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COMMENTARY

PM MUST REFORM 18C NOW, AS FREE SPEECH IS NO 'GIMMIE'

We all lose if Malcolm Turnbull doesn't address the Racial Discrimination Act

JANET ALBRECHTSEN



In March, the Attorney-General said there were more important issues on the agenda than reforming free speech laws. Last week George Brandis again ruled out removing "insult" and "offend" from section 18C of the Racial Discrimination Act. A focused government can fix both the budget and free speech with the Turnbull government floating around with no economic or cultural ballast, reforming section 18C might repair some of the brand damage done to the Liberal Party in the last three years. If not now, when?

described Leyonhjelm as an "angry white male," a "boorish, supercilious know-it-all." Why shouldn't Leyonhjelm claim Kenny's words are reasonably likely to offend? Or is the law seriously saying white people don't have feelings? And that raises the third reason why Turnbull should act. The Federal Circuit Court will soon decide whether a section 18C case against three young students from Queensland University of Technology will be tried. Three years ago, a few students were evicted from an indigenous computer lab by indigenous woman Cindy Prior for not having the right skin colour. In response, one student wrote on Facebook: "Just got kicked out of unsigned indigenous computer room. QUT stopping segregation with segregation."

able to work for three years. Leyonhjelm's section 18C complaint is a useful stunt. But a stunt nonetheless. Prior's case is a stunt. It provides an even more cogent reason for reforming 18C. Whether it goes to trial or not, everyone is a loser in this case. First and foremost, the students for posing innocuous comments. These young men simply want to study and work and forge a career without being branded bigots. They don't want to be cultural warriors fighting to defend their right to free speech. But that's what they have been forced to do, engaging lawyers, spending time and energy on a case that makes no sense.

The second loser is Prior. A law that encourages a person to become a hapless victim by claiming her feelings have been hurt by a few words on Facebook is a law that inflicts that person. It encourages Prior to see herself as weak and vulnerable, incapable of dealing with the most trifling of words. And the third loser is us. Laws that infantilise Prior also infantilise us by allowing feelings to trump reason. Laws that slap a bigot label on students for a few words posted on Facebook are laws that stand ready to label any of us if things don't deviate from the stifling orthodoxy of political correctness. Laws that stifle free speech soon strangle debate and then progress is shackled too.

The commissioner's media adviser advised me this was a race issue and accordingly the Race Commissioner would comment. Sure enough Race Commissioner Tim Southpommansae said that "Aboriginal Australians who have been racially offended, insulted, humiliated or intimidated ... can lodge a complaint under the Racial Discrimination Act". With calls even from the Race Commissioner for people to complain under section 18C, I suggested to the commissioner's media adviser that it was also a free speech matter. I repeated my request for a comment from the Human Rights Commissioner, who is charged with responsibility for the human right to free speech. There was only silence on that front. The Commission decided it was a race issue. End of story.

When claiming money for hurt feelings under section 18C takes precedence at the Australian Human Rights Commission over defending the human right to free speech, it's clear our culture is being corrupted by the very institution charged with protecting human rights.

The foyer of the commissioner's offices in Sydney openly exhibits that corruption. A floor-to-ceiling glass wall adjacent to where visitors sit says: "Everyone has the right to a standard of living adequate for the health and well-being of themselves and their families". Do I really have a human right to demand a certain standard of living from the government? Who determines what that standard of living is? Me? You? Some make-work bureaucrat at the commission trying to justify a sky-high salary? What about my responsibility to create a standard of living for myself? Speaking at the Sydney Opera House last week, PJ O'Rourke identified the core of this rights trumping of gimme-rights over get-outta-here rights. Gimme-rights are when you claim you have a human right to get something like more than \$240,000 for having your feelings hurt. The get-outta-here rights mean you have a right to get government out of your life — say a student who expects to be able to freely post a few pointed comments about QUT's boneheaded segregation without being hauled before a court. Too many politicians are also accustomed with gimme-rights rather than defending get-outta-here rights gives politicians things to do. When was the last time a politician with real power promised to get out of our lives and deliver on that front?

MARKET SHOWS SET UNI NUMBERS

Governments have never been good at deciding how many people can study what

RICHARD HOLDEN

Last week federal Education Minister Simon Birmingham laid the groundwork for changing university funding because of concerns about the number of students studying this discipline or that. As he put it: "We need to find a method that drives an outcome that is more attuned with what the employment market demands." If only there were some institution that could match supply and demand, communicate and aggregate dispersed information and make good decisions for us. He provided incentives for producers to deliver products that consumers wanted, at the lowest possible price. Oh, wait, there it is. It's called the market. To be fair to the minister, he showed little faith in Soviet-style planning, saying he didn't favour "going back to a model driven by a bunch of officials sitting around a table in Canberra randomly allocating a number of places for each university". But he also has far too little faith in markets. He wants to

