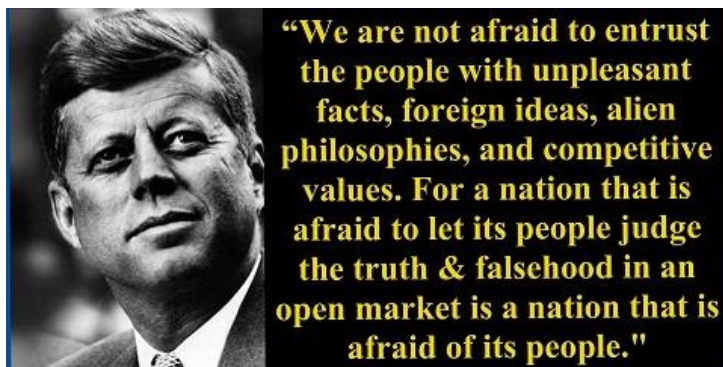


# Let Us Not Fear Speech

Upon invitation from the Department of Communications et alia, conducting an investigation into the draft of the Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023, concerning what comments the Australian public will be permitted to freely make, I request that the following proposal be taken into consideration.

Philip Lillingston, [REDACTED]  
[REDACTED]



## Proposal

That the current Australian government dispenses with the idea of further violating Australians' right to free speech, as defined below, and appreciate that not only is it not omniscient and has no justification to know what is scientifically or morally absolutely true, but that an honest and well-meaning government, like honest and well-meaning people, should have no reason to fear what others say.

## What Free Speech Means

### What is free speech?

Speech where the speaker is expressing an honestly held political, religious, demographic, historical opinion, or opinion as a part of formal or informal academic study.

### What is not free Speech?

1. Libel or slander,
2. Comments threatening or advocating criminal violence,
3. Comments the speaker unquestionably knows are false but are made to cause harm to listeners who believe they might be true,
4. Obscenity or Pornography,
5. Copyright violation, trade secrets, harmful or dishonest product labelling, violation of oaths or contracts.

### What type of right is free speech?

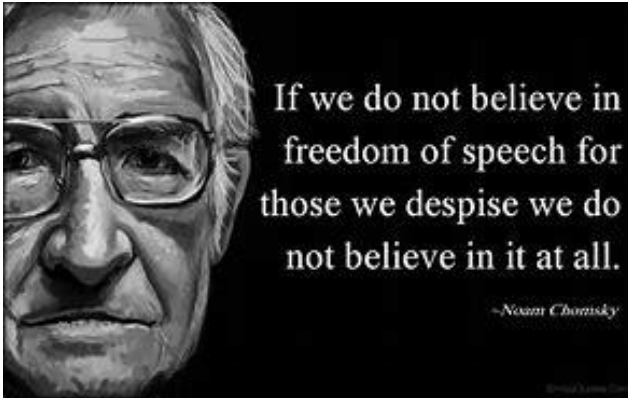
#### Negative right

Free speech is what is called a negative right. As compared to positive rights where the claimant has a right to a financial or otherwise benefit, a negative right is the right of self-mastery to do, or refrain from doing, an action, or otherwise be free from interference.

The right of free speech does not mean that the claimant must be granted a soapbox and megaphone, or that a publisher must broadcast whatever his journalists opine, but only that the speaker cannot be denied using his own soapbox, website or newsletter.



## Protection from whom?



The right of free speech is only exercised as a protection against government or its agencies. This is not to say that non-government entities have a right to use force to violate one's free speech, but only that laws already exist to prevent such coercion or damage to property, and where laws or contracts are not broken, one citizen does have the right to prevent other citizens from speaking.

"The freedom [of speech] is a freedom from governmental action; it is not a right to require others to provide a means of communication." Hayne, J, *McClure v Australian Electoral Commission (1991) HCA*

