Freedom of speech in Australia

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“The constitutional validity of s.18C has not been tested before the High Court. The provision may be vulnerable to challenge on two fronts … The second relates to the implied freedom of political communication. In this context, the High Court has observed that ‘insult and invective’ are a legitimate part of political discussion and debate. The inclusion of the words ‘offend’ and ‘insult’ raises a possibility that the High Court, in an appropriate case, might read down the scope of s.18C or find it invalid.” 1

“The ALRC has not established whether s.18C of the RDA has, in practice, caused unjustifiable interferences with freedom of speech. Part IIA of the RDA, of which s.18C forms a part, would benefit from more thorough review in relation to freedom of speech. However, any such review should take place in conjunction with consideration of anti-vilification laws more generally.”

Traditional Rights and Freedoms–Encroachments by Commonwealth Laws

(ALRC Report 129) December 2015

“The abuse, although unpleasant and offensive was not significantly transformed by the addition of the words "white" or "whites". These words are not of themselves offensive words or terms of racial vilification. This is particularly so because white or pale skinned people form the majority of the population in Australia.” 2

McLeod v Power [2003] FMCA 2, 14 January 2003

1 https://www.alrc.gov.au/publications/freedoms-alrc129

2 http://www.austlii.edu.au/au/cases/cth/FMCA/2003/2.html

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Freedom of Speech and ss. 18C and 18D

1. To inquire: "Whether the operation of Part IIA of the Racial Discrimination Act 1975 (Cth) imposes unreasonable restrictions upon freedom of speech, and in particular whether, and if so how, ss. 18C and 18D should be reformed."

Australia is a nominal or notional 'democracy' wherein all of Her Majesty's subjects have equal political rights such that Government policy and law is determined in favour of the opinions and wishes of the majority of subjects/citizens without discrimination.

The majority enacted the Immigration Restriction Act (1901) which made Australia the envy of the world and ensured a homogenous population free from racial, religious and cultural disharmony suffered in many other countries.

An infinitesimal minority "repealed" or rendered this Act ineffectual in 1958 when the language test was revoked, and it was "fully dismantled" in 1975 with the introduction of the Racial Discrimination Act (1975), that turned the tables against Australia, Australians, and our notional democracy by enabling often inassimilable, alien minorities to sue Australian citizens and institutions under circumstances wherein we are deemed guilty and required to prove our innocence under circumstances wherein "Truth" was no defence.

ss.18C and 18D of the Racial Discrimination Act are administered by a politically-activist bureaucracy. It works to impose unreasonable restrictions on freedom of speech and gathers information against an accused respondent that is deemed guilty under the Act.

The Act and ss.18C and 18D are crafted to divide the populace by generating discrimination through the rescission of the Immigration Restriction Act contrary to natural physiology and the God of Abraham, Isaac and Jacob worshipped by the Christian majority of Australians.

'Multiculturalism' —a euphemism for miscegenation—the interbreeding of races, especially totally different in type, and in the stage of civilization reached, is the besetting sin of this our day (Matthew 24:37) *"as it was in the days of Noah"* (Genesis 6:1-4). Miscegenation was accursed by the God of Moses (Genesis 1:11; 25-26; 3:15; Deuteronomy 7:1-3; 20:16-17) and no Christian or true son of Abraham, Isaac and Jacob would condone this sin. The Bible teaches the 'original sin' was miscegenation between the serpent, a giant man-like creature before God changed every bone in his body and threw him on his belly, and Adam's wife Eve. This beast in human form being without a soul was pure animal. Lucifer incarnate or inspired the serpent to seduce Eve. The offspring, Cain, was accursed of God and not part of His creation but a hybrid and irredeemable as he was not of Adam's race. Jesus Messiah was the *"last Adam"* and KINSMAN Redeemer for Adam's race; He was not the last Cain.

