

To the Senate Committee in charge of assessing the **Exposure Draft of Human Rights and Anti-Discrimination Bill 2012**

Free speech will always be controversial. It will always offend – someone, somewhere, somehow. But taking offense at what people say, and then refusing to engage in the discussion/debate on the basis of that offense has become an easy way to shut down debate in this country. And various lobby groups know this, and actively use this to push their agendas, and nobble the airtime for counter arguments.

For example, if a study is published saying that “Red heads have a higher risk of skin cancer, and should stay out of the sun”, invariably a veritable cohort of activists from the Ranga Action Group “Red Up” will write into the newspaper/tv/radio claiming that the statement is offensive, that some of their best friends are red heads, that they are fantastic people, and that everyone who believes the findings of the study are ignorant, intolerant, bigots. None of which has anything to do with the findings of the study, but all of which is carefully and cynically aimed at marginalising the counter viewpoint from the public discussion.

This is not how to have a healthy, robust debate, and yet people are getting sucked in hook, line and sinker to this activist agenda. As a result, some of the debates that we need to have as a country, we are not having – to our long term detriment. The debate about gay marriage is a classic example of this. Instead of a dispassionate, in-depth, considered, robust debate where points of view and assertions are thoroughly tested (especially in relation to the health issues associated with a gay lifestyle), we are getting a set of slogans chanted with religious fervour by the well drilled activists keen to push their agenda. And one of their chief weapons is the idea that debate should be suspended because they are offended at anyone expressing a contrary point of view.

So my strong preference is that any restrictions on free speech should be solely related to “inciting hatred”, and that this be very narrowly defined to include the specific instructions (explicit or implicit) to kill, maim, defraud or in other ways, commit violent crimes against the persons, property or interests of a defined group of people. Explicit instructions would be “Go kill a today”, while implicit instructions would be “all are rats, and rats deserve to die”. Basically, anything outside of those narrowly defined terms should be allowed as a part of free speech.

Having said all of that, the question is begged as to whether all of those issues are covered under current legislation anyway. That is, does current legislation make it illegal to incite others to commit crimes? If so, why do we need anti-discrimination legislation to do the same thing?

But if you are really serious about anti-discrimination and human rights, there should be no artistic exemptions at all. If you believe it is wrong for me to stand on the street corner with a sign that says “Christians are greedy, hypocritical, ” (to a potential audience of maybe a few hundred), then it should also be wrong for me to say it in a comedy theatre, on a TV show, on the radio, on the net, in a sculpture, or in a film (to an audience of millions). There should not be any artistic exemptions because as every modern war department knows (from Hitler on), art is a sure fire way to shape the views of the public.

The truth often hurts. And as a country that once-upon-a-time prided itself on calling a spade a bloody shovel, we need to stop this growing culture of “taking offense”, and get back to having robust, dispassionate, in-depth debates about our future, so that we can stop the grandstanding, and get on with creating it.