



Speech by

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**MEMBER FOR CALLIDE**

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**VAGRANTS, GAMING AND OTHER OFFENCES [FLAG PROTECTION] AMENDMENT BILL**

**Mr SEENEY** (Callide—NPA) (Deputy Leader of the Opposition) (9.45 p.m.): I rise on behalf of the opposition to participate in debate on the Vagrants, Gaming and Other Offences (Flag Protection) Amendment Bill. This is a private member's bill that was introduced by the member for Gladstone. I am sure, as other members have indicated already, that the member for Gladstone has introduced this bill with the very best of intent.

This bill makes it an offence under the Vagrants, Gaming and Other Offences Act to intentionally burn, slash or otherwise damage or destroy a Commonwealth or state flag in the view of another person. The intention of the bill is to stop the public destruction of flags as part of a demonstration or public political activity, and that intention was well set out by the member for Gladstone in her second reading speech. The bill applies only to the flag of an Australian state or the Commonwealth of Australia. It does not apply to the flag of another nation, such as the United States, the United Kingdom or any other country, nor does it apply to other commonly accepted symbols or flags such as the Aboriginal flag, the United Nations flag or even other things which have come to have a symbolic meaning to all Australians such as the boxing kangaroo flag, which I think most Australians would recognise as being a very Australian symbol.

There has been a lot of support expressed for moves in this direction from time to time by a great number of people within my electorate and probably a great number of people whom we would regard as our traditional supporters who regard flag burning as an insult to the national symbol and a reflection on those who have died in defence of our freedoms and our democratic rights that that flag has come to represent.

There are also arguments advanced against the principle of the bill in that it impinges on the rights of free speech in a democratic society. There are other arguments that are made about whether the prosecution of such people who seek to destroy these symbols will turn those people into offenders and martyrs for their cause. It can conceivably be argued that it will make flag burning even more desirable for some people in some situations because of the impact that it would have. Those arguments have certainly been weighed up in deciding our response to this particular legislation.

Let me go through some of those arguments and discuss the detail of them. Firstly, we need to look at just what a flag is and why we identify with it. The identification with the flag for most people is not necessarily an intellectual identification but it reflects our emotional identity as a nation. It reflects our emotional identity as a society. It is a symbol for all of us about what that society and what that nation is.

For other Australians, the flag represents Australia as a nation. It reflects our commonality of purpose in such things as sporting events and international competitions. Unfortunately, it has also represented our commonality of purpose in less fortunate spheres of endeavour such as in times when, as a nation, we have gone to war. The flag has certainly represented our commonality of purpose in that endeavour, which probably inspires the most emotional response to the flag.

For many people, the Australian flag has a very emotional attachment and recognition. The hundreds of thousands of people who have identified it as a symbol in military actions conducted throughout our history certainly have a very emotional attachment to the flag as a symbol of the nation and as a symbol of their commonality of purpose and the joint endeavour that they embarked upon. Those people would consider that to attack the flag is to cast aspersions on all that Australians share in

common. They see an attack on the flag as an attack on mateship, an attack on a fair go, an attack on that common identity and an attack on our feelings of togetherness as a nation and our self-identification. Such an attack on the flag reflects a revolutionary and destructive view of our society, and it is an attack upon those commonly shared values.

There are certainly a number of arguments that would lend support to a move in this direction. The majority of people would be angry at the burning of a symbol that they feel represents their nation and their community, and they would take offence at such an act. However, there are a number of arguments that need to be considered when we respond to natural anger in the community at the burning of such a symbol.

The argument about the democratic right of people to dissent, even if one does not agree with the manner in which they dissent, was put by the Minister for Police and Corrective Services who has leadership of the government's response to this legislation. That argument has some credibility. The right to express dissent is very central to our democratic way of life. We need to look at what is happening when somebody burns the flag or destroys the flag as part of that dissent. They are not destroying anything of intrinsic value. They are destroying a symbol. Essentially, it is a piece of cloth. However, for some people it is a lot more important than it is for the person who is destroying it.

This bill seeks to make the destruction of one of those symbols illegal, but there are a wide variety of articles that can become symbolic to people for a range of reasons. Religious symbols are probably the best example of that. Photographs and representations of religious leaders are another good example. To the person who seeks to destroy them, they probably do not have much value. To other people they can have a very deep and a very profound symbolic value. In a lot of respects, they are very similar to a flag.

Those who have fought in wars and who did so for the democratic traditions of Australia see the flag as a symbol rather than cherish it for its intrinsic value as a piece of cloth or a representation. One of the most fundamental democratic rights that was referred to by the Minister for Police and Corrective Services is something that we need to have in the forefront of our minds when we consider these issues. When we weigh up the arguments and give weight to the different points that we must consider, it is obvious that there are views on both sides of the debate. We must recognise what motivated the member for Gladstone to introduce this bill and recognise the angst and the concern that is caused in the general community by such acts as this bill seeks to make illegal. However, there are certainly arguments as to why this bill will not achieve anything major in addressing those concerns.

The opposition respects the validity of both views as reflecting a genuinely held difference in community perspectives. On balance, the opposition believes that the bill should be supported in recognition of the importance that a significant segment of the Australian population places on the Australian flag and recognises the need to reinforce that respect for the Australian flag as a symbol. However, the opposition believes that the bill should be implemented with discretion and should not be used as a mechanism to limit our fundamental democratic right to dissent, even if the form of dissent creates disquiet in the majority of the community. It should not be implemented in such a way as to encourage people to burn the Australian flag more often as a greater expression of protest than it already is. However, given the competing arguments, on balance the opposition will be supporting the bill.