

FREEDOM OF EXPRESSION

Motion

HON AARON STONEHOUSE (South Metropolitan) [10.32 am] — without notice: I move —

- (a) That this house recognises that the free expression of ideas is central to a parliamentary democracy, and that all Australians have a natural right to freedom of expression; and
- (b) expresses concern at efforts by government and non-government entities to curtail the free expression of ideas as a means of enforcing politically correct language or behaviour.

I promised the members who asked me what I was doing for non-government business that I would make sure it was a fun one! The discussion of free speech is something that I find very interesting and stimulating. I may use the phrases “free expression” and “free speech” interchangeably, but I think free expression really captures it. When we talk about speech, we are talking about more than just the spoken or written word; really, we are talking about other forms of expression. Interpretive dance, perhaps, might be considered a form of speech if an idea is conveyed; therefore, free expression much better captures what we are talking about. It might best be described or understood as the absence of state restrictions on expression, which is a fairly narrow understanding of free expression, but one that is rooted in more than 2 000 years of political thought. I think that is very topical right now, considering that in recent months we have seen the Australian Federal Police raid the offices and homes of journalists, and even in this place we have had debate, as recently as yesterday, about the free speech privileges of members of Parliament, and efforts by certain agencies of the executive to potentially stifle the privileges and free speech of members of Parliament.

Outside government curtailing of free speech, we have also seen efforts by non-government entities to curtail free speech. As a classical liberal, that does not normally concern me, but I think we are seeing the rise of a special kind of tyranny of the mob—the rise of woke culture and of the social justice warrior who seeks to deplatform and cancel their political opponents through internet platforms. Members may disagree on how widespread that problem is or what the solutions to those issues are, but I think it is undeniable that a culture is emerging of silencing one’s opponents through boycott or by cancelling them, or by going after their sponsors.

Arguments for free speech are typically broken into two categories: the utilitarian argument that free expression is a tool or a means to an end, such as democracy, and the natural right argument that free expression is, by our own nature, an inherent right, regardless of its utility. I have chosen the words of paragraph (a) of this motion very carefully to cover both arguments. I am sure I am preaching to the choir, but for a democracy to function, voters must be informed and able to debate ideas. Free expression and a free press provide voters with relevant information to make informed choices. These freedoms further act as a check on the ambitions of government, with governments held accountable by a free press and its citizens. In these ways, free expression is fundamental to democracy. We cannot have a functioning democracy without free expression. This argument underpins the implied freedom of political communication developed by the High Court of Australia.

John Stuart Mill is perhaps most famous for capturing the utilitarian argument for free expression—that the free exchange of ideas may lead to a greater understanding of the truth. However, he was not the first to express that idea, because John Milton wrote in 1644 —

... all opinions, yea errors, known, read, and collated, are of main service and assistance toward the speedy attainment of what is truest.

In *On Liberty* in 1859, John Stuart Mill observed that to form judgements, people must assess all competing adverse claims; truth did not always triumph immediately, but would win out in the long run. He stated —

The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.

At the heart of Mill’s utilitarian argument is the idea that we can never really be sure that the opinion we are trying to prevent or stifle is false, so preventing a person from expressing their views could potentially deprive us of some truth. Humans are fallible creatures, after all, and there is no method we can employ that would guarantee completely error-free judgement. The methods of inquiry, analysis and evaluation that make up rational thought do not guarantee certainty. Their use, however, throughout the entire human population over time leads to the overall reduction of error in our beliefs. Further, through rigorous debate we are able to identify the weaknesses in our own arguments and opinions, and strengthen them further as our ideas and values are continually tested over time. The utilitarian argument for free expression, however, has its limits. This is why the second part of paragraph (a) of my motion is there. When the utility for freedom is no longer seen, it can easily be discarded. A more enduring argument for free expression is one based upon rights. Free speech is a matter of autonomy—of individual agency and personhood. It is an element of individual choice. The right to hold views that may be contrary to those of the

majority or those in positions of power is quintessentially fundamental in a democracy. As we are all equal, we all equally hold that right. Chris Berg, in his book *In Defence of Freedom of Speech: From Ancient Greece to Andrew Bolt*, wrote —

This is a non-instrumental argument. Freedom of speech is a good in and of itself—it has intrinsic value. It is telling that rarely do public advocates for free speech feel they have to justify why it is important.

