

# Respect ><

## Good faith and reasonableness assessment for public debate, speech or behaviour.

A tool for evaluating public speech and behaviour related to sensitive racial topics.

This checklist is designed to help assess whether public debate, speech or behaviour, falls under the protection of **Section 18D** of the **Racial Discrimination Act 1975** (reasonable and in good faith) or crosses the line into racial vilification under **Section 18C** (offensive, insulting, humiliating, or intimidating based on race). It is based on the principles of Section 18C and 18D of the Racial Discrimination Act 1975.

The law makes it clear that for the act to be considered unlawful the individual does not need to have intended to cause offence. The key considerations are described below.

## Good Faith and Reasonableness Checklist

### 1. Legitimate Purpose

Is the primary purpose of the speech or behaviour to contribute to:

- Artistic expression?
- Academic or scientific inquiry?
- Public interest debate?
- Fair comment on matters of public concern?

YES  NO

Note: If the primary goal is to educate, inform, or foster constructive debate, the act is more likely to be in good faith.

## 2. Respectful and Measured Tone

Is the tone of the speech or behaviour respectful and measured?

- Avoids personal attacks or aggressive language?
- Does not intentionally provoke or humiliate?

YES  NO

Note: If the language is inflammatory or deliberately hurtful, it is unlikely to be considered reasonable, regardless of the academic setting.

## 3. Context of the Debate

Does the speech or behaviour occur in an appropriate context?

- An academic lecture, tutorial, or scholarly paper?
- Within a setting where thoughtful debate and critical analysis are expected?

YES  NO

Note: A classroom discussion about sensitive racial topics may be acceptable if handled thoughtfully, while racially charged comments in a casual or inappropriate setting may not be.

## 4. Balanced and Fair Presentation

Is the issue presented in a balanced and fair way?

- Are multiple perspectives on the issue acknowledged?
- Are opposing viewpoints treated with respect?

Is there room for discussion and disagreement without shutting down alternative perspectives?

YES  NO

*Note: Presenting only one side or dismissing counter arguments may indicate a lack of reasonableness.*

## 5. Fact-Based and Accurate

Is the speech or behaviour supported by factual evidence and accurate information?

- Are the claims made based on credible research, evidence, or scholarly sources?
- Does it avoid the use of misinformation, stereotypes, or gross generalisations?



YES  NO

*Note: Unsupported or false claims, especially when promoting harmful racial stereotypes, are unlikely to be in good faith.*

## 6. Consideration of the Audience

What is the potential impact on the audience? Was this reasonably foreseeable by the speaker or actor?

- Was it likely to incite hatred, contempt, or severe ridicule toward a racial group?
- Could the speech or behaviour reasonably be expected to offend, insult, humiliate, or intimidate based on race?

YES  NO

*Note: The potential impact on the audience, even if unintended, is important.*

## 7. Proportionality

Is the speech or behaviour proportionate to the academic or educational goal?

- Does it maintain relevance to the topic being discussed?
- Avoids unnecessary or gratuitous focus on race?

YES  NO

*Note: Speech that goes beyond what is necessary for the academic discussion, especially when focusing on race in a provocative way, may not be reasonable.*

## Conclusion

After reviewing these questions, consider if you think the speech or behaviour in question is in good faith and reasonable under Section 18D, or if it could be seen to cross into racial vilification under Section 18C.

If most answers are YES, the behaviour is likely to be protected. If several answers are NO, the behaviour may not be in good faith or reasonable, and could potentially violate anti-vilification laws.

