




Speech By
Hon. Leeanne Enoch

MEMBER FOR ALGESTER

Record of Proceedings, 8 November 2016

MOTION

Racial Discrimination Act

 **Hon. LM ENOCH** (Algester—ALP) (Minister for Innovation, Science and the Digital Economy and Minister for Small Business) (6.27 pm): I rise to oppose the motion moved by the member for Mansfield. One person's freedom of speech can be another's humiliating, hurtful and insulting of reality. Freedom of speech, while not enshrined in our constitution the way it is in other countries, is still a value we hold dear in Australia. However, proponents of free speech often conveniently forget that this freedom comes with responsibilities. While we may have the freedom to say hateful, hurtful, divisive things, we also have the responsibility to use facts and we have the responsibility to understand the impact hurtful, hateful, divisive words have on our society, on our community and on the individuals and families who are on the receiving end of them. When one has a platform and privilege their responsibility is even greater. When individuals fail to understand or ignore their responsibilities, it is important there is a strong framework in place to protect those who are vilified by this abusive and discriminatory language.

In introducing this motion the member for Mansfield speaks of the stress and anxiety suffered by those against whom claims under section 18C were made. I do not want to diminish in any way their situation, however, I can personally attest to the anxiety and stress caused when a person seeks to deliberately offend, insult and humiliate from their position of privilege. In 2011 Andrew Bolt was found to have breached sections of the Anti-Discrimination Act after he had made a number of comments in print regarding my appearance and the appearance of a number of other Aboriginal people, suggesting that we had chosen to claim our Aboriginality simply to advance our careers.

When Andrew Bolt decided to make the claims that he did, it was not just me who had to read about it and it was not just those people he named who felt the impact of those offensive and insulting words. Our families and our communities had to digest those words. My most striking memory from that time was when my now late father read the words used by Mr Bolt. He asked me, with a tone in his voice that sounded like humiliation masked by anger, something nobody ever wants to hear from one of their parents, let alone from a strong Aboriginal man. He said, 'Is this man trying to say that I have no right to call you my daughter because my skin colour is different from yours?' Can members imagine the emotion shared between my father and me?

It was not just my family that felt that humiliation. Indigenous communities across Queensland also felt the impact of those words. One elder in a remote discrete community talked at length with me about concerns regarding the impact those kinds of hurtful and offensive words could have on the young people in the community, which at that time was facing challenges relating to high levels of youth suicide. Offensive, insulting, humiliating and intimidating words have the power to impact individuals, their families and communities in ways that have long-term effects, and we should defend the remit of 18C with every breath to ensure we have an inclusive and tolerant society.

Of course, Andrew Bolt was found to have breached the Anti-Discrimination Act, but not under 18C. In fact, he was found to have breached 18D. 18D of the Anti-Discrimination Act sets out exemptions to 18C to ensure that freedom of speech is, in fact, protected. Section 18D provides broad defences for the freedom of speech as long as that speech is, in basic terms, fair and accurate. Mr Bolt was found to have breached section 18D because the articles he wrote were not written in good faith and contained factual errors. In fact, there is no reason to water down 18C because 18D protects freedom of speech.

What this motion proves is that, just like their federal colleagues, the Queensland LNP is devoid of any real policies or any real agenda. Instead of delivering clear and concise policy for the betterment of our state and our country, what we see from the member for Mansfield and the Prime Minister is a pandering to the extreme right of their party. Can this motion seriously be considered to be the most pressing issue that the federal and state LNP have to consider? What possible outcomes could they hope to achieve by seeking to abolish 18C?

This side of the House believes in a fair and tolerant society where citizens, whatever their culture or ancestry, can feel safe from hate speech, where our differences are celebrated and where individual families and communities are protected by law from humiliating offensive insulting attacks on their identity. From this motion it appears that those opposite, along with their LNP colleagues in the federal government, stand for something very different. I oppose the motion.