This inherent virtue of speech does not, however, exist in a vacuum. It is intrinsic but not instinctive. The history of freedom of expression demonstrates that. Knowingly or unknowingly, those advocates who describe free speech as a ‘right’ are drawing on more than two thousand years of political and theological thought. *Parrhêsia* and *libertas* were the basic attributes of ancient citizenship. With the freedom to speak, an individual was free. Without that freedom, an individual was not free. The great debate over toleration emphasised that conscience and expression were one. God did not give any person the power to police the thoughts of another person. So, reasoned the advocates of tolerance, He did not mean for monarchs to force religious uniformity on their subjects. ‘Everyone has an inalienable right over his thoughts,’ wrote Spinoza. The step from freedom to hold an opinion to the freedom to express an opinion is not large. The liberty to think is curtailed if it is not grouped with a liberty to discuss, to express, the contents of our thoughts.

The basis of our argument for freedom of speech must be couched on questions of individual autonomy, not on its utility. In fact, C. Edwin Baker, in his book *Human Liberty and Freedom of Speech*, argues that the values supported or functions performed by protected speech result from that speech being a manifestation of individual freedom and choice. I think that is topical again; we will soon be debating voluntary assisted dying in this chamber, which, as I see it, goes to the very heart of questions of autonomy and personal choice. If individuals are not free to think for themselves, to hold their own thoughts and consciences, how can we trust them to make choices about how they end their lives or in what circumstances they may do so?

Accepting that free speech is a natural right as opposed to merely something of utility helps us understand its importance and value. Something of utility may be curtailed if the end justifies it, whereas recognising free speech as a natural right allows us to understand the cost of curtailing that right more clearly. It allows us to understand the benefits of ensuring that it remains unfettered. We must remember as well that free speech or free expression is not just a right that exists on its own; it is part of a collection of natural rights. It cannot be separated from these other rights and values. It is deeply connected with our concepts of moral autonomy and human liberty that underpin any free society.

Looking at paragraph (b) of this motion, which is this house expressing concern over efforts by government and non-government entities to curtail free speech, I would like to remind members about how incredibly lucky we are. Over the last century, we have seen great advances in free speech. The repeal of various statutes and restrictions on free speech have taken place over time. Blasphemy laws have all but been repealed. Restrictions on obscenity, whether that be racy novels or pictures, or pornographic films, have been repealed in most cases. The scope of legitimate political discussion has been widened, too. One hundred years ago, during the First World War, people might have gone to jail for sedition in some jurisdictions. Now we openly see protests against military action causing great disruption in our streets. However, that trend of liberalisation of expression and speech is at risk. The blasphemy laws that were repealed over the twentieth century have been making their way back into our statutes, disguised as racial and religious vilification laws. Hate speech has filled the void of obscenity laws of the past. A new right not to be offended has emerged. We have seen the militant use of anti-discrimination law. In fact, even here in Western Australia there was the case of photographer Jason Tey who merely expressed his traditional Christian view of marriage. Although he did not refuse to provide services to his customers, his case was still brought before a tribunal by a disgruntled customer who merely objected to him holding that opinion. In this state, we have seen efforts by members of the government and others to impose exclusion zones around abortion clinics. If the implied right to political communication does not extend to the communication of ideas around where life begins, what good is it? Clearly, it is an infringement on rights to communicate politically.

