



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



THE SENATE
QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Answers to Questions

SPEECH

Wednesday, 20 March 2013

BY AUTHORITY OF THE SENATE

SPEECH

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Questioner	Responder
Speaker Brandis, Sen George	Question No.

Senator BRANDIS (Queensland—Deputy Leader of the Opposition in the Senate) (15:01): I move:

That the Senate take note of the answers given by ministers to all questions without notice asked today.

The particular answers to which I wish to address myself are the answers given by Senator Conroy to Senator Humphries and by Senator Ludwig to a dorothy dix question from his backbench concerning the government's backdown on its Human Rights and Anti-Discrimination Bill 2012.

Backdowns do not come more humiliating than this. Throughout most of 2012 the former Attorney-General, Ms Nicola Roxon, described the anti-discrimination bill as one of the government's signature pieces of human rights legislation. It was the centrepiece of her social engineering—her ambitions to turn Australia into a nanny state, governed by political correctness, in which the government would decide what it was appropriate for people to say. That is what Ms Roxon said again and again: 'We will decide what is appropriate.'

We in the opposition saw that for what it was: part of a front in the war that the Gillard government has waged against freedom of speech. The attack on freedom of speech can sometimes be frontal but sometimes, equally insidiously, it can be subtle. It can be subtle in changing the manner in which people deal with each other, what they feel free and unconstrained to say to one another and the subjects they feel are open to them to discuss in ordinary discourse; and yet this government, to its undying shame, brought forward legislation which sought to impose the government's will between citizen and citizen in a free country to try to determine what people were free to say to one another. They brought forward a bill which, among other things, would have made it unlawful for a person, in the course of a political discussion in the workplace, to express an opinion which another person in that workplace might have found offensive. Just think about that, Mr Deputy President: what that would mean for freedom of discussion in Australia's workplaces and what it would have done to the Australian way of life overall.

More shamefully, not only did they make this insidious, subtle but dangerous attempt to trammel our freedom of speech, they pretended it was nothing more than an exercise in statutory tidying up. The new Attorney-General, Mr Mark Dreyfus, said so. He said, in an opinion to Steve Austin on 612 ABC Radio in Brisbane in January this year, that this law makes no change to the existing law; it is just a tidying up of existing legislation. That was not the truth. Attorneys-General should tell the truth. Mr Dreyfus, being a senior council, should certainly know how to tell the truth about a statute, and that was not the truth. As every witness to the Senate committee observed, this was a radical departure in Australian law.

Now, this morning, Mr Dreyfus has dumped the proposal comprehensively and instead adopted the opposition's proposal, because the opposition senators who sat on the Senate committee that reviewed the bill made two recommendations: firstly, that the bill not be proceeded with and, secondly, that part II of the Sex Discrimination Act be amended to include identity as a gay, lesbian, bisexual, transgender or intersex person as a protected attribute to which the act extends—a well acknowledged and longstanding gap in the coverage of legitimate anti-discrimination law by the Commonwealth of Australia. That is what Mr Dreyfus announced this morning.

So in the course of a humiliating backdown, Mr Dreyfus announced, as the policy of the government—a government that has been in office for 5½ years—the policy the coalition took to the 2010 election, and shamefully sought to cover his tracks by saying, 'We're just going to have another look at this.' Nobody listening to Mr Dreyfus this morning was persuaded because what Mr Dreyfus was doing was raising the white flag on one of the most dangerous attempts at social engineering in the history of this parliament. Nevertheless, the freedom wars go on on the front of freedom of the press.