



THE LORD MONCKTON FOUNDATION  
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“The Threats to Freedom of Speech in Gillard’s Australia”  
Address to Australian Liberal Students’ Federation Federal Council  
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5 July 2012*

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*[Corrected transcript with revisions]*

*Well, thank you very much, Benjamin. No State of Origin jokes, I promise. I’m very happy to be here this afternoon, because there is nothing more stirring than hearing Liberal students talk about freedom.*

*We are in the freedom business. That is why we are Liberals. That is why I am in Parliament. That is why you are involved in politics. And it is about freedom I want to speak to you this afternoon. I want to speak, in particular, about one of the most insidious threats to freedom in Australia today, and that is the deliberate and concerted attack by the Labor Party and The Greens, and the authoritarian Left in general, upon freedom of speech.*

*Before I turn to that topic, let me begin by congratulating Liberal students across Australia on the fight you’ve continued to wage on campuses across the length and breadth of the country. I know that there have been some very good results this year: here in Sydney, where I’m told where you’ve elected a Vice-President and two members of the Board, and at UTS, where I’m told you elected the President; at the University of Western Australia Student Guild, which you continue to control, and have done for some years now; and at La Trobe University, where I’m told you had very good results as well. Of course, in my home state, we’ve had the fifth consecutive year of excellent results at the University of Queensland and we won, for the first time, control of the QUT Guild. I should say that it saddens me, as a Queensland Liberal Senator who has always felt very close to the ALSF, that there seems to be estrangement between Queensland Liberal*

*students and the ALSF. I don't know why that occurred, I don't have an opinion about it; all I can say is that I hope there is a reconciliation very soon.*

*Now, ladies and gentlemen, this is an important year, I know, for you because it is the year in which the dream of VSU has been dealt a temporary – but I stress, only a temporary – setback by this dreadful Labor-Greens Government. The fact that this year, for the first year in several years – and I daresay, for most of you, the first year of your careers – you have been obliged to pay a Student Services and Amenities Fee, is a violation of your personal freedom, it is a violation of your right to choose with whom to associate, it is a violation of your right as students to enjoy your student experience as you would choose to do. And although Tony Abbott says - and good on him for saying it - that the first order of business will be to repeal the carbon tax and to pick up the telephone to Nauru; I hope that on the first day of an Abbott Government, Tony – who is, of course, a former President of the University of Sydney Student Representative Council – will find 5 minutes, in his busy day, to pick up the phone to the legislative draftsman and say, “Draft a repeal of the Student Services and Amenities Fee legislation.”*

*University student Liberalism is very important. Not only for the obvious reason that any movement needs to recruit young and new enthusiasts and activists, but for a deeper reason – because it is at university that most young Australians are exposed, for the first time, to the authoritarian Left, and to the authoritarian cast of mind which the authoritarian Left represents. It's a great paradox that that should happen at universities of all places, because universities are meant to be places of free inquiry, places where the sceptical mind roams free, places in which ideas are in competition with one another.*

*Yet, sadly, it's the case today – and it was the case in the late 1970s when I was in your position – that universities in Australia have not been places where ideas are contestable. Rather, under the influence of the authoritarian Left, they have become orthodoxy factories. The condition for universities - just as the condition for all important institutions in society, including Parliament itself - to be places where ideas are contestable, is freedom - and in particular, the greatest possible freedom of speech and freedom of expression which we, in a liberal democracy, can have.*

*It's not surprising that, in this period of Labor government, there has been an insidious and incessant attack on freedom of speech. And although, as I said, the carbon tax and the security of our borders may be the two great top-of-mind issues in Australian politics today, there is another issue which I regard as just as important. The evil of this Labor Government is not merely that it has threatened our prosperity through the carbon tax; it is not merely that it has made our nation less secure by losing control of our borders. Just as evil, but perhaps more insidious, is that it has deliberately cultivated a culture in which freedom of speech can no longer be taken for granted. That is a shocking thing. In 1859, John Stuart Mill published *On Liberty* – I hope you're all familiar with it. This is what he said, more than 150 years ago:*

*“The time, it is to be hoped, is gone by, when any defence would be necessary of the “liberty of the press” as one of the securities against corrupt or tyrannical government. No argument, we may suppose, can now be needed, against permitting a legislature or an executive ... to prescribe opinions to [the people] and determine what doctrines or what arguments they shall be allowed to hear.”*

*Well, what was taken for granted in Victorian England, more than 150 years ago, can no longer be taken for granted in Australia in the second decade of the 21st century. 15, 20, 30 years ago, in Australia, the freedom of the press and freedom of speech could be taken for granted. But no longer. And that is the work of the Left. It is the work of the Left through institutions like universities, which are supposed to represent the contestability of ideas but, in fact, increasingly represent the sanctioning of orthodoxy. And it is the work, in particular, of Labor and the authoritarian Greens.*

*There are three particular aspects of the attack against freedom of speech and I want to talk about each of them.*