On the subject of the proliferation of a prohibition on hate speech and the proliferation of anti-vilification laws, I found an interesting quote when I was looking at the passage of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which further enshrined anti-vilification. A member of the Colombian delegation to that convention said that it is a throwback to the past. He said —

... punishing ideas, whatever they may be, is to aid and abet tyranny, and leads to the abuse of power ...
As far as we are concerned and as far as democracy is concerned, ideas should be fought with ideas and reasons; theories must be refuted by arguments and not by the scaffold, prison, exile, confiscation or fines.

The racial vilification laws in Western Australia and the commonwealth are not only repugnant because they stifle free expression of ideas and debate, but also, by their very nature, arbitrary. If the harm principle is to be extended to causing offence—if that stretch can be made—why should that extend only to offence taken by a certain segment of the population? Some claim that only minorities or marginalised people should have access to these protections—

anti-vilification laws—hence the focus on race. This is an extraordinary perversion of the liberal principle that everyone should be treated equally under the law, but it is reflected under current anti-discrimination law.

Academic literature on hate speech—in fact much of the commentary on hate speech—focuses on the most extreme examples of hate speech as justification for anti-vilification laws. However, in reality anti-vilification laws cast a far, far wider net. This can be seen in the example of a 16-year-old Aboriginal girl in Kalgoorlie who was prosecuted in 2006 for calling a Caucasian woman a white S-L-U-T. The Kalgoorlie Children’s Court dismissed the racial vilification charges against her. However, the police prosecutors maintained that the victim of racial abuse does not even have to hear the offending speech, let alone be offended by it, for it to be considered hate speech.

Hon Alannah MacTiernan: Member, can I ask a question for clarification? The law was applied to protect the interests of the white person, yet earlier you had said that the very structure of this legislation, this anti-discriminatory provision, was there to protect the minorities. Those two cases simply do not add up.

Hon AARON STONEHOUSE: It is an inconsistency in the argument of folks who advocate anti-vilification laws.

Hon Alannah MacTiernan: There is an inconsistency in your argument to suggest that those laws are directed just towards the protection of minorities.

Hon AARON STONEHOUSE: No, let me clarify: I characterised the arguments of advocates of anti-vilification law who say that they are necessary to protect the interests of minorities and marginalised people. I pointed out that that is inconsistent with the rule of law and equality before the law as there is no anti-vilification law, as far as I know, against someone being assaulted or offended on the basis of their age or weight or some other characteristic, but there is on the basis of their race. Even still, the justification for such anti-vilification laws is quite often the protection of ethnic minorities. I use examples of extreme racial hate to advocate for those policies. However, they cast such a wide net and set such a low bar that even a 16-year-old Aboriginal girl in Kalgoorlie found herself prosecuted under racial hate laws in 2006.

I mentioned government efforts to curtail free speech. In my two minutes left I will talk about non-government efforts to curtail free speech and the rise of woke culture and cancel culture. Just a few years ago, Bjorn Lomborg was chased out of town by a rabid pack of students and academics who could not stand a competing idea at the University of Western Australia. No doubt the philistines patted themselves on the back after running him out, which is ironic. There is a bust of Socrates at the entrance of UWA. I have no doubt that with that kind of attitude those same academics and students who patted themselves on the back would have forced that cantankerous old geezer Socrates to drink hemlock if they were in Ancient Athens. A visiting United States paediatrician who was deemed transphobic for opposing sex change treatment of children was deplatformed at the University of Western Australia. There are many more examples that I do not have time to go into.

This is clearly tyranny of the mob. It is a type of censorship of speech that, although it may not involve coercion, has just as much of a chilling effect on the type of political discourse that democracy demands. My final message in my time remaining is this: we hear journalists complain about press freedom when they are raided by the police. We hear parliamentarians complain about privilege when the Corruption and Crime Commission demands documents. These freedoms of speech do not apply solely to journalists or parliamentarians; they apply to everybody. Every Australian has a natural right to free speech and it is necessary and protected to ensure that our parliamentary democracy survives.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [10.53 am]: I thank the member for his contribution. This is a complex issue. The member is absolutely right that freedom of speech is something that is to be valued and is required to underpin our democracy. I also share what I perceive to be the concern of the member that, although we have formally disbanded blasphemy laws, there might be measures that are being considered that in some way might impede our freedom to critique religion. It is important that governments in this country are deeply secular and that individual religious practice is determined by the individual and not in any way corralled by government.

