



Speech by

**KERRY SHINE**

**MEMBER FOR TOOWOOMBA NORTH**

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Hansard 30 May 2001

**ANTI-DISCRIMINATION AMENDMENT BILL**

**Mr SHINE** (Toowoomba North—ALP) (4.36 p.m.): At the outset, might I say that in relation particularly to my colleagues on the downs, the member for Cunningham and the member for Southern Downs, there is no intention on my part to refer to them in any disparaging manner or to imply that they are bigots or any other term to which they have taken offence today. I doubt very much whether there is anything, in a fair hearing of what has been said, that could be interpreted in any way, shape or form as being any reflection on them or any other member who has spoken in the debate today.

I rise to strongly support the amendments to the Anti-Discrimination Act. Any measures designed to strengthen opposition to the spread of racial and/or religious vilification in our society deserve our support; indeed, they deserve the unanimous support of this House. Vilification of this kind is inherently evil. For people in this age and in this state to be made to feel or otherwise experience fear for their person, intimidation, to suffer physically or mentally, to be isolated or to be shunned as a result of actions or words of a racially or religiously based attack is abhorrent.

If there is any criticism of mine of the amendments, it is that the penalties set out—although being doubled from 35 to 70 and 170 to 350 penalty points respectively, depending on whether one is an individual or corporation—are too light. I believe that in order to bring the message home well and truly, more severe penalties should be imposed. I say this because I believe that grossly insulting behaviour, which this bill hopes to discourage, is the root cause of many of society's ills, particularly those which are demonstrated in increasing examples of antisocial behaviour, ranging from road rage to serious assaults.

Our society has come a long way since when I was a child and the White Australia policy was just that—official Australian policy—and when deep religious divisions existed between our forebears, even though they came from the same part of the globe, the British Isles. Those divisions were so significant as to determine such fundamental experiences or directions in one's life as one's career or marriage. We thank God that the effects of sectarianism as were experienced in Australia do not now cause such evils. Nevertheless, we need to learn from those experiences of the past and do all in our power to ensure that the same circumstances do not again arise, albeit referring to different religions or races.

Racism and bigotry should never be tolerated again. I urge the House today to put into effect the measures suggested, which are designed to ensure that Australians born in this century will know of religious and racial vilification from the reading of their history books, not from personal experience. To the future generations of multicultural Australians the concept of a fair go will mean what it should to us today, that is, at the very least it is the right to live free from the torment of the bigot and the bully.

The bill does its best to put those sentiments into the statute books. Some have argued that there will be a loss of freedom of speech. The right of free speech has always been a right to be exercised within certain elements, that is, with responsibility. The law of defamation has been the most significant restriction on the unfettered exercise of that right. The point is that freedom of speech is a right and not a licence. In fact, the bill is restricted in its application. It applies only to public and not private acts. It contains exemptions, as have been referred to, with respect to fair reporting; absolute privilege, for example in court proceedings; and for academic, artistic, scientific or research purposes. Those are quite wide exemptions.

Finally, regard must be given to the fact that before this bill was framed and introduced, very wide consultation took place. The explanatory notes provide an impressive list of organisations concerned with civil liberties that were consulted. Therefore, I commend the bill to the House. Because of its significance, I urge unanimous support for it.

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