



Speech by

RACHEL NOLAN

MEMBER FOR IPSWICH

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

Ms NOLAN (Ipswich—ALP) (10.56 p.m.): Mr Speaker, who are these people!

Opposition members interjected.

Mr DEPUTY SPEAKER: Order!

Ms NOLAN: I have to say that the argument to do it for Tim Horan was tempting, but nevertheless I have held my resolve. I am not going to do it for Tim. I rise to oppose the flag burning legislation brought to the House by the member for Gladstone.

As we know, the bill seeks to make it an offence to burn an Australian flag or any of the state flags in view of another person. Let me say at the outset, and I think that it needs to be understood—other people have said it, but if we say it again it might get through—like other Labor members who have spoken in the debate, I do not condone the burning of flags. I would not burn a flag. It would not really thrill me to see anyone else do it either. However, I am speaking tonight to defend the freedom of speech and the freedom of expression that lies at the very heart of our democracy.

This bill is unconstitutional because it infringes the implied right of freedom of speech and expression that is inherent in our constitution. I note, as other members have done, that the Prime Minister has opposed the concept of banning flag burning. I have to say that John Howard and I are right here together on this one.

Tonight we have heard a whole range of arguments—some of them astoundingly silly—as to why we should support this legislation. We just heard Mr Hopper, the member for Darling Downs, who put his hand on his heart and told us that some of his relatives died under our flag. I am very sorry that Mr Hopper has had those experiences in his family. Many of us here have relatives who died fighting for Australia at war. However, unless his relatives died at Vietnam, they did not die under the Australian flag. We did not get the Australian flag until the mid-1950s.

Mr Flynn interjected.

Mr DEPUTY SPEAKER: Order! I am about to warn the member for Lockyer under Standing Order 123A. When I warn under Standing Order 123A, I carry through with it. The member would not get his opportunity to speak. I told the member for Ipswich that she should stop interjecting to maintain her right to speak. I notice that the member is still on the speaking list so I suggest he leaves the comments that he wants to make to the House for when he gets up to address the chair.

Ms NOLAN: I note the opposition's considered position of supporting the bill on the basis that a deeply held respect for the flag is central to many people's values. I note that the member for Nanango made a similar argument—that is, that lots of people feel very strongly about the flag and, therefore, we should not be able to burn or deface it. I absolutely understand what these people are saying, but this is not a popularity contest. It is not a contest about how many people feel strongly or do not feel strongly or like or do not like the flag. This is a debate about fundamental human rights. That is not something that comes with a majority or minority—or whatever the numbers are—view. It is not about

how many people are offended or do not feel really good about seeing the flag being burnt. This bill is about limiting a fundamental human right to freedom of speech and freedom of expression. This is a matter of liberty and fundamental democratic freedom. As the member for Indooroopilly said, we might not agree with what others say, but in a democracy above all else we have an obligation to defend their right to say it.

I could just leave it at that, but let us be real. This is not a debate about the actual burning of flags. People actually burn flags so incredibly rarely that if we were going to come in here and spend hours debating it in the parliament it would be an outrageous waste of our time. It is such an infrequent event as to make it pretty much hypothetical. This is a debate that is driven by conservative politicians of the kind who wrap themselves in the flag to send a particular right-wing political message. Some countries are unified under their flag. The French tricolour flag representing liberty, equality and fraternity embodies the values that unite the nation. Australia's flag, sadly, is subject to more debate than that. The Union Jack in the corner of our flag represents just one British aspect of Australian history. It does not represent the values and the history of many Aboriginal, Irish and other Australians. These debates about identity have been going on all through Australia's history since white settlement. They are legitimate debates that are sadly unresolved.

Mr Hayward: I reckon they would burn the Aboriginal flag in 10 seconds.

Ms NOLAN: I very much hope that one day this debate about Australian identity will be resolved. I hope we will get a set of values, of respect for one another, of unity and diversity, and protection of the lands around which we are genuinely united.

But moves like this which seek to appropriate our flag to a particular cause and which seek to delegitimise those who do not feel represented by the current flag are absolutely divisive. This bill is about as inclusive as the bumper stickers that picture the flag and say, 'If you don't like it, leave', because it does not seek to bring people together; it seeks to remove the freedoms of those who do not agree. We will never get a unified Australian identity while these are the kind of fascist tactics that are employed. This bill is as divisive as when Pauline Hanson wrapped herself in the Australian flag in an attempt to pick up votes. That, too, was appropriating our national symbol—all of our national symbol—to a particular minority political cause. However, I do not imagine the member for Gladstone had a problem with that.

I think it is very sad that, unlike some countries, Australia does not have a flag under which we are all united. I think it is vitally important that we continue to seek a unified Australia around the strong and wonderful values that we all share and around our understanding that we are all very fortunate to be here in this wonderful country. This agenda will be furthered not by limiting people's freedom of expression, not by taking away an important aspect of our democracy, not by continuing to appropriate the flag to a right-wing political decision and not by point scoring by trying to make out that one of us is more patriotic than the other and one of us, as the member for Kallangur said, is somehow more Australian than another. This agenda of coming together and creating a united Australian identity will be pursued by working together and celebrating the democracy, the values and the life in Australia that we share.