God set *"enmity"* between the seed of the serpent and the Seed of the Woman, which was the spoken Word or Logos promised to Abraham and born without intercourse by Mary's faith (Genesis 3:15; Isaiah 7:14; Luke 8:11). The *"enmity"* is extant; Satan's vicarious offspring is conspiring and waring for global hegemony over a world he will shortly rule from Jerusalem, incarnate in *"that man of sin, the son of perdition"* as he was incarnate the Serpent and Judas Iscariot. By obeisance to Lucifer He will hold dominion over *"all the kingdoms of the world, and the glory of them"* (Matthew 4:8-10).

'Multiculturalism' is miscegenation on a global scale *"as it was in the days of Noah"* because miscegenation is genocide to Adam's race: *"it repented God that He had made man on the earth, and it grieved Him at His heart,"* and He destroyed the world with the Flood.

The end of the Gentile dispensation is at hand. Following the brief 'hot stage' of the ongoing World War III in which the modern Israel state will be utterly defeated as the Bible states, a mass exodus of non-Semitic, anti Semitic self-styled Jews will enable genuine blood sons of Jacob to return from the Muslim nations of the Middle East and North Africa where the alien controlled 'allies' (so-called) have been doing their utmost to eradicate their rivals as King Herod the Edomite sought to eliminate his rival to David's throne. The blood Israelites will then return to the land of their Covenant where the God of Israel will deal with them in Daniel's seventieth week of years after which Armageddon will bring the consummation of life.

Very soon an unprecedented convulsion of nature will rock this world, devastating the east coast of Australia. The United States will be defeated before she fires another dastardly shot, and mainland USA will be invaded and briefly occupied shortly thereafter.

Freedom of thought and expression are trampled underfoot by this unnatural and iniquitous Racial Discrimination Act 1975, which has mandated the problems that have plagued this nation since rescission of the Immigration Restriction Act (1901) and surrender of national sovereignty to an alien minority that cannot now be named.

This experimentation against natural science and the wisdom of all races for millennia has irreparably harmed Australia and its people *"As it was in the days of Noah."* Under this law Australians dare not express their thoughts above a whisper.

Sodomy is another besetting sin in our day (Luke 17:28-30) *"As it was in the days of Lot"* (Genesis 18). However, under the Racial Discrimination Act 1975 one dare not express one's thoughts above a whisper. U.S. President Woodrow Wilson discovered, "Some of the biggest men in the United States, in the field of commerce and manufacture, are afraid of somebody, are afraid of something. They know that there is a power somewhere so organized, so subtle, so pervasive, that they had better not speak of it above their breath when they speak in condemnation of it."

Because the Racial Discrimination Act 1975 is the antithesis of the Immigration Restriction Act 1901Australians dare not name this power which claims kudos for the substitution.

"In the days of Lot" three created men visited Abraham in the somewhat dry highland above the wicked cities on the fertile plain. He worshipped one man called Elohim who *"discerned the thoughts and intents of the heart"* (Hebrews 4:12) proving He was God. He told Abraham that at the time of life his wife Sarah would conceive and bear a son. The other messengers went into Sodom where they warned of the devastation to come and saved Lot and his daughters – a type of today's *"foolish virgin"*.

This sign also identified God veiled behind the virgin-born Jesus of Nazareth who prophesied *"As it was in the days of Lot, so will it be when the Son of man is revealed."* The world is in a Sodom condition; once again three messengers have visited before its destruction by nuclear fire. Billy Graham and Oral Roberts delivered a basic salvation Message to the churches in Sodom; the third served a sanctified group separated from the worldly church system. God veiled Himself behind this humble sinner-saved-by-grace and revealed *"Jesus Christ the same yesterday, today and forever"* by *"discerning the thoughts and intents of the heart"* (Amos 3:3-9; Malachi 3:6; Hebrews 13:8; 4:12). Through the ministry of William Branham, the Lord granted hearing and speech to deaf and dumb mutes, restored sight to the blind,

healed cripples, cancers and heart conditions, cast out demons, and raised the dead around the world.

