

Australian government mounts attack on Human Rights Commission

By Peter Symonds
14 November 2016

Over the past week, Prime Minister Malcolm Turnbull and his Liberal-National Coalition have used the outcome of a case under the Racial Discrimination Act to mount a vicious attack on the Human Rights Commission (HRC) and its president Gillian Triggs. In a cynical attempt to divert attention from the ongoing crisis within the government's ranks, they have launched a phony "freedom of speech" crusade against the Act.

Under section 18C of the Act, it is unlawful to do anything that is reasonably likely "to offend, insult, humiliate or intimidate another person or group of people" because of their "race, colour or national or ethnic origin." On Friday last week, the Federal Circuit Court threw out a long-running case against the Queensland University of Technology (QUT) and three ex-students who had allegedly contravened that section.

The QUT case underscored the anti-democratic character of the Act's provisions that were being used to sue the three students. Their allegedly "offensive" behaviour consisted in posting Facebook posts expressing their objection to being asked to leave a computer lab reserved for indigenous students. The staff member in charge at the time, Cindy Prior, initiated a formal complaint with the HRC over the Facebook posts, one of which declared: "QUT stopping segregation with segregation?" When no resolution of the complaint was reached within the HRC, Prior took it to the court, seeking \$250,000 in damages from the university and the students.

Turnbull, backed to the hilt by the Murdoch media, is now engaged in a frontal assault on the HRC, accusing it of "bringing" the legal case to court. In an extraordinary attack, he told Australian Broadcasting Corporation (ABC) radio on Monday: "What the judge was saying to the Human Rights Commission is, 'You've been wasting the court's time. You've been wasting government money.'"

Triggs replied on the ABC's "7.30" program last Monday, explaining that her commission did not bring the case to court, but rather carried out its remit, which was to attempt to conciliate the complaint in an effort to prevent it from becoming a legal battle. She said the Act set a "low threshold" on accepting a complaint and, if that threshold were met, the commission was obligated to investigate and seek to conciliate the parties. In the event that no agreement was reached, either party could take it to court.

Undeterred, the Coalition government ramped up the pressure, announcing on Tuesday a joint parliamentary inquiry into the HRC that would examine its procedures and consider amendments to the Act.

Amending or removing section 18C has been a hobby horse of the Coalition's right wing ever since 2011, when Murdoch columnist Andrew Bolt was found guilty of racial vilification for having accused "fair-skinned" Aborigines of taking advantage of indigenous programs.

Last month, before the QUT judgment, the Murdoch media found another martyr for the cause, after complaints were lodged under 18C against cartoonist Bill Leak, who had depicted an Aboriginal father, holding a beer and unable to remember his son's name when told by police to control him. The cartoon was clearly a political dog whistle to racist sentiment that Aborigines are drunks who cannot care for their children.

In waging their campaign against the HRC and 18C, the government and its media allies are posturing as defenders of free speech. This is a sham, and no one should be taken in by it. In the first place, their aim is not to uphold the democratic right to freedom of speech for all, but to selectively remove any legal obstacle to the inflammatory rants of commentators like Bolt and their open whipping up of racism and xenophobia.

Successive governments, Coalition and Labor alike, have made deep inroads into basic democratic rights under the reactionary banners of the "war on terror" and "border protection." The government ministers and media hacks now parading as defenders of the right to "free speech," have themselves backed legislation that severely curtails that basic right.

* In May 2015, the Coalition government passed the Border Force Act, with Labor's support, that made it a crime, punishable by two years in prison, for doctors, nurses and other professionals working inside Australia's offshore detention camps in Nauru and Manus Island to divulge information about the horrendous conditions facing refugees in these far-flung hell-holes.

* In late 2014, the Coalition, with Labor's backing, enacted a new power to jail whistle-blowers for up to 10 years for revealing information concerning anything that the

attorney-general had unilaterally deemed a “special intelligence operation.”