When I consider the conduct of Hon Aaron Stonehouse, I have not heard the member conduct himself in a way that is disrespectful or cavalier to the feelings of others. However, to not recognise the historic reason race has become something that we have determined should be the subject of anti-vilification is to ignore our very recent history. The member knows that even until 1967, Aboriginal people in this country were not considered to be citizens and were not counted in the census. If the member had any knowledge of the experience, which certainly did not end in 1967, of what Aboriginal people endured on a daily basis, a deep culture for many, he would know that has created an intergenerational trauma that we are still dealing with today. I am sure the member would know that from his wide reading of the experience of Asian Australians. I have noted with my daughter-in-law, who is Japanese, that people often are not able to distinguish what sort of “Asian” people are, and some of the comments that had been directed to her in the past were truly appalling. This is not a theoretical problem; this is a real problem. The member would rightly not want to see a situation emerge in which people of any racial origin should

be subject to the humiliation of being abused publicly for their ethnicity, for something they are born with, and that this should become something they have to endure walking down the street and if someone decides to yell out an invective—many of the words that have long been part of Australian culture—they should just have to wear that in the name of free speech. That is not acceptable. Always within society there are competing interests and ways in which we have to weigh up those.

Quite frankly, hurling abuse at a person or disbaring a person because of their ethnicity from using a venue, participating in a particular activity or being employed, is not acceptable and I do not think that should be protected or deserves to be protected as some sort of expression of free speech. Part of living in a civilised society is actually recognising that we need to respect each other and that there needs to be some boundaries around our conduct and the way in which we treat others. We are not seeking to do this in a heavy-handed way. The member cited some cases. Indeed, I think one of the first antidiscrimination cases on the basis of race came from a white employee of an Aboriginal organisation. Although I think it would be overwhelmingly true to say that the motivation for putting in these provisions was to protect minorities, they work across the board. It recognises that everyone has the right to be treated with some respect and decency. The ability to hurl abuse at someone on the basis of their ethnicity, whether or not from a minority, is simply not acceptable.

There are some more difficult examples when we go into the academic area. Given what we have seen over the last year, I support the measures taken by Dawn Freshwater, the Vice-Chancellor at the University of Western Australia, to say to people, “If you’re coming to university, you have to be capable of some emotional resilience to tolerate the opinions of others.” This idea of having a safe space that means that no-one can possibly be exposed to an idea other than one they already agree to is counterproductive to the interests of the university and, indeed, education and the robustness we need. If we want to go to university, part of it is gaining that exposure, that interaction. However, I guess the situation with Bjorn Lomborg was a very interesting experience. I think part of the concern that arose out of that was, given the difficulty of getting resources in academia, how, after a personal visit—an interaction with Julie Bishop in New York—suddenly money materialised to provide this person with a particular platform. If we look at that story, we see that there is a much deeper story about the circumstances in which that gentleman managed to get preferment and money allocated. I guess part of the argument was not that we should not accept people who have competing ideas, but why should this person have an opportunity to meet with the foreign minister in New York and suddenly a bunch of money attaches to them. Obviously, if flat-earthers or creationists started getting whole bunches of money because Scott Morrison thought the world was only 6 000 years old, as described in the Bible, and we saw universities get funding to pursue those notions, there would be legitimate concern that we were not going down a scientific path but down a religious path. We understand that these are challenges and we have to be careful that we do not hamper a proper and legitimate debate and do not develop a culture in which people are incapable of being in the presence of ideas that they might feel uncomfortable with.

