

Medico-Legal Society of NSW

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Who will champion free speech?

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Reading the website of your esteemed British counterparts, I note the next speaker is Dr Henry Marsh CBE, senior consultant neurosurgeon at the Atkinson Morley Wing at St George's Hospital. His topic? "Why is it so difficult for doctors to be honest?"

It's an interesting question and I would like to hear his explanation. Is it because doctors try to protect patients and family from the painful truth? Or is it that in being honest, they expose themselves to legal action if things turn out contrary to their diagnoses? Or, perhaps they are themselves so dependent on the state, they are afraid to speak out in case of financial or career reprisals?

In a way, Dr Marsh's speech may touch on what we loosely refer to these days as freedom of speech. This is my focus tonight.

Perhaps not many of us know that as a founding member of the United Nations, Australia played a pivotal role in the negotiation of the UN Charter.

In 1948, Australia didn't (and still doesn't) have an explicit constitutional right to freedom of speech, yet it was one of only eight nations involved in drafting the Universal Declaration on Human Rights.

This was the first time countries had agreed on a comprehensive statement outlining inalienable human rights.

Chastened by World War Two, which exposed forced labour and unimaginable state brutality practiced under socialist dictatorships of the Left and Right, the Charter's utopian architects sought to enshrine, as an obligation, the pursuit of human freedom, dignity and worth.

This, they outlined in Article 19 of the Declaration which states, "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers".

Seventy years on and Australia's commitment to that Declaration hardly rates when compared to the reverence we pay to the Paris climate agreement.

Indeed, when it comes to climate-change, freedom of expression is very much the loser. Professor Peter Ridd lost his job at James Cook University for complaining that, "We can no longer rely on our science institutions. This is a very sad thing. We are like a ship upon the ocean when our science fails and we need to do something about it. ... This science is almost never checked". He was disagreeing with his colleagues that global warming was killing the Great Barrier Reef.

Upholding Professor Ridd's claim of unfair dismissal, Justice Angelo Vasta found Dr Ridd had been deprived of his right to express his academic opinion and that his sacking was unlawful.

Then, there was the experience of Dr Brian Fisher, one of Australia's foremost and most highly respected environmental economist and modeller. He was viciously attacked during the election campaign because his modelling of the economic impacts of Labor's proposed emissions reduction targets failed to fit Labor's narrative.

He was described as a heretic and likened to "doctors who the big tobacco companies used to roll out in the 70s and 80s to say that smoking was healthy for you".

Climate activist and renewable energy investor, Simon Holmes a Court, put Dr Fisher's street address and a picture of his house on social media. It was egged. He complained about strangers hanging around outside his house and "just being generally annoying".

In explaining the rationale for his work, Dr Fisher said, "I thought it'd be useful to attempt to inject a bit of rational debate. I'm not claiming to have all the facts, I just wanted to get some sort of economic discussion going."

"It appears in today's world that is extremely difficult. I'm having serious second thoughts about whether I'll ever do this again. It's hopeless."

How sad. That it was in the heat of an election campaign, is no excuse.

You will all be aware of the Israel Folau case. A devout Christian, he posted an Easter-time Instagram message: "Warning; Drunks, Homosexuals, Adulterers, Liars, Fornicators, Thieves, Atheists, Idolaters. Hell awaits you. Repent. Only Jesus Saves"? He was sacked from Rugby Australia for communicating these words.

Yet these views were expressed in his free time. Folau is a pastor and was simply quoting from the Bible. He offered redemption, not eternal damnation. He also says he breached no agreement, written or verbal. Yet his main source of income has been terminated.

We've seen what happened to a Gladstone Ports worker who found Labor's Bill Shorten wanting on a tax plan for high-income earners. He was suspended and forced to find another job.

The *Courier Mail* reported the gutted 49 year old was told he was in breach for speaking to the media when filmed questioning Mr Shorten at the Queensland Government-owned port, saying "it would be good to see higher-wage earners given a tax break". We are left to conclude that speaking to the media was not the problem. It is what he said.

