



A WEEKLY COMMENTARY

# ON TARGET

- NEWS HIGHLIGHTS
- BACKGROUND INFORMATION
- COMMONWEALTH AFFAIRS



*The price of Freedom is eternal vigilance –*

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**THOUGHT FOR THE WEEK:** *"All that is necessary for the triumph of Evil is that good men do NOTHING"* – and how true this is this week as the Victorian Liberals – except for two – join Labor in the Legislative Assembly – in their attempt to impose totalitarian legislation on Victoria ..... Phillip D. Butler

## **DARKNESS CLOSES ON VICTORIA** by Jeremy Lee:

In the late hours of Tuesday, June 5th, the Lower House in the Victorian Parliament passed its controversial Racial and Religious Tolerance Bill. Bracks Labor, which presented the Bill, naturally voted for it. So did the Liberals, with the exception of two members. The National Party, for once, stood up, and voted against the Bill, along with two of Victoria's three independents.

Perhaps the most astonishing aspect of the whole sorry affair was the claim, made by more than one Labor member, that the Bill was 'unenforceable' and merely symbolic. The Member for Forest Hill, Mr. Richardson, was one who used such 'logic', and his remarks were truly astonishing – more in keeping with "Alice-in-Wonderland" than a Parliament in Australia. He said, *inter alia*:

*".... I speak in support of the Racial and Religious Tolerance Bill, and in doing so I say that I do not think it necessary. It is my view that there are sufficient safeguards existing in the federal and state statutes that already prevail .....*

*"The advice that I have received is that if the proposed legislation becomes law it will essentially be unenforceable. The path that has to be followed to obtain a conviction for an offence under the act, which the bill will become, is so tortuous and obscure that there will probably be no prosecutions based on the legislation ....."*

**IN THIS ISSUE:** • *Darkness Closes On Victoria* • *The Victorian Government's Arrogance* • *Last Word On The Budget*

"ON TARGET"

June 15th, 2001

Page 1 (85)

If the confused Mr. Richardson believes that the legislation leaves no room for prosecutions, he is in for a shock. Similar legislation has been pursued by the same bodies in a number of countries, and has been used to threaten and intimidate advocates of free speech on a number of occasions.

There were some good speeches made against the Bill – notably from Mr. Russell Savage, Independent Member for Mildura. Illustrating his opposition, Mr. Savage said:

*" .... One of the things that we should remind ourselves of occasionally is what free speech is. In the British House of Commons during May of 1797 Charles Fox stated:*

*Opinions become dangerous to a state only when persecution makes it necessary for the people to communicate their ideas under the bond of secrecy.*

*Another quote from Woodrow Wilson states: The wisest thing to do with a fool is to encourage him to hire a hall and discourse to his fellow citizens. Nothing chills nonsense like exposure to the air.*

Mr. Savage continued:

*"Among other things, this Bill would take away the right of a parent to have full decision-making control over a child. According to the Bill, a five year old could be making a decision contrary to the wishes of the parent. Employers could become vicariously liable for the unreasonable actions of employees. On the basis that most employees are adults, there should be some form of self-discipline exercised so that people will not have to place the responsibility on others ...."*

He then listed the considerable number of bodies which had made submissions, or spoken out against the Bill. They included the president of Liberty Victoria, Chris Maxwell, president of Free Speech Victoria Terry Lane, former Archbishop of Melbourne George Pell, current Bishop of Melbourne, Most Rev'd. Hart, the Presbyterian Church of Victoria, Australian Christian Churches and the Australia-India Society. Mr. Savage concluded his outstanding speech with a quote from Byron's Don Juan:

*"I may stand alone, But would not change my free thoughts for a Throne."*

Mr. Smith, Member for Glen Waverley, opened by saying: *"If a government were setting out to try to divide the community, it could not do better than this government in introducing the Racial and Religious Tolerance Bill ...."*

He made the same point emphasized by others:

*" .... Earlier speakers have referred to the amount of correspondence they have received. I have never seen so many comments, particularly by E-mail. All the correspondence and comments have gone 5 to one against the legislation ...."*

Mr. Ashley, the Member for Bayswater, gave an apt historical illustration of the futility of the State attempting to legislate for religious or civil truth:

*" .... I refer to a discussion between Sir Thomas More and Mr. Riche, the solicitor to King Henry VIII, over the issue of how the king could take over the role of the church and thus presume to stamp the religious dimensions on the civil law. I quote from a book about the Reformation and the political sphere of the 16th century:*

*'Admit there were, Sir, an Acte of Parliament, that all the Realme should take me for King, would you not take me for King?'*

*'Yes sir,' quoth Sir Thomas More, 'That I would'.*

*'I put the case further', quoth Mr Riche, 'that there weare an Acte of Parliament that all the Realme should take me for the Pope, would then not you, Mr. More, take me for the Pope?'*

*'To your first case', quoth Sir Thomas More, ' the Parliament may well meddle with the stat of temporall Princes; but to make aunsweare to your second case, I will put you this case; suppose the Parliament would make a law that God should not be God, would you then, Mr. Riche, saye God weare not God?'*

What he was saying was that in matters of religious belief there could be no determination by an act of Parliament. This was Erastianism in practice; and he was reacting to that by saying, "Thus far and no further".

This Bill will prove a matter of shame to the majority of members in the Victorian Assembly. It must be submitted to the Upper House within days, and those concerned should make every effort to contact Liberal Members of the Victorian Legislative Council (the upper house), urging them that the community, as shown by the 5,000-plus submissions, does not want this legislation, and that it is their duty to represent the community, not over-rule it.

### **THE VICTORIAN GOVERNMENT'S ARROGANCE** (by Antonia Feitz)

The Victorian Government was swamped with over 5,500 submissions after calling for public submissions on its proposed Racial and Religious Tolerance Bill. (*News Weekly*, 2/6/01). Almost all of them opposed the Bill. The opposition covered a wide range of issues:

- the lack of any good reason for the Bill;
- the threat to free speech;
- the threat to missionary activity;
- the subjectivity of the Bill (if a person "feels" offended ...)
- the fact that a third party could make a complaint;
- the refusal to consider motives;
- the refusal to allow truth as a defence;
- the draconian criminal penalties including fines and gaol sentences;
- the threat to freedom of association.

The Anti-Defamation Commission and B'nai B'rith who have led the charge for this Bill freely admit that peaceful groups such as the Citizens' Electoral Council and the Australian League of Rights are in their sights as needing attention. Seeing as the ADC and BB have such lobbying clout maybe they need attention too. In the face of such strong public opposition to the Bill did the Victorian Government do the decent thing and shelve it? No. It revised the Bill which remains as obnoxious as ever.

Still, pity the poor Queenslanders: seeing as they don't have an upper house and the last election delivered the Labor Party a landslide, a similarly unwanted Bill was simply rammed through their parliament. No wonder the Labor Party federally wants to get rid of the Senate – "unrepresentative swill" as Keating once famously called the Upper House.

There's a constant in government: the framers of good constitutions always know that power corrupts and that there must be curbs on the exercise of power; and governments always try to centralise power by 'reforming' and even discrediting constitutions.

**LAST WORD ON THE BUDGET:** Max Walsh, writing in *The Bulletin* (8/6/01) said it all in describing the recent budget:

*"This budget has been widely praised by the commentariat as responsible and clever. It's neither. To read it in the context of history is to appreciate why in this country the expression "political leadership" has become an oxymoron .... the budget estimates exclude the GST from the revenue side and financial assistance grants to the states on the expenditure side .... On the evidence of the budget, the government is driven solely by personal ambition, the lust for power and the comforts and prestige of office ...."*

And so, according to the post-budget Morgan poll, still say the majority of Australians.

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