It is later than you think or dare imagine. This is the last opportunity for Australians to repent and seek to apprehend what St. Peter called *"the present Truth"* . . . what Jesus is doing now. Luke 17:28-30 was the last sign Jesus promised before the end of the Gentile dispensation. I admonish members of the Parliamentary Joint Committee on Human Rights to vote to rescind the Scripture-denying, Christ-rejecting and abhorrent Racial Discrimination Act 1975 which has apostate ministers and self-serving politicians selling their souls and the nation to aliens and deviates— not to re-present the wishes of their electors but to purchase pre-selection in service to the 'hidden hand' as partisan ideologues in our Hegelian duopoly that serves the banksters of the City of London.

2. **s s.18C and 18D**

S.18C of the Racial Discrimination Act 1975 (Cth) states:

(1) It is unlawful for a person to do an act, otherwise than in private, if:

> (a) the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and
>
> (b) the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.

Under the Immigration Restriction Act (1901) Australia was one nation, one [assimilated] people with one language and culture. The manners and commonsense of a homogenous people with mutual aspirations ensured the unhappiness automatically generated by mixing like with unlike did not arise whereas now they are solicited under this Act and constitute the *raison d'être* for institutions such as HREOC, and the numerous fringe groups it empowers.

s.18C is certain in almost every the circumstance to entrap the unfortunate respondent who is automatically guilty as charged until and unless he is able to establish innocence at his own expense in time, money, health and reputation.

These conditions are arbitrary as there is no Absolute against which to assess the subjective judgment of an arbiter such as HREOC, "the Commission" which should be abolished. Under Common Law there was an Absolute called the Holy Bible since replaced by special interests with ever-changing situational ethics based upon the personal prejudice of the HREOC or a Coram of the Federal Court.

s.18C is a minefield of uncertainty that can only be cleared by abolition. Existing laws long allowed individuals and organizations to litigate in their own time and expense without nanny agencies like HREOC, maintained at public expense pursuing often frivolous and vexatious complaints, and which preserved the innocence of respondents prior to the decision of court.

My Church was taken before HREOC which was intent on pressing the complaint without disclosing the identity of the complainant. The decision of the President bore no relation to the inquisition to which we were subjected. We were accused of following the British Israel religion, an unscriptural Jewish hoax designed to permit Jews to return to England. We spent four years before the Federal Court, after which the Coram was found to be incompetent. By

the grace of God the case, brought against us by a well-funded multiracial group feigning to be a non-existent race, was dismissed.

With respect to race under s.18C, it seems there are three groups classified as:

1). The Black man who says, “I'm proud to be Black”.
2). The Jew who proclaims, “I'm proud to be Jewish”.
3). The Racialist who minds his own business and says, “I am content to be what I am” dismisses the untoward comment, gets on with life and is the prime victim of this egregious Section and law.

s.18D of the Racial Discrimination Act 1975 states:

Section s.18C does not render unlawful anything said or done reasonably and in good faith:

(a) in the performance, exhibition or distribution of an artistic work; or

(b) in the course of any statement, publication, discussion or debate made or held for any genuine academic, artistic or scientific purpose or any other genuine purpose in the public interest; or

(c) in making or publishing:

(i) a fair and accurate report of any event or matter of public interest; or

(ii) a fair comment on any event or matter of public interest if the comment is an expression of a genuine belief held by the person making the comment.

s.18D is bypassed and ignored because “truth” is no defence and neither HREOC nor the Coram of the Federal Court understand the matters on which judgment is passed. Bound perhaps by budgetary constraint they have neither the time nor the interest to study the facts, and decide for the subjective complaint of a powerful group seeking to establish case law.

Like s.18C, s.18D eliminates freedom of speech and encourages miscreants to seek out opportunities to feign offence for material gain or malignant censorship of truth in history or religion–even race. Without knowledge “the Commission” is not competent to assess a “matter of academic interest,” “expression of genuine belief” or “matter of public interest.”

Disinterested in acquiring specialist understanding required to make a fair and reasonable assessment, it favours the “offended” complainant and passes the buck to the Court which ignores affidavits and evidence and seeks “case law” to close the matter.

“Truthfulness” is absent from the parameters stipulated in s.18C and s.18D.