FRIEND OR FOE? OUR CHINA DILEMMA IS OUR BIGGEST TEST

To get rich is glorious, but embrace of China has great risks

PAUL KELLY



Australia's ability to manage successfully its biggest post-war strategic challenge now hangs in a condition of uncertainty and amid this confusion the intellectual elites of Australia and China are warring. The Partnership for Change joint economic report is an aspirational blueprint for both countries and a wake-up jolt — the recommendations stress the "business-as-usual" features of the Australia-China relationship. It is the most comprehensive review for several decades of Australia's most important economic partnership. There could not be a better time for its release. Beijing is militarising the South China Sea in defiance of global norms; Scott Morrison is imposing national security on the biggest settlement now concentrated in Chinese territory. This report is illuminating and confronting, an unshaded work by elites at a time when experts are discredited as politics is dumbed down. It is a joint blueprint on how Australia should maximise its economic gains from the China relationship — and in the process it highlights something else, namely the alarming gulf between elite opinion and the nation's political reality. Recognising Australia-China relations are certain to become more important, the report has a 10-year aspiration to take relations to a "wholly new level". It seeks a comprehensive strategic partnership for change embodied in a series of initiatives that aspires to lift relations to a formal treaty status. The upshot is obvious: the se-

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The bottom line is that the market for tertiary education in Australia functions pretty well. influence the number of places offered in law, business or veterinary science by tweaking university funding for different disciplines. That approach is dangerously interventionist — and much closer to the command-and-control system the minister rightly criticised — than he seems to appreciate. This "funding manipulation" is a rabbit hole that ignores three key facts about the tertiary education market in Australia. First, students have more information about degree and course offerings than ever. Students often select courses based on blogs and message board posts from other students about the course content and the quality of the instructor. When choosing a degree there is even more information available. Since the students are paying a good chunk of their fees themselves, they have every incentive to choose wisely. We trust these students to vote, by a car, rent a property and manage their own lives in every other respect. Why do we think they can't decide which university degree looks valuable and meets their needs? Second, employers, in their hiring decisions, send very clear signals about what qualifications and skills they deem valuable. I don't think anybody seriously questions the ability of employers to make these judgments. And their preferences have a direct impact on probably the most important thing in the mind of students: what kind of job they will get when they graduate. Students who graduate with

HOT, HARD AND FAR FROM HOME FOR OUR TROOPS IN IRAQ

Australia has played a significant role in helping Iraqi forces take the fight to Daesh

MARISE PAYNE

Two years after Daesh confronted and appalled the world, it has turned significantly, and the men and women of the Australian Defence Force have played an integral role. Daesh's ability to fight has been significantly reduced, thanks to the efforts of Iraqi security forces, backed by coalition support. Daesh has now lost more than 40 per cent of the territory it once held in Iraq and around 20 per cent in Syria. Daesh's capability has been reduced; its fighters are becoming increasingly demoralised as they are progressively driven from towns and villages, and as coalition air strikes cut off vital sources of funds and support.

When Iraq's security forces began the campaign to retake Fallujah in June the sounds of the battle could be heard at Taji, which is just 70km away. Iraqi soldiers conducting just hit-and-run tactics and the time did not even stay for a graduation ceremony before heading to Fallujah to begin the fight. The success of the campaign has presented new challenges. As each location is liberated, a force is required to hold it secure, which limits the number of Iraqi troops that can be used in the front line. This is where the Australian government's recent broadening of the scope of our Building Partner Capacity mission in Iraq to include Iraqi stabilisation forces, such as the federal and local police will further assist. These trained forces will free up the Iraqi Army to do what they were trained to do — fight Daesh.

Our Special Operations Task Group has also been playing an important role supporting the Iraqi Counter Terrorism Service, who took a leading role during the liberation of Fallujah and Ramadi. Their advice and assist remit is broad, with Australian forces helping with everything from mission planning, through to helping set-up the coalition's medical clinic, which has saved the lives of countless Counter Terrorism Service members. An Australian Air Mobility Task Group has been deployed in the Middle East since 2003 and continues to support operations around the region. The Operation OKRA focused Air Task Group deployment is larger and more complex and will mark its second anniversary in September. This is a significant commitment. During the past two years, both our KC-30A refuellers and our E7-A Wedgetail command and control aircraft have achieved full operating capability, while our Super Hornets and Hornets have completed more than 1600 strike mis-

sions. Our "classic" Hornets are around 30 years old and have a mission success rate of 97 per cent which reflects the professionalism and dedication of the men and women of the Australian Air Task Group, who as a first hand, can often fly over the aircraft for 10 minutes at a time because of the blistering summer heat in the Middle East. Our Air Task Group is conducting operations across Iraq and into Syria, with strikes recently conducted on targets in Daesh's major strongholds. Whether they are embedded within the coalition HQ, part of the Building Partner Capacity mission, the Special Operations Task Group, the Air Task Group or one of the many men and women supporting and enabling these activities, the members of the ADF are not just proud of the contribution they are making. It's hot, it's hard and it's a long way from home and family. But they are very good at it and they are making a real difference. The focus of coalition operations is

turning the liberation of Mosul, where Australian Forces will once again have an important role to play. Daesh has proven remarkably adaptable and their prospective military defeat as the campaign prepares to take Mosul will likely see them continue their adoption and employment of the appalling tactics of a more traditional terrorist organisation. Daesh 2.0 and remain capable of launching horrific attacks, such as those we have seen recently. The liberation of Daesh strongholds in Mosul and Raqqa will be vital to the eventual collapse of Daesh's so-called state and will deny the organisation its most important propaganda tool, control its funding sources, and weaken its appeal to foreign fighters. The continuing task will be the security and stabilisation of territory as it returns to Iraqi responsibility. The importance of that task cannot be underestimated. Marise Payne is the Minister for Defence.

