

## Cut Through, April 24, 2026: Is “free speech” an Australian value?

*All timestamps are approximate*

Crystal Andrews (00:00)

Hello and welcome to Cut Through, Crikey's spin-free analysis of Australian news, politics and power. I'm your host, Crystal Andrews, and if you support independent media and you haven't done so yet, take a moment now to subscribe, rate and review the podcast. They're all very small things that you can do to help us grow. On today's episode, we'll be discussing the latest developments regarding contentious laws attempting to restrict protest in New South Wales and Queensland.

We'll start in New South Wales, where just last week, the Court of Appeal ruled that laws introduced by the Minsk government to limit protests were unconstitutional. These laws were pushed through parliament in the aftermath of the Bandai terror attack and ahead of Israeli divisive visit to Australia. To help us understand the legal impact of this ruling, I'm joined by Isabel Reinecke, founder of strategic litigation nonprofit Grata Fund.

Isabelle, welcome to Cutthroat and thanks for joining us.

Isabelle Reinecke (00:56)

Thank you so much, Crystal, glad to be here.

Crystal Andrews (00:58)

Now, regular listeners of Cut Through might remember that we did little bit about the changes to the New South Wales protest laws a little while back on a previous episode that we did with lawyer Michael Bradley. If anybody wants to go back and listen to it, the link for that will be in the description. But for those of us who are new to this story right now and maybe don't have that context,

Could you give us a brief summary of what the Minsk government had tried to change? Or I guess they did successfully change at that time.

Isabelle Reinecke (01:28)

Yes, definitely. So what the Moons government did is introduce something called the PARD scheme, P-A-R-D, which enabled the police commissioner to declare really big areas of Sydney, essentially protest free for up to a couple of months at a time, ~ if there had been a terrorist event. And interestingly, that terrorist event didn't have to have taken place even anywhere in Sydney or Australia. It could have been something that happened anywhere in the world that triggered this right for the police commissioner to effectively ban protest.

The tricky piece about it, which is worth understanding the context that came before that regime, is that Australia, sorry, New South Wales already had a less than perfect, I think fair to say, protest regime. And what that has meant is that protesters, if they're organising one, would need to apply for something called a Form 1, which gave the police the ability to say yes or no, you

can go ahead with the protest. And that's criticised because it's saying, well, effectively we need permission to protest and that's actually not consistent.

with our international human rights.

protections and arguably Australian human rights protections as well. But at least under that system, if the police said, no, you can't go ahead with the protest, protesters could go to court and say, hey, we think the police have made the wrong call here. Can you have another look at this? And that's why we've seen a lot of court cases over the years where protest organizers have been declined to form one by police. And they've gone to court and had the court either agree or disagree with the police. In this instance with PARD, it just really meant that automatically form ones were being

rejected. And that's what happened with the protests in Sydney in February, which was that protest organizers sought a Form 1. It was rejected under this PADS scheme. And the reason that created further problems is it meant that people could have criminal charges when they typically wouldn't at a protest. So usually if you got a Form 1, your process would take place. And the sort of rules that typically apply wouldn't apply for a period because police and government understand, OK, you want to have a protest. That probably means people are going to

walk a bit, you there might be some disruption and that's okay we're not going to fine you or criminalise you for it. What this meant is that no matter, you know, whether you're in a legitimate protest or not you could be charged criminally and it also gave the police extra powers to move people on that they don't typically have which resulted I think in some of the real escalatory stuff that we saw in Sydney.

Crystal Andrews (03:52)

Yeah, I think on that previous episode, the way that Michael Bradley had explained it is that it's not like the police with the Form 1 can give you permission to protest or not, it doesn't take that right away, but there additional protections, as you say, that would be afforded that are removed, in this case, removed carte blanche

Isabelle Reinecke (04:14)

It basically just meant it's impossible to protest without.

breaking a law ~ versus under a Form 1, you would have an opportunity for those laws to be suspended for a moment. I mean, effectively though Form 1, I think it's fair to say there are lot of criticisms of that system that while, they don't remove the right to protest technically, it can give people that feeling. So under a Form 1 where a protest organizer may be told, no, you're not going to get it, people do have the right to still protest, but they might feel actually not very comfortable about doing it because they don't want to be risking other charges.