I was very surprised that the member mentioned the issue of exclusion zones around abortion clinics. These women have the right to control their bodies. They have the right to go to an abortion clinic. I think the conduct of people who challenge and vilify them on their way to doing that—it is interesting that perhaps this is an idea that is most powerfully advocated by men rather than by women—is completely and utterly disgusting. These women are exercising what society has determined is their legal right, and people will understand why society has determined that. These women have to run the gauntlet of people whose particular religious views are opposed to them. Various people oppose contraception because they think it is stopping the work of God. Would we accept people boycotting or placing cordons around pharmacies when women want to have their prescriptions filled? Of course we would not. As I said, we need a society in which there is a level of respect, in which rules ensure that there is a level of civility within our community and that people are not subject to unreasonable hostility from others. By all means, let us have freedom of discussion and freedom of debate, but please do not confuse that with those very, very necessary protections that are there to preserve the right and dignity of each and every member of this community.

HON RICK MAZZA (Agricultural) [11.07 am]: I would like to thank Hon Aaron Stonehouse for bringing this very interesting debate to this house. I think in the last six years that I have been here, we have not debated something like this. I had a quick look on Google as you do. It is very interesting that the *Oxford English Dictionary* defines freedom of speech as “The power or right to express one’s opinions without censorship, restraint, or legal penalty.” It is quite a broad way of describing freedom of speech. I am sure freedom of speech and political correctness is discussed in every crib room and hotel in Australia every single day with varying opinions. We are very fortunate in Australia that we have the right to freedom of speech. Of course, that comes with certain responsibilities.

Hon Aaron Stonehouse spoke about the harm principle. We know there are laws in place covering libel, slander, copyright, secrets and stuff like that. The law says that if through speech we harm someone by discrediting them or ruining their reputation, consequences will flow from that. In this place, of course, freedom of speech and parliamentary privilege has been a case in point in recent times. We must always be very mindful that we do not erode that right to freedom of speech. I heard what the minister said about offence causing problems for people. I have to tell members that growing up in the 1970s in wheatbelt Western Australia as the son of an Italian immigrant

had its challenges at times. Also along the way, it was a bit character building. One builds resilience and does not take things too seriously. Every now and again, if something is serious, most people are perceptive enough to pick up that point and act accordingly should someone have a real go at us.

I think we can be a bit too precious at times worrying about the offence principle, which is another principle Hon Aaron Stonehouse alluded to. The offence principle is the one that concerns me somewhat. I get that we should respect other people regardless of their race or what disabilities they may have or whatever the case may be. We should be respectful of them and I think most people are brought up to respect those people. However, if we create too many restrictive laws on the offence principle based on people being offended at the slightest thing, we risk eroding the freedom of speech principle we have in our democracy.

With those few words, I appreciate the fact that we have the right to freedom of speech in Australia. I am also mindful of respecting others but if we get too carried away with the offence principle and put in laws that make it very restrictive and illegal to say certain things, we are looking at maybe eroding some of those rights.