Having bypassed Common Law and the Absolute, neither “the Commission” nor the Federal Court possess an Absolute against which ‘genuine purpose’ or ‘public interest’ in s.18D(b) , or ‘fair and accurate report’ and ‘fair comment’ in s.18D(c)(i)(ii) can be objectively assessed. Without an Absolute such assessments are purely subjective and personal.

The Act should be rescinded; s.18C and s.18D are attempts at ‘mind-manipulation’ and ‘thought control’ within arbitrary parameters that pit minority interests against the majority. These problems would never arise if government minded its own business and respected Her Majesty’s subjects as mature adult human beings minding their own business and not rushing

to litigation through superfluous unproductive, unnecessary taxpayer-funded bureaucratic institutions that are generating problems as the bankers create credit out of thin air.

3. The respondent always loses even when he wins his case

Under the Racial Discrimination Act 1975 (Cth) and the Australian Human Rights Commission Act 1986 (Cth) it is:

- free to lodge complaints;
- a requirement, according to the President of the Australian Human Rights Commission, for all complaints to be investigated regardless of their merits;
- too difficult, according to the President of the Australian Human Rights Commission, to dismiss complaints;
- a requirement for conciliation to be attempted for every complaint regardless of its merits; and
- the complainant who benefits personally from any conciliation or eventual Federal Court orders in relation to damages.

Given these circumstances, one cannot be surprised that some persons may seek to lodge complaints in order to gain financially, harass, even bankrupt opponents, and to establish "case law" for further litigation. Complainants always win and respondents always lose, opening the door for financial or politically-motivated complaints.

The respondent, on the other hand, faces:

- costs of obtaining legal advice;
- stress;
- loss of time spent in responding to complaints;
- loss of reputation,
- no cost recovery if complaints are terminated or withdrawn; and
- no guarantee of cost recovery if the complaint is lodged before the Federal Court and subsequently fails.

As such, the respondent always loses. This is always the case, even if they win (or even worse, if they should have won

4. An abusive law

Along with my Church I have been subject to complaints under s.18 C and I support the Australian Law Reform Commission's recommendation for a broader inquiry into vilification laws which are frequently used against innocent individuals and organizations to pursue the malevolent objectives of powerful interests. Under these laws 'truth is no defence' and 'offense' often feigned and fraudulent, respondents are presumed guilty rather than innocent and democracy is reversed in the interests of a minority.

5. An unlawful law?

On 15 December 2015, the Australian Law Reform Commission released its Final Report on Traditional Rights and Freedoms – Encroachments by Commonwealth Laws. Paragraph 4.167 stated:

"Commonwealth anti-discrimination laws may interfere with freedom of speech by making unlawful certain forms of discrimination, intimidation and harassment that can be manifested in speech or other forms of expression. At the same time, such laws may protect freedom of speech, by preventing a person from being victimised or discriminated against by reason of expressing, for example, certain political or religious views."

These laws favour and empower a small but powerful group.

As pointed out by the Australian Law Reform Commission, the Racial Discrimination Act 1975 (Cth) has not been tested before the High Court in relation to the implied constitutional protection of political communication. In the current climate, it is likely that this law will eventually be tested and it may well be found wanting precisely because it is demonstrably a law that is being used to protect some at the expense of others – even when the 'other' has done nothing unlawful.

The wording of s.18D makes it abundantly clear these laws are designed so as not to protect the political communications of all Australians. Indeed, s.18D provides specific protection for academics, artists and scientists but not for other persons, even though they may be discussing or debating academic reports, artistic works or scientific findings in the context of political debate.

In Australian Capital Television Pty Ltd - v- The Commonwealth at paragraph 39 Mason CJ held that freedom of communication in relation to public and political affairs is an indispensable element in a democratic society:

"Freedom of communication in relation to public affairs and political discussion cannot be confined to communications between elected representatives and candidates for election on the one hand and the electorate on the other. **The efficacy of representative government depends also upon free communication on such matters between all persons, groups and other bodies in the community"** (emphasis added).