Then there's the example of white males "who look like they vote Liberal", attending Melbourne University. In a bid to "dismantle privilege", the student union deemed them to be unsuitable to participate in discussion during classes.

A student told *The Australian*, he was not surprised. "The tutors and lecturers have a very heavy left-wing bias and generally, sort of belittle any other opinion."

Article 19 of the UN Declaration didn't help Queensland University of Technology students either. They were ejected from an unsigned, indigenous, computer room. The Human Rights Commission brought a law suit against them under Section 18c of the Racial Discrimination Act, for writing, "QUT stopping segregation with segregation". "I wonder where the white-supremacist lab is?" Officialdom hung them out to dry.

Nor did the Declaration save Bettina Arndt's "Fake rape crisis", university speaking tour. She was subjected to violent protests aimed at shutting down her lectures. Her organisers had to pay for her physical protection.

Leading academic, Glynn Davis, labels limitations on free speech at universities an exaggerated, "confected calamity" that is ideologically driven. He claims incidents are "exceedingly rare".

A government-commissioned review conducted by former High Court Chief Justice, Robert French, agrees. His Honour concludes "there is no evidence of a systemic free speech crisis on Australian campuses". One wonders what it would take to convince them?

Not apparently, the fruitless attempts to establish the Bjorn Lomborg Australian Consensus Centre.

Notwithstanding it came self-funded with \$4 million it was not welcome at a number of universities because it expressed views on climate change contrary to the orthodoxy. It failed to get established.

The rejection by a number of universities of the proposed Ramsay Centre for Western Civilisation, because "Western Civilisation is something which is impossible to defend in a modern university" is another example of an abridgement of ideas and speech.

Justice French did recommend that a model code should override university administrative policies and codes of conduct to ensure that lawful freedom of speech was "a paramount value", only restricted by law, reasonable regulation of access and, the discharge of a duty of care to staff, students and visitors.

Chris di Pasquale, a Monash University activist student, disagreed. To him, free speech is “a weapon in the Right’s arsenal: by invoking free speech, they simultaneously bludgeon an ‘intolerant’ Left who dare disagree with them. Further, he says, “by turning it into a debate on whether they are ‘allowed’ to speak at all, the Right shield themselves from any criticism of the toxicity of their ideas”. George Orwell’s Ministry of Truth would applaud him. Free speech is oppressive, censorship is liberating.

At least, Australian university chancellors now recognise they have a responsibility to defend free speech. They have endorsed Robert French’s model, a position rejected by Universities Australia, which is run by the vice-chancellors. It has declined to back the French model.

The vice chancellor of Sydney University, Dr Michael Spence, defends this position, saying “The conservatives are as bad as the progressives and the progressives are as bad as the conservatives”. He conceded that there was a “certain amount of self-censorship of students” and “members of the community”, but argued it was a broader problem.

That’s hardly a justification for abrogation of responsibility.

Senator Amanda Stoker, wrote to Dr Spence asking him to support his claim, saying that her research had found “only evidence of the Left shutting down the Right’s right to speak”.

She said, “From the shut-down of retired British Colonel Richard Kemp’s talk in 2015 by anti-Israel leftists, to the shut-down of Bettina Arndt’s talk in 2018 by the feminist left, or the many examples in between, like the harassment of Christian students during the same-sex marriage debate by those in favour, it is plain that the University of Sydney has a tolerance problem and it does not emanate from the Right,”

The lexicon of words and phrases that are off-limits gets thicker by the day. Use of an inadvertent word or phrase regularly triggers “micro-aggressions” which some are quick to interpret as a kind of violence.

Surely, a society where everyone must think twice before speaking-up lest they are accused of insensitivity, hate, or worse, is anti-pathetical to the very essence of the Universal Declaration on Human Rights?

