

A criminal act to be punished

THE AUSTRALIAN 12:00AM March 16, 2018

In the defence of free speech, *The Australian* supports the repeal, or at the very least wholesale reform, of section 18C of the Racial Discrimination Act. The section sets the bar so low that ordinary people engaged in necessary debates can be branded racists when nothing is further from the truth. The section was used to persecute three former Queensland University of Technology students over Facebook posts and against our late cartoonist Bill Leak over his take on the irresponsible parenting of some indigenous men.

Inciting violence against individuals or groups is an entirely different matter. It has been overlooked for too long and warrants the attention of politicians. In a recent *Weekend Australian* column, Janet Albrechtsen highlighted the problem of fringe groups such as the neo-Nazi Antipodean Resistance inciting violence towards Jews, gay people and others. The group is responsible for posters depicting a Nazi holding a gun to the head of a man on his knees wearing a Star of David. "Legalise the execution of Jews," the caption says. "Join your local Nazis." The poster appeared outside schools in Melbourne and the Sunshine Coast. Another poster featured a gun pointed at a man with a bullet in his head. He was wearing a "gay and proud" T-shirt. "Get the sodomite filth off our streets," it blared. A poster featuring a swastika and proclaiming "REJECT JEWISH POISON" was glued to the window of federal Labor MP Mike Kelly's office in the seat of Eden-Monaro in NSW. Mr Kelly's wife is Jewish.

Inciting violence is not limited to the Antipodean Resistance. In Sydney in 2012 a boy was photographed wearing a T-shirt that said: "Behead all those who insult the Prophet." Insulting the prophet is a free-speech issue. But telling people to behead those who insult him is a violence issue.

Those behind such incitements to violence, unfortunately, have not been prosecuted, at federal or state level. A law on the NSW statute books since 1989 that prohibits the incitement to violence has not produced a single conviction or prosecution. The Commonwealth Criminal Code Act 1995 has been similarly ineffective, despite prescribing seven years' imprisonment for a person who "intentionally urges another person, or a group, to use force or violence against a group" with the intention that violence will occur and the targeted group is distinguished by race, religion, nationality, national or ethnic origin or political opinion. NSW Jewish Board of Deputies chief executive Vic Alhadeff is rightly concerned about ineffective state and commonwealth laws. In November, unfortunately, the NSW cabinet knocked back an attempt by Attorney-General Mark Speakman to bring in a more effective incitement law. The opposition, as Albrechtsen identified, came from conservative NSW ministers including Treasurer Dominic Perrottet, Counter-Terrorism Minister David Elliott, and Planning and Housing Minister and Special Minister of State Anthony Roberts. After the section 18C furore, ministers feared that an effective law to prevent incitement to violence would be regarded as yet another concession to political correctness. That would be patently false. Preventing incitements to violence is not about limiting free speech or preventing offensive insults or hurt feelings. It is about public safety. It is where federal and state attorneys-general need to draw a thick black line.