

THREATS TO FREEDOM OF SPEECH

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This special edition of *The Western Australian Jurist* contains a selection of papers from the *Threats to Freedom of Speech* conference. Organised by Dr Augusto Zimmermann and Dr Michelle Evans, together with Mr Andrew Pickford, a Senior Research Fellow at the Mannkal Economic Education Foundation, the conference took place at the Herbert Smith Freehills Lecture Theatre at Murdoch University on 12–13 October 2012. The Mannkal Economic Education Foundation sponsored the event.

Western societies are seeing a gradual erosion of freedom of speech, the causes of which are varied and often done under the pretences of good intentions or security concerns. This very successful conference looked at the history, symptoms, causes and unintended consequences of this assault, and highlighted remedies available to policy makers and the broader public to protect the freedom of speech, so to avoid the path to tyranny and oppression.

Religious vilification laws, Julian Assange and Wikileaks, the Finkelstein Inquiry into the Australian media, and freedom of speech under a bill of rights were amongst the topics debated at the *Threats to Freedom of Speech* conference. More than 100 people attended the event, with speakers and panellists including Dr Augusto Zimmermann, Dr Michelle Evans, Professor Jürgen Bröhmer, Lorraine Finlay, Associate Professor Joseph Fernandez, The Hon Christian Porter MLA, Professor James Allan, Mr Stephen Hurworth, The Hon Nick Goiran MLC, and keynote

speaker Chris Berg, author of *In Defence of Freedom of Speech: From Ancient Greece to Andrew Bolt*.

The contributors to this volume make a strong case for freedom of speech. In the first article of this special issue of our journal, Professor James Allan presents a spirited denunciation of a constitutional bill of rights not protecting, among other rights, free speech. Professor Allan also highlights issues surrounding judicial interpretation and the potential for judicial activism.

Our second article is written by Associate Professor Joseph Fernandez. He discusses the UK's phone hacking scandal and arguing against the then Finkelstein Inquiry's proposal for a 'super regulator' of the Australian media. This article examines, among other things, the origins and nature of the Independent Media Inquiry, the problem the inquiry was seeking to address, and ultimately, the report's recommendations for legislative reform and the reform initiative's ultimate demise.

The next article by the Hon Nick Goiran MLC discusses the role of parliament in protecting free speech. This article looks into whether the parliament can have a meaningful role in protecting the freedom. In particular, Goiran discusses the role of Australian state parliaments in protecting free speech and in limiting it when considered justified by other public interests.

Our last article in this series is written by Dr Augusto Zimmermann. Dr Zimmermann discusses religious vilification laws, arguing that rather than promoting harmony and tolerance among religious groups, they are susceptible to abuse by extremist groups to silence criticism of their beliefs. These laws, according to him, may become a permanent way for

individuals to silence debate by claiming that they, rather than their beliefs, are being attacked.

We hope that the *Threats to Freedom of Speech* conference stimulates further debate and scholarship in this important area. We would like to thank the Mannkal Economic Education Foundation for their sponsorship and support. It is our hope that you may find this selection of papers both enlightening and interesting, and that they encourage thought and debate on the important issue of protecting free speech.