Indeed, Australia’s introduction in 1995 of Section 18c of the Racial Discrimination Act, was a pre-meditated attack on our freedom to express an opinion. It specifically recognises that words alone can harm. It gives the state authority to take an interest in perceived bigotry, which, through the Human Rights Commission, has meant zealously applying the law even against those expressing evidence-based truths. It means minorities are protected not only from so-called “hate speech”, but often from valid criticism.

A sinister HRC exploited this section to persecute the cartoonist Bill Leak, even soliciting complaints on social media to justify their case that his cartoon was “racist”. Their witch-hunt collapsed, but the stress caused Leak a fatal heart attack. He was too well aware that “Political correctness is a poison that attacks the sense of humour”.

“As the senses of humour of people suffering from PC, atrophy”, he said, “their sensitivity to criticism becomes more and more acute until they get to the stage where everything offends them.”

Activists have repeatedly taken people to anti-discrimination tribunals, simply for expressing a view that is different to theirs.

Archbishop Porteous in Hobart found himself hauled before the Tasmanian Anti-Discrimination commission, for issuing a booklet to parents that outlined the Catholic Church’s teaching on marriage.

Currently the federal Sex Discrimination Act exempts religious bodies, including religious schools from its provisions, but “progressives” are determined to remove these exemptions.

This will make it virtually impossible for religious schools to maintain their religious ethos, as they would not be able to require teachers to model the faith that is taught and, embodied, by the school community.

The removal of these exemptions even begs the question whether any religion could continue to teach the traditional understanding of human sexuality.

Progressives argue that religious belief should not be the basis for discrimination, a policy which if implemented, should be of grave concern to people of faith.

It’s an issue which has been raised in discussion over the Orwellian titled, *Reproductive Health Care Reform Bill 2019*, or *Abortion Bill*, where doctors will be required to act and speak contrary to their instincts and conscience, especially on issues like gender selection.

Then we have Greens leader Richard di Natale who wants to regulate the media, and, Oliver Yates, the Green “independent” candidate for the seat of Kooyong, who believes the Murdoch press should have its license to operate revoked.

This is our world.

It certainly bears little resemblance to the vision splendid those idealists who drafted Article 19 imagined in 1948. That future generations would place such little store in their priceless gift.

Rather, it resembles the observations of Anglican minister Richard Allestree, who in the midst of the religious conflicts of the 17th century, called it a “vindictive age”, whose distinguishing feature was that it had degraded speech from “the storehouse of relief and the aid of human society” into a mere instrument of “insulting vice”.

And, of course, today we have social media, which amplifies the vocal minority as though it is the view of the silent majority, which often, thanks to pushing by the mainstream media, it becomes.

What is particularly sinister is the existence and extent of foreign funding for far-Left, anti-free speech activists. The Rockefeller Family Fund, the Sunrise Foundation and, George Soros amongst them, are behind groups like Greenpeace, GetUp and Sleeping Giants.

They use commercial blackmail and even civil disobedience, to ensure that freedom of opinion is shut down.

As long as we stand quietly by, enemies of freedom will continue their work uninterrupted, forever searching for new ways to silence “unauthorised” opinion.

But who will challenge these forces of darkness? Who will reverse this growing intolerance for “unauthorised” ideas. Author Robert Fanny reminds us, “Complacency is ever the enabler of darkest deeds”.

As someone who remembers well, at the end of World War Two, the graphic images and reports of the horrors of tyranny in all its forms, I find it totally incomprehensible that a mere 70 years on, we are sleepwalking in that same direction.

Couldn't happen here? Don't believe it?

As former Russian president Boris Yeltsin puts it, “We don't appreciate what we have until it's gone. Freedom is like that. It's like air. When you have it, you don't notice it”.

Neo-Marxist Antonio Gramsci's march through the major institutions of power and influence is already complete. The march back, if there is to be one, will be extraordinarily difficult. The Marxist-Leninist leanings so dominant in today's leadership group, will ensure it.

Please remember. Freedom is the most precious gift. And complacency is its arch enemy.

Thank you.