated two matters which would have undesirable impacts on manufacturing industry and the Australian economy. These are

- the relation of the ALRC's proposals to other laws, particularly State laws providing compensation for workplace and other injuries, and
- the availability of a 'state of the art' defence.

Both these aspects of the ALRC's proposals were closely reconsidered before the ALRC presented its final report on product liability to the Commonwealth Attorney-General, Mr Lionel Bowen. The report will be made public when it is tabled in Parliament.

* * *

the law and multiculturalism

> When the Opposition spokesman for Immigration and Ethnic Affairs, Phillip Ruddock, told the Victorian Labor MHR Andrew Theophanous that he really couldn't quarrel with multiculturalism as defined in the National Agenda documents, Dr Theophanous replied, "Ah yes, but are you in favour of full-blooded multiculturalism?" I don't know what Mr Ruddock's reply was, but I know what mine would be: "Not bloody likely."
>
> Lauchlan Chipman, Foundation Professor of Philosophy, Wollongong University, *Sydney Morning Herald*, 1 August 1989

The Commonwealth Government launched its National Agenda for a Multicultural Australia on 26 July 1989. In doing so it described multiculturalism as a policy for managing the consequences of cultural diversity in the interests of the individual and society as a whole.

> The Commonwealth Government has identified three dimensions of multicultural policy:
>
> - cultural identity: the right of all Australians, within carefully defined limits, to express and share their individual cultural heritage, including their language and religion;
> - social justice: the right of all Australians to equality of treatment and opportunity, and the removal of barriers of race, ethnicity, culture, religion, language, gender or place of birth; and
> - economic efficiency: the need to maintain, develop and utilize effectively the skills and talents of all Australians, regardless of background.
>
> These dimensions of multiculturalism are expressed in the eight goals articulated in the National Agenda. They apply equally to all Australians, whether Aboriginal, Anglo-Celtic or non-English speaking background; and whether they were born in Australia or overseas.
>
> There are also limits to Australian multiculturalism. These may be summarized as follows:
>
> - multicultural policies are based upon the premise that all Australians should have an overriding and unifying commitment to Australia, to

its interests and future first and foremost;

- multicultural policies require all Australians to accept the basic structures and principles of Australian society — the Constitution and the rule of law, tolerance and equality. Parliamentary democracy, freedom of speech and religion, English as the national language and equality of the sexes; and
- multicultural policies impose obligations as well as conferring rights: the right to express one's own culture and beliefs involves a reciprocal responsibility to accept the right of others to express their views and values.

The national agenda includes a package of initiatives affecting the legal system. These include

- a reference to the Law Reform Commission
- a review of administrative decision-making by the Administrative Review Council, to identify, pilot and trial new methods and to assess the suitability of procedures for the handling of grievances concerning government decision-making
- an examination by the Attorney-General's Department, in conjunction with the Law Council of Australia of the provision of interpreters in Courts and tribunals
- a community information program to be undertaken by the Human Rights and Equal Opportunity Commission and other agencies
- a consumer education program to be undertaken by the Federal Bureau of Consumer Affairs and State and Territory agencies.

As part of the National Agenda on multiculturalism, the ALRC is to examine three key areas of the legal system: family law, criminal law and consumer law. The ALRC is asked to report whether the Australian legal system could take more account of the needs and values of the many diverse groups from different cultural backgrounds in Australia today. The Commission has been asked to consider the principles underlying the relevant law, and the mechanisms available for resolving disputes arising under the law.

The President of the ALRC, Justice Elizabeth Evatt AO, said that the ALRC's inquiry would seek to ensure that Australian law reflects the needs of a society made up of many different ethnic and cultural groups, while being built on fundamental principles of equality and justice.

Justice Evatt said that the ALRC would consult widely throughout all sectors of the community. This would enable as many people and groups as possible to help it identify the problems and formulate solutions.

> This reference gives an opportunity for these important areas of law to be examined from the point of view of all Australians. The ALRC has already presented a report on Aboriginal Customary Law, which recommended that Australian law should be made more relevant to Aboriginal people. This new reference will enable the Commission to look more widely at our legal system and ensure that it takes account of the full range and diversity of cultural values within the community.

The issue is controversial. A recent article in the *Sydney Morning Herald* investigates the meaning of the term 'multiculturalism'. It points out that some people interpret it as meaning assimilation and others, cultural diversity.

> Should our laws be changed, for example, to reflect multiculturalism?
> This is one of several matters to be "reviewed", in this case by the Australian Law

Reform Commission.

One question it will certainly be expected to "review" is whether the law of blasphemy should be extended to recognise the growing significance of a devout Muslim presence in Australia.

And if the answer to that question is no, because traditions of freedom of speech and expression should be accorded higher value, then our national commitment to multiculturalism will come back to haunt us.

Not because a commitment to "cultural diversity" requires affording Muslims such protection, but because multiculturalism will continue to be understood as meaning more than this manifesto says it means.

What more it will be understood as meaning is uncertain, and it is this uncertainty, more than any other consideration, that leads liberal pluralists who welcome and favour diversity to shudder at the term multiculturalism.

(*SMH* 1 August 1989)

* * *

racial vilification

> To live anywhere in the world today and be against equality because of race or colour, is like living in Alaska and being against snow.
>
> William Faulkner, 1965

Legislation has been enacted by the New South Wales Parliament to amend the Anti-Discrimination Act 1977 by making it unlawful to vilify a person or group of persons on the ground of race. Racial vilification occurs when a person, by a public act incites hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group. Racial vilification can be the basis of a complaint under the Act. Where serious racial vilification occurs, involving threatened violence, prosecution may follow. The Act is not yet in force.

background. The background to these moves includes the introduction of racist comments into the migration debate, and the increasing concern, particularly in the Sydney region, about violence and threats which appear to draw their inspiration from objection to the expression of racial tolerance. Among incidents reported in the media have been damage to cars bearing stickers supporting Aboriginal land rights, harassment and threats to members of a Uniting Church in the city, affixing racist stickers to letterboxes and racist graffiti in public places.

The Human Rights and Equal Opportunities Commission is conducting a national inquiry into racist violence and will examine acts of violence or intimidation based on racism directed at persons, organisations or property, including acts directed to such persons or organisations on the basis of their support for non-racist policies. Submissions have been called for. The responsible Commissioner was herself subjected to threats.

other responses. Some jurisdictions already have legislation dealing with racial vilification, including the UK, New Zealand and Canada. These laws were reviewed by the Western Australian Commissioner for Equal Opportunity in the report, *Legislation Against Incitement to Racial Hatred* published in May 1988.

The report concluded that proposals to legislate against incitement to racial hatred raise serious philosophical questions about the impact on freedom of speech, and that criminal sanctions in legislation dealing with incitement to racial hatred have been ineffective in overseas jurisdictions. It also concluded that community education and community relations programs are appropriate as long term strategies for endeavouring to change racist attitudes.