



As Unis Stifle Free Speech, We Need A Law To Stop The Rot

Publish Date:

September 2018

The federal government needs to introduce US-style campus free-speech legislation to safeguard free intellectual inquiry and open debate at Australia's universities.

We are in the midst of a campus free-speech crisis. Universities have cancelled speakers, censored academics and charged special security fees for conservative speakers. This month a police riot squad was called to the University of Sydney in response to students violently disrupting an event with psychologist Bettina Arndt.

Earlier this year geophysicist Peter Ridd was sacked by James Cook University after expressing a contrary position on the health of the Great Barrier Reef. Last year Monash University and the University of Sydney capitulated to demands for course content censorship — including a quiz and a map — by nationalistic Chinese international students.

Also last year, the University of Sydney Union attempted to block the screening of *The Red Pill* because, it was claimed, the mere showing of the video could “physically threaten women on



campus". In 2015, the University of Western Australia rejected Bjorn Lomborg's Consensus Centre after he was targeted by students, academics and media for his views on climate change policy.

These are not isolated incidents. Academics have voiced concern about the progressive monoculture at our universities jeopardising research and teaching. Students with a different perspective are too scared to express their contrary opinion.

Meanwhile, risk-adverse university bureaucracies succumb to censorious demands. Universities also maintain policies that chill free speech by preventing insulting or unwelcome comments, offensive language or, in some cases, sarcasm and hurt feelings.

Activist students are couching their demands for censorship in the language of safety — the absurd claim that merely hearing an idea can make people unsafe.

In recent weeks this logic reached the federal Labor opposition. Opposition universities assistant spokeswoman Louise Pratt declared the "welfare" of students and staff was more important than "promoting debate". Despite the mounting evidence to the contrary, Pratt also said: "I don't think there's a problem on campuses in relation to free speech." This is a big change of tune from Labor. In 2011, the Gillard government amended the Higher Education Support Act 2003 to require universities to "have a policy that upholds free intellectual inquiry in relation to learning, teaching and research" as a condition of receiving federal funding.

This protection, however, has proven vague and has never been enforced. The Institute of Public Affairs' Free Speech on Campus Audit 2017 found that just eight of Australia's 42 universities had a stand-alone policy that protected intellectual freedom.

Universities are mostly public institutions, built on public land, established by state law, and they receive the bulk of their funding from the taxpayer and state-subsidised loans. The public has an interest in ensuring they are able to fulfil their fundamental role: free debate in the pursuit of truth. Federal Education Minister Dan Tehan has said the Morrison government is concerned that free speech is under threat.

In response to serious threats to campus free speech, a dozen US states, from North Carolina and Wisconsin to Missouri and Virginia, have legislated to safeguard free expression on campus. Legislation has been introduced, but not passed, in a further dozen states. This legislation has included provisions that:

- Require university policies uphold free expression, in the spirit of the University of Chicago's statement on free expression, which states that "it is not the proper role of the university to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive".
- Allow academics and students to express themselves freely in both the classroom and public debate.



- Prevent universities from cancelling speakers invited by the campus community.
- Mandate disciplinary sanctions for students or others who repeatedly interfere with the free-speech rights of others.
- Oblige universities to remain neutral on issues of public debate, and therefore encourage a wide array of viewpoints.
- Necessitate an annual report to the public on the handling of free-speech matters.

Australia should adopt similar legislation. This would not be a radical departure from the status quo which, following the Gillard government amendments in 2011, already requires universities to uphold intellectual freedom. This new law merely would give teeth to existing provisions by empowering the Tertiary Education Quality and Standards Agency, which regulates the sector, with a specific mandate.

Federal law, and even university policies, cannot alone fix what is fundamentally a cultural and structural problem. However, they are important to send a signal to administrators, academics and students that the purpose of a university is to freely explore ideas, not to mollycoddle.

Originally published in:

The Australian

Original Link:

<https://www.theaustralian.com.au/opinion/as-unis-stifle-free-speech-we-need-a-law-to-stop-the-rot/news-story/82e2ab6771c1704a6ce7c2133685abb8?csp=c061c5131671668cdc7c3e61c011ffdf>