It is difficult to see how the Racial Discrimination Act 1975 (Cth) in its current form allows free communication between all persons. It, instead, operates to allow free communication for some persons while depriving others of lawful expression even though those 'others' have not broken any law.

It may interest the Inquiry to note that in the matter concerning the Church HREOC did not immediately disclose the identity of the complainant.

The Racial Discrimination Act 1975 (Cth) whose objective is to end racial vilification is in fact encouraging the vilification of the innocent by virulent racists.

6. The solution to racial vilification:

Reinstate the Immigration Restriction Act (1901).

'Multiculturalism' is a euphemism for miscegenation and a repetition of the "original sin" (so-called) on a global scale. It is accursed by the God of Abraham, Isaac and Jacob and banned by Moses. Until recent times wholesale racial mixing occurred only as the result of military defeat, transportation and perhaps enslavement of the defeated population or colonisation of their territory. Miscegenation is the sinister evil of a powerful group whose ultimate objective is global hegemony. This plan has been known publicly for the past century and has been a tenet of political and religious belief for millennia.

7. To inquire: "Whether the handling of complaints made to the Australian Human Rights Commission ("the Commission" "HREOC") under the Australian Human Rights Commission Act 1986 (Cth) should be reformed, in particular, in relation to":

a. the appropriate treatment of:

(i) trivial or vexatious complaints; and

(ii) complaints which have no reasonable prospect of ultimate success;

b. ensuring that persons who are the subject of such complaints are afforded natural justice;

c. ensuring that such complaints are dealt with in an open and transparent manner;

d. ensuring that such complaints are dealt with without unreasonable delay;

e. ensuring that such complaints are dealt with fairly and without unreasonable cost being incurred either by the Commission or by persons who are the subject of such complaints;

f. the relationship between the Commission's complaint handling processes and applications to the Court arising from the same facts.

The Australian Human Rights Commission has two key functions: political activism and investigations. It cannot do both and maintain any semblance of fairness or impartiality. Like the Australian Broadcasting Corporation, the Commission (HREOC) is in effect a taxpayer-funded fifth column. This has caused significant problems.

Mr. Tony Morris QC recently wrote an article for *The Australian.* It should be read by this Committee and I attach it to this report. Mr. Morris identifies two key problems with the Australian Human Rights Commission and the Racial Discrimination Act 1975 (Cth):

"The first is the abject failure of the Australian Human Rights Commission to fulfil its statutory function as "gatekeeper" in respect of racial discrimination and other human rights complaints. And the second is the **fact anyone sued under the Racial Discrimination Act has already lost before the case ever comes in front of a judge"** (emphasis added). 3

Mr. Morris also identifies a solution to these two problems:

"There is a simple solution to each of these problems. All it requires is a legislative amendment stipulating that a person may not begin court proceedings for an infringement of the Racial Discrimination Act unless the AHRC has certified that it has conducted reasonable

inquiries into the complaint; as a result of its inquiries the AHRC is satisfied the claim is (at least) arguable; the AHRC has made reasonable endeavours to conciliate the complaint; and the claimant has acted reasonably with respect to the AHRC's attempts at conciliation.

3 http://www.theaustralian.com.au/opinion/there-will-never-be-winners-under-section-18c-as-it-stands/news-story/1bacb30956b99217e34116f222196ff2

This should ensure no case reaches court unless the AHRC has done what the legislation requires it to do: inquired into and attempted to conciliate the complaint.

But it should also ensure a case can never reach court if it is utterly destitute of merit, or merely an exercise in blackmail by an overreaching claimant seeking exorbitant compensation.

For constitutional reasons, the AHRC's decision to grant or refuse such a certificate should be subject to judicial review.

More important, to ensure the AHRC does its job conscientiously–that it doesn't just hand out such certificates for the asking or refuse them as a matter of course – the legislation should hold the AHRC liable for the costs if there is a successful application for judicial review or proceedings are brought in reliance on a certificate that the AHRC issued recklessly."

If ss.18C and 18D are to remain, the complaint investigation process must be reformed.