*The first of them is the censorship of opinion. It wasn't just people who are politically active as we are who, last September, were shocked by the result of the Andrew Bolt case. Australia's most popular commentator was dragged before the courts for expressing what I thought to be a perfectly commonplace opinion about a matter of general public discussion, because of the provisions – inserted into law, by the way, by a previous Labor Government – of section 18C of the Racial Discrimination Act, which made it against the law for a journalist to say something that might offend or insult an individual. Now, just pause and reflect on the absurdity of that. When is the last time a journalist whose sympathies lie with the Left - like David Marr for example - was subjected to a legal sanction for offending or insulting an individual? And yet, that's what the Bolt case decided. It decided that, in Australia today, if you offend or insult a particular group, defined by its own self-proclaimed victimhood, you are breaking the law.*

*How absurd that we have a law in this country which means that a controversialist, like Andrew Bolt, breaks the law if he says something controversial. And so, as Tony Abbott announced earlier this year and I want to reaffirm to you today, if we win the next election and if I'm the Attorney-General in an Abbott Government, one of my first priorities will be to remove from the Racial Discrimination Act, the provisions under which Andrew Bolt was dragged before the courts, and to remove from other Commonwealth legislation, all provisions which impose unreasonable restraints upon freedom of speech. You will be pleased to know that that position was unanimously endorsed last Saturday by the Liberal Party's Federal Council.*

*Section 18C of the Racial Discrimination Act is unusual because it is an overt prohibition. More commonly, political censorship takes a more subtle and insidious form. It takes effect, in particular, through the application of the concept of "political correctness", so as to frame and narrow and limit that which may properly be the subject of public discussion. Political correctness began as a vaguely annoying quibble about language but it has become, in the last two decades, something much nastier: an ideological crusade to limit language because, as George Orwell reminded us in Nineteen Eighty-Four, if you limit that which may be said, you limit that which may be thought - so there is a quite deliberate and conscious narrowing of the legitimate scope of public discussion. There could be no more insidious attack on freedom of speech than that, and that is what we, as Liberals, are bound to fight. When he introduced section 18C of the Racial Discrimination Act in 1995, the then Labor minister, former Senator Nick Bolkus, said that was it was about was prohibiting "speechcrime". Oblivious to the Orwellian resonances of his rhetoric, he actually used that*

word: “This is about prohibiting speechcrimes.” I think we know that there is no distance at all between “speechcrime” and what Orwell called “thoughtcrime”. We cannot have a society in which the government is at liberty to tell us what we may say any more than we can have a society in which the government is at liberty to tell us what we may think.

The campaign against freedom of speech, though, does not merely operate on the front of overt or informal censorship. It also operates by another device of which the members of the Gillard Government - and the Rudd Government before her - have been significant practitioners. That is the attempt to convert arguments about political or moral issues into technical arguments, the province of experts. Let me give you a few examples. The most outrageous was the debate about the bill of rights which, as you know, we won. The line that was then pushed in the argument for the bill of rights was: “There is a jurisprudence of rights which comes to us from international law, and these disputes about where rights begin and end, and which right prevails when two rights are in conflict – these are not really issues for public discussion at all. These are not issues for Parliament, this is something that the lawyers know about. So we’ll have a human rights court, and rather than having the debates about the great moral and political issues in Parliament where all those ignorant Members of Parliament, elected by even more ignorant constituents, get to have their say, we’ll have people like Julian Burnside decide - because Julian Burnside is very wise.” That was the argument; that was the conceit at the heart of the bill of rights debate – that the most profound political and moral issues were really technical issues for expert lawyers rather than public issues for elected representatives.

We see the same device being used today in the debate about offshore processing. What is the last line of defence of a Labor politician now, when they talk about Nauru? They say, “Well, Mr Andrew Metcalfe, the Secretary of the Department of Immigration, doesn’t think Nauru will work and therefore there’s no point in having a public discussion about this because the experts know – the experts have told us that Nauru will not work. So what you say, Senator Brandis or Mr Morrison, that’s very ignorant. We don’t need to have this discussion because this is really a question of expertise, a technical question.” Rather than what, of course, it really is, and that is a contestable public policy issue.

But probably most infamously, we saw the application of this technique in the debate about climate change. Now, wherever you are, whatever your position is on the question of climate change, I hope everyone is offended by the thought, as I hear Senator Penny Wong say every single week in the Senate, “The science is settled.” Now, that is wrong for two reasons. First of all, because it suggests that this is a public policy debate to which the public are not welcome – it’s a debate between the scientists, so you members of the general public - you benighted fools! - don’t you worry about it, just leave it to the scientists. I heard a man called Dr Frank Jotzo from the Crawford School at the ANU on AM this morning making some observations about whether not the Abbott Government would remove the carbon tax and he said we wouldn’t. Well, you know, he obviously wasn’t a political scientist. He said, “Look, this is the view of the carbon traders and this is the view of most of the energy industry. In other words, it’s the view of the people who count in this debate.” That’s what he said, “It’s the view of the people who count.” So the people in the suburbs and in rural towns and the small businessmen and the farmers and the everyday families who are paying the carbon tax – it’s none of their business! They’re not the people who count because this is something for the experts to work out among themselves.

