



Speech by

Mrs J. SHELDON

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ANTI-DISCRIMINATION AMENDMENT BILL

Mrs SHELDON (Caloundra—Lib) (2.34 p.m.): I rise in support of the Anti-Discrimination Amendment Bill. I support anything that protects the rights of people who are at risk in many ways, either by race, religion or the fact that they are a minority group in our community. It sends a clear message that the general community will not tolerate any statements, words or acts that incite hatred or serious contempt or severe ridicule on the basis of racial or religious background. We are very fortunate in Australia that we have very little of this. That is most probably due to the fact that none of our ancestors, apart from those of our indigenous brothers and sisters, have lived for much more than 200 years in this country.

We are all immigrants one way or another. Certainly, the great bulk of immigration, particularly in the earlier part of our country's history, was Anglo-Saxon and Celtic in origin. Over the years we have seen a large number of people from different races, countries, religions and cultural mores coming to Australia. We have people from over 100 different countries. In spite of that, there have been very few incidents of racial or religious vilification. Australians have always resolved any differences they may have had in this regard through the ballot box.

However, other countries are not as fortunate. On a nightly basis we see on our televisions the terrible things that happen to communities because of racial and religious hatred. A daily reminder, of course, is Palestine and Israel. A classic example of vilification of all sorts occurs in Afghanistan, where people are being tagged according to their religion. We certainly saw that happening to the Jews in the Second World War, in Germany and in the countries that it conquered. I cannot imagine that ever happening here in Australia, but as citizens and people who have the ability to legislate we need to make sure that provisions are in place such that it cannot happen in this country.

Australia and certainly the Liberal Party have a fundamental philosophy of tolerance of our fellow man and woman. We certainly also support the concept of freedom of speech. I know arguments have been and will be raised that this bill limits freedom of speech. I do not think it places limits on anything that should not be said, because what right do people have to make statements of hatred against a person's religion, race, the fact they are a minority group or about their lifestyle while that person in no way is affecting other members of the community adversely?

I believe that our tolerance as a nation has been a statement of our national intent. We as a race are tolerant people. That is something that I think Australia has been able to show to the rest of the world and that is, of course, why a lot of people who are displaced refugees or indeed who just want to get out of their own country for a number of reasons want to come to Australia. And we can see the problems we are having in that regard now. I believe statements that enhance anti-vilification and anti-discrimination support our way of life and show that we are tolerant, peace-loving people and that we want our nation to stay that way.

The bill deals with a number of issues. We have to look at why we need this amendment bill. Until now, the act that this bill amends has proscribed only racial or religious vilification that incites unlawful discrimination or another breach under the act. Of course, the onus was on the person to show that the statement or the action actually incited unlawful discrimination, and it was a very heavy onus on that person. I believe the amendment will strengthen protection against racial and religious vilification and will reinforce social unacceptability of such conduct. I think it has to be constantly reinforced that it

is socially unacceptable for this conduct to occur. We have seen it in England only very recently in that northern town.

Mr Welford: Oldham.

Mrs SHELDON: Yes, Oldham. There was violence in the streets involving Asians and, I understand, members of the white population. That is going to benefit no-one. In fact, a lot of people were seriously injured as a result. Unfortunately, we have seen that sort of thing in Ireland for as long as I can remember. That is based primarily on religious intolerance, although I know that there have been a lot of political questions over that period, too. Surely it should not matter to us what another person's religion is or how they practise that if it does not adversely affect us in some way or society as a whole.

It has also been mentioned that vilification can take many forms. Obviously, speech is one of these as well as hatred and graffiti, which I believe is a coward's way of expressing an opinion and is usually anonymous. There is also the distribution of propaganda. I do not know about other members of this House, but I find that when I receive anything of this nature in my office invariably it is anonymous. People are not prepared to put their name to their statements or their comments about someone else, even though they have been happy to write to me about it. Needless to say that goes in the shredder. Anything that comes into my office of an anonymous nature goes the same way. If people are not committed enough to sign their name on something they produce, then it is not worthy of attention.

We need to express—and continue to express—the harmony of a culturally diverse society, and we are very culturally diverse. I happen to believe that our cultural diversity is one of our great strengths, and we can look at that across the full spectrum. Our lives are enriched by what we have learned about a wide range of other peoples, their beliefs and their cultures. Looking at our diet, we can see that what we now eat and the choices we make have largely been brought about by the culturally different people we have in our society, and that has been a great plus. If we look at our arts and our theatre, we find that that is also true. I think that this has made our nation one that other nations accept, look at and admire. In many ways we are a lucky nation and a lucky country. That is why people do want to come and live here.

Criminal sanctions will apply only to offences of serious racial or religious vilification and they must, of course, contain the additional element of threatening or inciting others to threaten physical harm towards the person or groups of persons or any property of the person or the group. Various cases have been quoted to back this up. I found reading the excerpts that we have been provided with quite illuminating. I would also like to say that I found the information distributed by the Library to be very helpful as well.

It is a great pity that this was one of the pieces of legislation that was allowed to drop off the table when parliament was prorogued and we went to the election. However, it is back on and it is the same legislation as was introduced previously. Not only are the individuals who make the statements and the people about whom they are making them affected; acts of vilification and speeches of vilification can have a broader effect on society as a whole. I believe they actually work to undermine those principles of freedom, dignity and equality that are central to the running of a democratic society and certainly central to what we believe our Australian society to be.

I mentioned briefly the concern and the point of discussion that centred around whether or not legislative measures like these curb race, hate and speech and that that denies us the right of freedom of speech. We have only to look at some cases that have been cited in international law. We also need to look, as I have mentioned, at what happens in other countries around the world. I do not think our safeguards can be too sure. I do not believe—and I am a very strong supporter of freedom of speech—that this limits freedom of speech at all. Certainly issues will be raised—and should be raised—about the perceived conflict of rights. If we are going to be speaking on this issue, we need to allow all points of view to be heard, otherwise we would actually be speaking against what we are saying that we support in this bill and this amendment.

We also need to realise that most likely acts of vilification, whether based on religion, race or whatever, are committed against those least likely to feel empowered to respond or to be able to respond. Indeed, we often find that with minority groups. I think that the fact that one has always had to prove what was being said in some regards was reasonable, but a lot of people had to go through a lot of hassle to actually get to that end.

This is an important amendment. I know it covers things like whether injustices of discrimination have occurred on ships at sea and how this was previously difficult to ascertain, and the amendment has corrected that. I think that that is also reasonable.

I notice also that the bill provides protection for certain categories of workers such as subcontractors. I was going to ask the Attorney if that really meant that we are not talking about industrial situations here but, rather, a subcontractor who had words, actions or whatever against him

because of his race or his religion and, hence, did not have the rights that others would. If that is the reason, then I fully support that concept, because it should be applied across-the-board.

I feel that all Australians—in fact it would be lovely if everyone in the world could, but we are more interested in Australia—should be able to live peacefully and have dignified lives that are free from racial or religious vilification and hate. Hence, I will support the bill.
