

## Legislative Council Hansard – 14 September 2017 – Proof

**SUMMARY OFFENCES AMENDMENT (FULL-FACE COVERINGS PROHIBITION)****BILL 2017***First Reading*

**Bill introduced, and read a first time and ordered to be printed on motion by Reverend the Hon. Fred Nile.**

*Second Reading*

**Reverend the Hon. FRED NILE ( 12:18 ): I move:**

That the bill be now read a second time.

The overview of the Summary Offences Amendment (Full-face Coverings Prohibition) Bill 2017 reads:

The object of this Bill is to make it an offence (maximum penalty of \$550) for a person, without reasonable excuse, to wear a face covering while in a public place. A face covering is defined as any article of clothing or other thing (such as a helmet) that hides the face of a person in a way that conceals the person's identity. The Bill provides that a person's religious or cultural belief does not constitute a reasonable excuse for the purposes of the proposed offence. The prohibition does not extend to the wearing of face coverings in churches or other places of worship.

The Bill also makes it an offence (maximum penalty of \$1,100) to compel another person, by means of a threat, to commit the proposed offence of wearing a face covering in a public place.

As members know, especially those in The Nationals, this issue arose in the media when Federal Nationals member George Christensen moved a last-minute motion last week at the party's Federal conference to ban face coverings, referring to the burqa and niqab. Mr Christensen said it was a security and safety issue. He also said that The Nationals were keen to distance themselves from Liberal Attorney-General George Brandis' emotional defence of the burqa in the Senate after Senator Pauline Hanson wore a burqa in that Chamber. Mr Christensen said:

The sensible thing to do is to ban the burqa and niqab in public buildings and spaces, leaving some exemptions for religious places of worship.

He continued:

It's not an attack on religion—it's an attack on a cultural garment which really is not conducive to the Australian way of life. There clearly is a threat to public safety and security and [people] should be forced to take them off if they refuse.

This matter was debated at The Nationals Federal conference. I understand that the final vote on Mr Christensen's motion concerning his proposed legislation was 55 to 51. It was very close. Some members may have voted against the motion because at that stage the Liberal Party had not stated a position and it may have appeared that it would put a division in the Coalition, but that is just my speculation. Legislation similar to this bill has been moved in many countries. Chancellor Angela Merkel has called for a partial ban on face-covering burqas and Germany is set to join the list of countries that have restricted women from wearing the Islamic dress in public places. In Italy covering one's face with a veil or a motorcycle helmet in public has been banned since 1975. Italian police fined a Muslim woman for wearing a full Islamic veil on the street in the northern city of Novara. That was possibly the first such incident in Italy.

In 2015 the north-eastern region of Lombardy outlawed the wearing of the burqa and niqab in public offices and hospitals. In 2011 France was the first European country to blatantly ban the burqa and niqab in public places when it was made illegal for a woman to leave her home wearing a face covering. Not only are there fines in France for wearing the veil but anyone who forces a woman to wear one can be fined \$43,000 or jailed. Earlier this year coastal French towns banned body-covering burkini swimwear—a move which was defended by the French Government. The administrative court of France suspended the bans, saying they constituted a "serious and clearly illegal violation of fundamental freedoms". The ban was eventually suspended for defying the ruling by the country's top court.

Following the decision in France, Belgium also banned women from wearing the burqa and niqab in public places. The country's lawmakers dubbed the veil a threat to secular society and outlawed the full-face veil in 2011. Wearing a face-covering veil in public could lead to fines of \$21 to \$35 and imprisonment for up to seven days. In the Netherlands the Dutch Cabinet approved a partial ban on wearing the burqa in 2015. The Dutch bill prohibited women from wearing it in public places including in schools and hospitals and on public transport.

The Parliament of Bulgaria also passed a ban on face veils in October 2016. The burqa ban was driven by the nationalist Patriotic Front coalition. In 2016 a ban on face veils also came into force in Switzerland. It requires Muslim women who break the law to pay a fine of up to \$11,400. The capital of China's western Xinjiang region banned the wearing of Islamic veils and robes in public in 2014. Finally, authorities in the Stavropol multiethnic region of Russia banned the wearing of headscarves in government-run schools. The nation's Supreme Court upheld the decision. The ban was as a result of growing tensions between ethnic Russians and Muslims from the North Caucasus region. The ban was said to be in line with principles in the constitution on the secular nature of education.

I will not outline the situation in any other countries at this stage. Those I have mentioned show that this matter is serious enough for this House to debate. I know from their previous comments that some members do not support the proposition in this bill. I accept that. But I believe this issue is serious enough to be debated in the Legislative Council so that all members can put their views forward and we can vote on the matter. The outcome may be the same as at The Nationals conference or it may not be. I believe it is time for us to debate the issue, put all members' views on the record and vote. I am pleased to have this opportunity to bring this bill before the House.

**Debate adjourned.**