HON CHARLES SMITH (East Metropolitan) [11.09 am]: I would like to take the opportunity to add my thoughts to the debate on Hon Aaron Stonehouse's very interesting motion about the pending threat to free expression; an issue that the Western world is grappling with despite living in a society that proclaims to value freedom and diversity. I feel that the member did not go hard enough. I think he was a victim to a little self-censorship and he did not enter the culture war, so I will do it for him. Before I dive in, I would like to pre-empt any forthcoming arguments by noting that I take into account that, in Australia, freedom of speech is not referred to in the Constitution, and the right to free expression is rather an implied one. Yet the West is finding itself increasingly ensnared in a battle of appropriate discourse with the increasingly totalitarian left seeking to impose sanctions on speech to avoid hurting feelings. Just the other day I took a call in my office from a constituent who asked me to tone down my language on social media because she found it offensive. There is a very easy way to avoid being offended: stop following that person on social media or turn off the television. I turn off the ABC all the time! It increasingly seems that feelings are taking precedence over fact, ignorance over reason, and darkness over light. These precious feelings are fast becoming catalysts that will send the West into a downward authoritarian spiral. This is certainly playing out strongly at our university campuses where humanities and arts departments dictate the terms in which we speak. As we know, universities are not what they used to be. Gone are the days when they were bastions of enlightenment. In fact, they have become intolerable sites of hard-left Marxist indoctrination that increasingly dictate the moral codes of speech. Campuses used to be sites of intense and robust discussion where disagreement was normal and no-one had to run to their safe space. I challenge anyone to visit a campus and proclaim that there are only two genders. They will promptly be reprimanded for their hate speech and told that gender is an illusion and they must atone for their sins by accepting the other 72 gender combinations. Worse still, instead of such issues being properly debated, those who refuse to conform are personally attacked as being out of touch, conservative and backward looking. If a person criticises multiculturalism or immigration, they are racist, xenophobic and a white supremacist. If a person suggests that it is normal for children to be either a boy or a girl, they are homophobic, transphobic and guilty of heteronormativity. If a person defends Christianity or stands up for Christian principles, they are a God-botherer. If a person defends Western civilisation, they are labelled Eurocentric. This was recently discovered by Peter Ridd who was sacked from James Cook University for questioning current climate science dogma.

In conclusion, it is important to take the argument back to our system of democracy. We live in a so-called liberal democracy, which by its very definition is a system in which the people vote for representatives and the scope of the government is limited by liberal freedoms of law. This system recognises and protects a sphere of our lives that is beyond the reach of government and in which individuals can enjoy independence and privacy. Why then are draconian speech codes being thrust on the public despite living in a democratic system that affords us the right to our views? A bunch of unelected, elitist intellectuals dictating the codes of speech from their ivory towers is a slippery slope towards authoritarianism and contrary to the system of democracy in which we live. The great paradox is that although these elitist, intellectual snobs often spout the beauty of diversity and difference, this beauty extends to only superficial characteristics such as race, gender and sexual orientation. Forget about the diversity of ideas; that does not count in this utopia of difference and diversity. But there is hope on the horizon. Outside the ABC echo chambers and away from biased rubbish like *Q&A* and *The Drum*, there is hope of a return to sanity with free and open debate. Champions of free speech walk amongst us, and we are fighting back against this insidious, politically correct, neo-Marxist garbage.

HON PIERRE YANG (South Metropolitan) [11.16 am]: I would like to make a contribution to this very interesting motion in front of us. Like Hon Rick Mazza, I, too, consulted Google for a definition of "political correctness". It states —

... the avoidance often considered as taken to extremes, of forms of expression or action that are perceived to exclude, marginalize, or insult groups of people who are socially disadvantaged or discriminated against.

I will leave the definition there for a moment. I thank Hon Aaron Stonehouse for yet another very interesting and philosophical motion. I like to have discussions and debates about philosophical positions and motions; I always find it fascinating. During my university days as a student of political science, I found these topics fascinating and I always liked to engage in respectful, calm and rational debates about these things. From the outset, I am all for freedom of expression and freedom of speech because, at the end of the day, I am a beneficiary of the great Western liberal democratic tradition; that is why I stand in this place, so I am all for it. At the same time, great rights and freedom comes with responsibility. For example, one of the most notable forms of protection for freedom of speech and freedom of expression is parliamentary privilege, which is a protection offered to members of this place from and against civil and criminal liability for statements made in the course of our legislative duty. At the same time, this privilege comes with conditions. For instance, standing order 45 states —

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

Standing order 46(2) states —

A Member may object to the President that the words used by another Member constitute unparliamentary language, so long as the objection is taken immediately after the words have been used.

Standing order 93 deals with matters of privilege; for instance, misleading Parliament is highly disorderly and can be referred to the all-powerful Standing Committee on Procedure and Privileges for further consideration. As we see, the most notable form of protection of freedom of speech and expression in the state of Western Australia comes with conditions.

