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**Adjournment Debate**  
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**Tolerance and the Law**

Mr Speaker, there has been a lot of debate in recent days about the judgment of the Federal Court in the Andrew Bolt case. In that case, Mr Bolt, a conservative columnist – some would say a shock jock of the print medium – was found to have breached the *Racial Discrimination Act*.

Bolt had published articles in the *Herald Sun* newspaper which listed members of the Aboriginal community who had fair skin, and suggested that they were not legitimate Aborigines. He even insinuated that they had 'chosen' their racial identities to advance their own careers and financial interests. Implausibly, Mr Bolt singled out people like Mick Dodson, Geoff Clark and Pat Eacock for this sort of reductionist 19<sup>th</sup> century bloodline analysis and grubby innuendo.

Justice Bromberg ruled that these articles were likely to offend, insult, intimidate or humiliate fair-skinned Aboriginal people. Importantly, though, this was not the point on which Mr Bolt's case turned. Our society does not outlaw, nor should it, all conduct which might be offensive or insulting. It is crucial to the functioning of our democratic institutions that people are free to speak their minds, in good conscience, on matters of public interest. The *Racial Discrimination Act* reflects this fundamental principle. It exempts from liability offensive conduct which is nonetheless considered 'fair comment', 'artistic expression', or genuine academic or scientific debate.

Mr Bolt, however, did *not* speak his mind in good conscience. Justice Bromberg conducted a fine-grain analysis of the articles in question. He found that Mr Bolt distorted the truth towards his own ends. He was flat-out wrong in his description of the racial heritages of several of the Aboriginal people he smeared. Evidently Mr Bolt is not one to let the facts get in the way of a good slur.

Justice Bromberg also found that Mr Bolt had intended to be inflammatory. He wrote his articles with all the invective he could muster. He set out to be derisive, inflammatory and provocative. He was not seeking to further public debate, but to ridicule a group of people based on the colour of their skin.

Clearly, this is the sort of speech which has no place in a modern multicultural society.

All Australians ought to be encouraged by the Federal Court's finding. It is clear that the courts are willing to enforce the *Racial Discrimination Act* to defend values of racial tolerance and public civility. No matter their racial background, every Canberran can be heartened by the fact that our society will not brook the mockery and bullying of our fellow citizens because of their race. We can be comforted that the courts are not afraid to draw the line between debate and demagoguery, and that they are conscious of the harm caused by powerful voices who wish to foment racial disharmony.

Mr Bolt has made much in his columns of 'political Aborigines'. Evidently he considers it a pejorative term. Mr Speaker, I am proud to be a political Aborigine. I'm proud that we have anti-vilification legislation, both federal and in ACT, which protects all Canberrans from being singled out and ridiculed on the basis of the colour of their skin. Modern, multicultural Australia has no time for racist polemic.

I note, however, that the commitment of those opposite to this legislation is not so concrete. Their federal colleague Liberal Senator George Brandis has indicated that his party would amend the *Racial Discrimination Act*, so horrified they are by this eminently reasonable Federal Court decision.

Mr Speaker, I wonder what sort of amendments Senator Brandis has in mind? Under a Liberal government, will Mr Bolt and his ilk only be free to vilify Aborigines, or will their 'freedom' extend to other groups? Does the Liberal Party support the ridicule of Jewish people? Indians? Chinese? Sudanese?

What do the ACT Liberals think about Senator Brandis' proposals?

They should now explain to the diverse peoples of Canberra exactly what sort of racism they think ought to be permitted by our laws.