

community that domestic violence is a serious crime and is something that should not be excused. I thank honourable members for their comments.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

ANTI-DISCRIMINATION BILL
(Serial 188)

Continued from 1 October 1992.

Mr STIRLING (Nhulunbuy): Mr Speaker, the opposition welcomes the introduction of the Anti-Discrimination Bill. It is a clear and definitive statement of a principle that I am sure we all adhere to - that is, that this Assembly is no longer prepared to tolerate discrimination in our society. The strength of this legislation lies not in what it contains but in an acknowledgement by this parliament that discrimination can be overcome in the longer term only through education and the gradual change of attitudes as a result of that educational process. We are all aware that the nature of discrimination, stemming as it does from such unhealthy attitudes as bigotry and racism, means that it can never be legislated away. Without labouring the point, this bill or indeed any other piece of legislation cannot and will not stop any person who is determined to discriminate against another. What it does mean is that a person who knowingly discriminates against another will be very careful to document the reasons for their decisions in order to cover their tracks and ensure that they could not be accused of discrimination.

An example in the past week illustrates the grey areas involved in the whole concept of discrimination. In the past, different Aboriginal people have suggested that the hotel industry has discriminated against certain Aboriginal bands by not employing them for performances. The reasons given were that in some cases the bands were not good enough or that they would attract a clientele to the hotel which might cause a disturbance or be difficult for the hotel to handle. The first reason has to be taken at face value. The implication is that the band should go away, improve and perhaps return for further discussion. The second reason is different because the hotel is saying to the band members that, if it employs them, it may have trouble with patrons who come to see them. However, that is hardly the fault of the band because there is nothing it can do about that. That does constitute discrimination. Of course, the reason why I say that legislation can never eliminate discrimination is that, whatever is said at any time by any person, no one can enter a person's mind to know whether or not the decision taken was a conscious discriminatory act.

I use that example to illustrate that discrimination is not always easy to define and can be covered up. Legislation will not change that at all. What we do with this legislation is show that the parliament of the Territory believes discrimination to be wrong. This legislation is a step along the way towards stamping it out. For those reasons, I welcome the inclusion, in the functions of the commissioner in clause 13, of the ability to examine acts and regulations to ensure consistency with the act, to collect data and disseminate information relating to discrimination and its effects, to promote understanding, acceptance and public discussion of the purpose and principles of equal opportunity, and to promote within the public sector the development of equal opportunity programs. Within the scope of those functions, an active and a committed commissioner should be