I come back to the issue of political correctness, which I referred to at the beginning of my speech. In my humble opinion, political correctness is a noble aspiration of liberal democracy in the west. One hundred years ago, Aboriginal people and people of Asian descent were specifically named in legislation and policies. Now, we are taking a more objective and non-discriminatory approach to issues such as immigration. That is great progress, and says a lot about the great cultural advancement of the Western world, and that is something we should not forget. In some ways, political correctness is an extraordinary and admirable achievement of our age. However, I understand that people have different feelings about political correctness. I am a great supporter of freedom of expression and I respect the views put forward by people such as Hon Aaron Stonehouse. It is a notion that can, if we look at media reports and articles, reflect that some noble ideas and intentions can cause quite some upset in the community. From a political and philosophical point of view, some people feel that they are being invited to look at themselves. In the research that I have done—I will not be tabling it, because it is all private notes—I found that people were invited to see themselves as nastier than we have ever imagined we might be. It is an unbearable feeling of guilt. People were invited to see political correctness in a different way.

If I can use an analogy, political correctness and the way people look at it can be viewed as being taxed on a legacy that we never received. Imagine that we have a wealthy great aunt whom we never met, and from whose estate we never received one cent, and yet then we learnt that we are expected to pay her enormous tax bill. People have legitimate feelings about political correctness, whether for or against. We live in a free country, and people should be free to express such feelings. However, it is not a black-and-white situation. It is not as though people who are in favour of political correctness should be called names, and vice versa with people opposed to political correctness being called other names. It is not so black and white. We can deal with it by employing the notion of politeness, which is the possible solution to this debate. We were all told when we were young to be polite. It is not polite to call people names. It is not polite to be disrespectful. This focuses more on the action rather than the motivation of the action, and in some way our standing orders reflect that. Politeness is what we should all aspire to. I may disagree with some ideas of some members of this place, or some policy positions that they hold, but that does not mean I will resort to calling people names. I can still be polite, and have a calm and sensible debate. I ask members, whether they are for or against political correctness, to be polite and courteous. That is my contribution.

HON AARON STONEHOUSE (South Metropolitan) [11.26 am] — in reply: I thank honourable members for their contributions to this debate. In particular, I would like to thank Hon Pierre Yang for a very thoughtful contribution. He makes a very good point. The question here is not, in my mind, whether hate speech is bad or good—it is clearly bad. It is not whether hate speech should be condemned—obviously it should be. The question is really: do we trust the government to decide what is good and bad speech, and to therefore place restrictions upon it? Hon Pierre Yang raised an interesting proposition, that we pass statutes that broadly apply rules without much nuance, and inadvertently capture cases such as that I mentioned previously, of a 16-year-old Aboriginal girl in Kalgoorlie who found herself in front of a magistrate for racial vilification. If we can instead apply some tact and civil discourse, and mutual respect, that is a far better way to conduct society and police speech. The right to freely express oneself does not mean that people should feel obliged to say offensive things. Of course, we should respect the opinions of others and engage them in civil debate and discourse. That is a far better way to facilitate a liberal democracy and free society.

Extract from *Hansard*

[COUNCIL — Thursday, 26 September 2019]

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Hon Aaron Stonehouse; Hon Alannah MacTiernan; Hon Rick Mazza; Hon Charles Smith; Hon Pierre Yang

The issue I raised with racial vilification and hate speech laws is that they set such an incredibly low bar for racial vilification. An example that I failed to mention is the case of Tom Switzer. In the early 2000s, he wrote an article critical of the Palestinian Authority. It was not that any Australian Palestinians took offence at what he said, it was that a Palestinian Authority delegation—representatives of the Palestinian government—took offence at his comments about the Palestinian Authority, and then made complaints about his article on the basis of racial vilification. We set the bar too low. Such systems serve only to stifle free speech and do not serve the intention of protecting vulnerable people from racial discrimination or incitement. I might leave it there, because I have run out of time.

Motion lapsed, pursuant to standing orders.