

Liberals' hate-law repeal plan draws flak

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THE Coalition's plans to amend federal race-hate laws stirred debate at the ECAJ conference, as Victorian Liberal frontbencher Senator Scott Ryan reiterated his party's objective to repeal the definition of racial hatred in Section 18C of the 1975 Racial Discrimination Act.

The legislation outlaws any act "reasonably likely ... to offend, insult, humiliate or intimidate another person or a group of people", but Ryan echoed his leader's views – expressed to the Institute of Public Affairs in August – that a "hurt feelings" test, as Tony Abbott called it, is too broad and subjective.

"I do not want to convey any impression that I have somehow a slightly different motive to members of the Jewish community who support these laws, we just have different views, he said. "I, like all Liberals, retain a genuine and heartfelt concern about these limits on speech."

Ryan said last year's Federal Court judgement against Andrew Bolt, whereby the *Herald Sun* columnist's published assertions that some "fair skinned Aborigines" chose to identify



Victorian Liberal frontbencher Senator Scott Ryan.

as Aborigines for personal gain breached Section 18C of the act, "profoundly shocked many [philosophical] liberals".

He said in Europe, extensive anti-vilification laws have been ineffective, while the United States, with its First Amendment guaranteeing free speech, has "one of the most secure Jewish communities".

"To ban the offensive Holocaust denier is also to restrict my and our opportunity to humiliate this person and to disprove his or her ideas," he said.

"To silence a preacher spewing anti-Semitic hate is to prevent us from condemning that person and demanding correction and repudiation."

But Ryan met a lot of resistance

from conference delegates. Former ECAJ president Robert Goot said without judicial pronouncements, "there would have been no public pillorying, no public repudiation" of Olga Scully and Fredrick Toben, whose anti-Semitic material was rendered unlawful by the Federal Court under the Racial Discrimination Act.

Jewish Community Council of Victoria president Nina Bassat described Ryan as "a passionate defender of free speech" but asked what safeguards he sees as acceptable?

Professor Kim Rubinstein of Canberra said: "You're a First Amendment man living in the wrong country. You're not in the US, you're in Australia, in a country that actually recognises that freedom of speech is not absolute."

ECAJ executive director Peter Wertheim disagreed with Ryan's view of Section 18C as "a subjective test", describing it as "an objective test ... using community standards".

Sam Salzman of Melbourne cautioned that "the Liberal Party doesn't want to find itself on the wrong side of history.

"Australians are more tolerant now, but we need legislative protection."