## Historical Declarations Promoting Free Speech

### Declaration of the rights of man and of the Citizen. (1789) Article 11

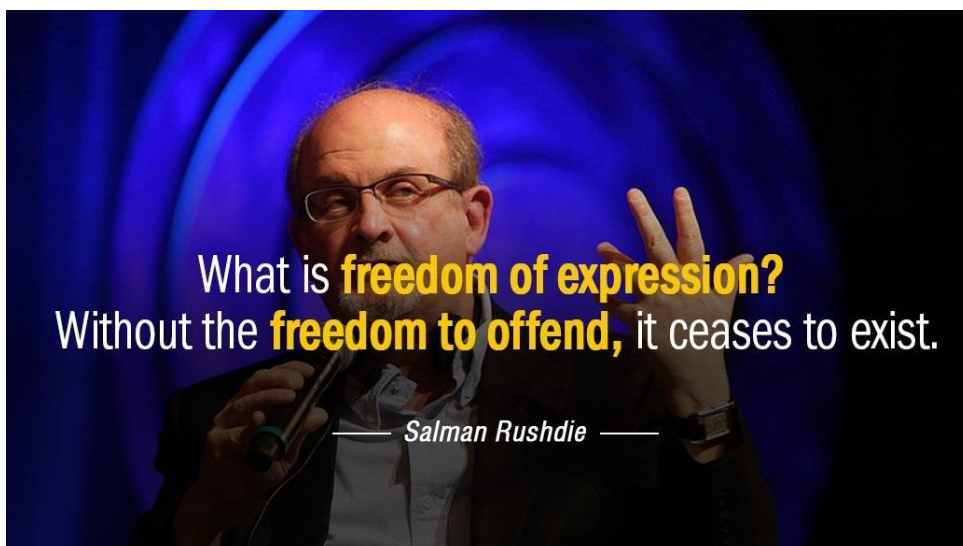
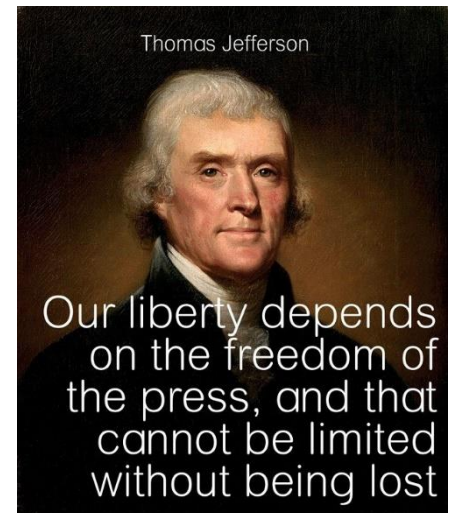
"The free communication of ideas and opinions is one of the most precious of the rights of man."

### United States Constitution (1791) First Amendment

"Congress shall make no law ...abridging the freedom of speech, or of the press..."

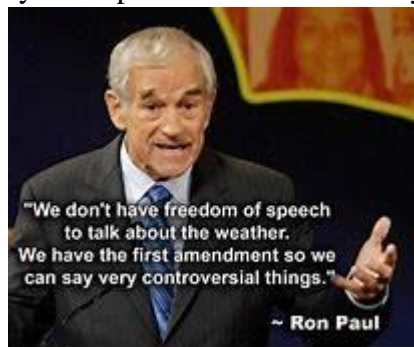
### Universal Declaration of Human Rights (1948) Article 19

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."



## Famous Quotes

- " If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence.  
Louis D. Brandeis, *Whitney v California* (1927) SCOTUS
- If liberty means anything at all, it means the right to tell people what they do not want to hear",  
-words from George Orwell's proposed preface to *Animal Farm*
- "In a time of universal deceit - telling the truth becomes a revolutionary act." -George Orwell
- "If you believe in freedom of speech, you believe in freedom of speech for views you don't like. Dictators such as Stalin and Hitler, were in favour of freedom of speech for views they liked only. If you're in favour of freedom of speech, that means you're in favour of freedom of speech precisely for views you despise". -Noam Chomsky



- "To suppress free speech is a double wrong. It violates the rights of the hearer as well as those of the speaker." -Frederick Douglass
- Freedom of speech is freedom above all for those whose views you dislike the most. -Peter Hitchens.
- If freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter.
- "When one makes a Revolution, one cannot mark time; one must always go forward - or go back. He who now talks about the 'freedom of the press' goes backward, and halts our headlong course towards Socialism." -Vladimir Lenin

Implicit in  
**Right to Freedom of Expression**  
 is  
**RIGHT TO OFFEND**

**I have the Right to**

- Offend your sacred symbols
- Offend your sensibilities
- Offend your emotions and feelings
- Offend your country, your institutions and your governments
- Offend your leaders, your political parties and administrators
- Criticize and ridicule your religion, your customs and your traditions
- Hate your guts and what you stand for