*Secondly, what particularly offends me about the debate about climate change is the sheer invincible ignorance of those who say, “The science is settled”. I don’t know how many of you are philosophy students who’ve studied the history of ideas or the history of science, but if you have, you would know – in fact, since you’re all very well-educated young people, I’m sure you all know, from your general knowledge - that the essence of the scientific method is to challenge the conventional wisdom. The essence of the scientific method is to take nothing as settled and every proposition as provisional and therefore contestable. Those of you who are familiar with works like Sir Karl Popper’s great classic *The Logic of Scientific Discovery*, or Thomas Kuhn’s book, *The Structure of Scientific Revolutions* - to take but two from the canon – know that that’s how science works: never saying, “The ideas are settled, set for all time,” but saying that the conventional wisdom is always challengeable by and contestable by an alternative idea.*

*Every great revolution in scientific thought has had the same structure – this is what Thomas Kuhn’s point was: the conventional wisdom was challenged by a heretic, a sceptic, and was found wanting, and a new paradigm – not in the sense that Mr Oakeshott means the term “new paradigm” – was created. That’s how the Copernican view of the universe replaced the established beliefs of ancient and medieval astronomy; that’s how Isaac Newton’s views on physics emerged; that’s how Albert Einstein’s theory of relativity came into being. Every great scientific breakthrough has been the product of a sceptic who was on the wrong side of the conventional scientific wisdom of their day.*

*And yet, in the invincible ignorance of the Penny Wongs, of the Julia Gillards, of the Greg Combets of this world, we are not allowed to have that discussion in Australia today; and if you want to engage in it, then you are one of the benighted - lost in the Cimmerian gloom of your own ignorance. That is the climate - the anti-scientific, anti-sceptical, anti-liberal climate - which this Government has fostered. Once again, its victim is freedom of speech – freedom of speech as the medium in which the contestability of ideas is always secured and protected.*

*The third front which this Government has opened against freedom of speech is, of course, its attack on freedom of the press. Don’t buy the line that because ownership of the media in Australia is in relatively few hands, there is no press freedom or free exchange of ideas. Particularly in the era of the internet of the blogosphere, it’s not really; there’s more freedom of public discussion today in more hands than there’s ever been before. But don’t ever buy the line that because ownership of the traditional media is in relatively few hands, therefore, that is an excuse to subject the media - through which events and ideas and opinions are reported and debated - to some kind of public interest test. Because the moment you have a public interest test, which this Government is going to introduce, then you elevate the censor to front and centre of public discussion. Because somebody’s going to have to apply that public interest test and that person, with the best will in the world – although I suspect anyone Senator Stephen Conroy would appoint would not be somebody who would approach the issue with the best will in the world – is going to say, “Is it in the public interest for this newspaper to be saying that. Is this column in the public interest?” - and is thereby bringing their dispositions, their attitudes, their sympathies and prejudices and opinions to bear on the task of deciding what you and I can read and say. The best way, in a free country, for bad ideas to be exposed in their weakness, is to have the freest possible discussion – the freest possible press; not to have some panjandrum*

*pontificating about whether or not something is in the public interest. All three of the developments I have described – censorship, whether overt, by provisions like s. 18C, or informal censorship by the cultural tyranny of political correctness; the attempt to displace argument about public policy with the claim that the argument is really a dispute among experts about technical questions; and the attack on the freedom of the press itself – all three of those things are bad in themselves. Taken together, they represent a threat to personal freedom and an attempt to create a government-fostered orthodoxy of opinion. That is what we, as liberals, must fight. That, I hope, will be one of the main messages you take from this conference. The idea of a government-sanctioned orthodoxy of opinion in which conflicting, or even what might be though thought to be eccentric, views are not merely disputed, but effectively dismissed from legitimate public discussion, is a very, very great threat to the Australian way of life and we, as liberals, are the people who must fight it. Let me close on this note. We must come to that fight with clean hands. If we are the party – if ours is the philosophy - that values freedom, then it has to be freedom for everyone: freedom for those we disagree with as well as freedom for those who share our views and sympathies. Those politicians on the hard Right of politics who think that it is the role of government, for example, to tell people what they ought to be allowed to wear, are not the most obvious people to defend freedom of expression.*

*So if we're to have a liberal society, it is a liberal society for all. It is a society in which every point of view is entitled to be heard. It is a society in which, through the conversation between all the different and various points of view, people are entitled to see the strengths of weaknesses of every argument; a society in which we treat each other with respect. But central to the respect with which we treat one another, is respect for our rights to have different views and an insistence that the government get out of the way and not tell us that some views are more acceptable to some state-sanctioned orthodoxy than others. That is a fight that we will have during the period of the Abbott Government. That is a fight that, if I am the Attorney-General, I will lead. And that is a fight that those of you in this room, who plainly have a libertarian and liberal cast of mind, I expect to fight along with me – here in universities, in the Liberal Party, in the community. Because the fight for freedom, the fight against political censorship, against the tyranny of political correctness, for freedom of the press, is a great fight for Liberals to be having*