* Under the Counter-Terrorism Legislation Amendment (Foreign Fighters) passed in November 2014 with bipartisan backing, anyone can be jailed for five years, or groups can be outlawed, for advocating “terrorism,” even if no terrorist act actually occurs. “Terrorism” is so vaguely defined that it potentially allows for the prosecution of opponents and critics of the illegal US-led wars in the Middle East.

Such laws are only possible because Australia has no bill of rights or constitutional guarantee of free speech or of other fundamental democratic rights. Moreover, the High Court, Australia’s supreme court, has, in recent years, eviscerated the limited right to freedom of political communication that the court’s judges had previously found to be implied by the country’s 1901 colonial-era constitution.

Moreover, successive Coalition and Labor governments have joined the US-led persecution of Julian Assange and Edward Snowden for the “crime” of exposing the diplomatic intrigues, provocations, human rights abuses and war crimes of American imperialism and its allies, including Australia. In the case of Assange, Canberra refused to take the most elementary steps to protect the rights of an Australian citizen.

The current witch hunt against the HRC is particularly aimed at Triggs, who has already come under intense pressure to resign after criticising the government over its flouting of international refugee law. It was launched just weeks after Solicitor-General Justin Gleeson resigned in protest against the government’s attempt to muzzle him. These attacks underscore the increasingly lawless character of the government and its determination to free itself from the formal strictures of official departments and bodies.

The broad scope of the campaign against the HRC was highlighted in a comment in Murdoch’s *Australian* last Monday by right-wing commentator Jennifer Oriel. Taking her cue from US presidential candidate Donald Trump, she declared it was time to drain the “swamp” of the “human rights industry.” Oriel not only called for the repeal of section 18C and the dismantling of the HRC, but also of the state Discrimination and Equal Opportunity Commission, arguing that “the Australian people cannot afford the vast system of activism swamping taxpayer-funded minority groups, media, academe and the law.”

Like Trump, Oriel and the Murdoch media are making a pitch to wide layers of the population whose lives are dominated by the insecurities and distress caused by unemployment, low wages, casual jobs, poverty and the lack of decent health and education services, and seeking to divert their hostility to official politics into a reactionary direction. At the same time, those who defend section 18C and the Racial Discrimination Act—the Labor Party, the Greens, ethnic and legal organisations, and the various pseudo-left organisations—promote the divisive politics of identity based on

race, ethnicity, gender and sexual preference in order to weaken and divide the working class, and suppress the class nature of the ever-widening social divide.

The social base for identity politics lies in layers of the upper middle class for whom the mechanisms of “positive discrimination,” based on gender and race, have been a useful lever for advancing their careers in academia, the media, the state apparatus and party politics. As the social crisis facing working people has intensified following the 2008-09 global economic breakdown, identity politics has been increasingly promoted to block a unified movement of the working class to defend its common interests against the profit system.

The Socialist Equality Party (SEP) opposes the Racial Discrimination Act, on the basis that it unequivocally defends the basic democratic right to free speech—for all. In other words, the SEP opposes the Act from the left, not from the right. We have nothing in common with the fraudulent posturing of the Turnbull government and its media allies as proponents of free speech, even as they enact laws to muzzle their critics and opponents.

Freedom of speech is not something that can be applied selectively, according to whether one agrees or disagrees with the views being advanced.

That is why, in 2011, the SEP opposed all those—Labor, the Greens and the pseudo-lefts—who cheered the conviction of the right-winger Bolt as a “victory” in the struggle against racism. We insisted that the working class could not cede the fight against racism and xenophobia to the capitalist state—its courts, laws and police—which was itself established on the basis of the genocide of Aborigines and has played the central role in promoting racism ever since, including through the “White Australia Policy,” which operated for more than 60 years.

The SEP warns that while Section 18C is being invoked today against right wingers such as Bolt and Leek, their cases will be utilised in the future as precedents to silence socialist opponents of the political establishment. Under conditions of mounting political economic and social crisis, the ruling elites will not hesitate to exploit the entire battery of anti-democratic laws, developed as part of the “war on terror,” to suppress the emerging opposition and political radicalisation of millions of ordinary workers and youth.

To contact the WSWS and the
Socialist Equality Party visit:

<http://www.wsws.org>