8. Improving the complaint process

I submit that the best way to address the failed complaint investigation process is to repeal s.18C and s.18D of the Racial Discrimination Act 1975.

However, if these laws are to remain, the following reforms are required:

- There must be a fee to lodge complaints.
- Complainants must be able to demonstrate that the conduct complained about refers directly to them and has caused them damage in a materially significant way.
- Respondents should be entitled to cost recovery in the case of failed complaints.
- A new body must be established separate from the Australian Human Rights Commission to investigate and handle complaints. This body must not have any role in political activism or advocacy.

- Proceedings in the Federal Court cannot commence unless the new investigating body has certified that it has:
    - conducted reasonable inquiries into the complaint;
    - found that an arguable case exists;
    - made reasonable efforts to conciliate the complaint; and
    - found that the complainant has acted reasonably and that the complaint is not vexatious or trivial.
- The new investigating body should be liable for costs (with the complainant) for matters that are brought to the Federal Court and that do not succeed.

9. Soliciting complaints must stop

Whether the practice of soliciting complaints to the Commission (whether by officers of the Commission or by third parties) has had an adverse impact upon freedom of speech or constituted an abuse of the powers and functions of the Commission, and whether any such practice should be prohibited or limited.

The practice of soliciting complaints has had an adverse impact of freedom of speech. It causes a genuine fear within the community that 'Big Brother' and the 'Thought Police' are out and about to investigate Australians' speech and political views. Touting for complaints is an abuse of process and should be prohibited. Whereas government is servant of the people, HREOC has assumed Orwellian dictatorship. The Australian Human Rights Commission will always be perceived as biased while ever it solicits complaints and while ever it is engaged in political activism.

10. Abolish the Australian Human Rights Commission

To inquire: "Whether the operation of the Commission should be otherwise reformed in order better to protect freedom of speech and, if so, what those reforms should be".

The Australian Human Rights Commission should be abolished. It has not protected freedom of speech but has rather acted as a political police force over the years and has worked to silence the political communication of those it opposes. It has lost the trust and confidence of the Australian people and is a taxpayer-funded fifth column like the Australian Broadcasting Corporation.

11. Recommendations

- Abolish the Australian Human Rights Commission, and,
- Restore the Immigration Restriction Act (1901) (or at the very least)
- Repeal s.18C and s.18D of the Racial Discrimination Act 1975 (Cth), and
- Enforce existing criminal laws prohibiting incitement to violence.

12. Other recommendations

- In line with the Australian Law Reform Commission Final Report on Traditional Rights and Freedoms – Encroachments by Commonwealth Laws a broader inquiry into state and Commonwealth anti-vilification laws is warranted. This should also investigate abuses across the entire 'anti-discrimination industry' including the holocaust industry and duplication of laws and complaints across various jurisdictions.
- The Fair Work Commission should be given oversight of workplace discrimination.
- The Australian Competition and Consumer Commission should be given oversight of matters involving discrimination in the provision of goods and services.

13. Alternate recommendations

In the event that the Australian Human Rights Commission is not abolished and s.18C and s.18D of the Racial Discrimination Act 1975 (Cth) are not repealed, I propose the following alternate recommendations:

- The Australian Human Rights Commission should cease investigating complaints and a new body established to investigate complaints . This new body must remain free from political activism.
- The practice of soliciting complaints be prohibited.
- There must be a fee to lodge complaints.
- Complainants must be able to demonstrate that the conduct complained about refers directly to them and has caused them damage in a materially significant way.
- Respondents should be entitled to cost recovery from the complainant in the case of failed complaints.
- Proceedings in the Federal Court should not commence unless the new investigating body certifies that it has:
    - conducted reasonable inquiries into the complaint;
    - found that an arguable case exists;
    - made reasonable efforts to conciliate the complaint; and
    - found that the complainant has acted reasonably and that the complaint is not vexatious or trivial.
- The new investigating body should be liable for costs (with the complainant) for matters that are brought to the Federal Court and that do not succeed.

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