Crystal Andrews (04:19)

you

bringing us to sort of the latest developments last week, we had two groups, Palestine Action Group and the Black Caucus, who ~ were challenging those changes throughout the court system. And the highest court has now found in their favor, found that the laws, I'm just going to get the right wording here.

is not legitimate under the constitution. know, fair to say these rulings come with a lot of legalese and it's not always exactly clear what it all means. So for those of us who don't have a legal background, like what is the best way to understand this ruling and the reasoning behind it, like why they found this way?

Isabelle Reinecke (05:23)

Yeah, sure. So the term the legalese that you'll hear is the implied freedom of political communication, which I realize makes most non-lawyers kind of want to put their head down on the desk, but it's actually quite exciting for lawyers because it's essentially a value that the court has decided a long time ago, about 30 years ago, that ~ without the ability to talk about politics and to express your political views in Australia, the rest of our democratic system falls over, it can't function. And so what that means is in the constitution, there is this

Crystal Andrews (05:29)

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Isabelle Reinecke (05:53)

principle that people need to be able to communicate about politics. And the court also accepts that, sometimes there might be legitimate reasons why a government might need to temporarily limit a form of political communication. And it's accepted that there are some circumstances where that happens. But in this case, very, very decisively, the court found that actually there is really not a legitimate reason for this law to exist. There are a few tests. I won't kind of bog you into the detail of the test.

but

effectively the court even went beyond the first step that could have said no on that basis and said there's no legitimate purpose for this. But they also actually said that beyond that, even if they had not, even if the police hadn't lost on that first count, on the next count, actually it's not an appropriate or adapted form of law either. So effectively it went way too far and it wasn't for a legitimate purpose. And I think there was some really interesting discussion by the court of what that means.

because the New South Wales government, New South Wales police were saying, you know, it's about social cohesion, this law. And the court really, you know, questioned that definition of

social cohesion and the idea that ensuring that a subset of community doesn't cause a dis-ease or, you know, offence to another subset of community is actually not a sufficient reason to shut down political communication.

Crystal Andrews (07:15)

That point is very interesting, think important to understand because even outside of New South Wales, and there'll be a discussion later on the episode about laws in Queensland, that argument about social cohesion and comfort ~ is the one that's being advanced as the justification, the basis for a lot of the moves by governments and by police in the action against protest that we're seeing. So it's interesting that that's been specifically

pointed out by the court in New South Wales.

Isabelle Reinecke (07:46)

is also just a really interesting one in the context of protest, because actually, know, social cohesion, okay, that's, you're not aiming for everybody to agree in social cohesion. You're trying to have a group of diverse people, large group of diverse groups of people to be able to function as a society. And actually protests for, you know, provide actually really useful tool for social cohesion, because they provide a release valve to people when they feel like their voices aren't being

heard. So actually, conversely, restricting protests, I would argue is actually bad for social cohesion itself.

Crystal Andrews (08:22)

Yeah, I would say that would be a position a lot of crikey subscribers and listeners of this podcast would absolutely agree with. ~ Is this the end? Can the New South Wales government, you know, challenge this ruling? Is this the end of the road in terms of the decision on those laws now? Yep. Yep.

Isabelle Reinecke (08:26)

you

Yes, I mean, this is extraordinarily decisive by the New

South Wales Court of Appeal. ~ And, you know, what comes next for the New South Wales government is, you know, do they want to pass new different legislation that they think actually would work under the Constitution? We'll have to wait and see what happens there.

Crystal Andrews (08:55)

Yeah.

there is a big question that still kind of hangs over all of this, which is what this ruling and the fact that these laws now are, comprehensively struck down, ~ means for the people who were

arrested or charged at that Sydney protest against Isaac Herzog. will there be, I'm not sure exactly what the right language is for this, but

Will it be that we see people have either charges dropped or withdrawn on the basis of this ruling, even potentially see people seeking their own legal remedies for being pursued under what is now an unlawful law?

Isabelle Reinecke (09:31)

Yeah, I mean, it's a really interesting question. I mean, you would hope from a purely political perspective that the charges are dropped against people. ~ But it is a little complicated by the legal regime that existed because the police in this instance had power under two different bodies of law, one which has now been deemed illegal, but they also had powers under a major events rule. So it's possible that police will say, no, these charges are legitimate because they were made under this major

events power not under the PAD scheme. So we're to have to wait and see what they say. A court may legitimately look at that and say, well, we actually can't really tell which one that you are acting under. And so we're going to say that these charges shouldn't apply.

so that leaves us to kind of wait and see what happens with the, with the charges that have been laid so far. There's a separate question, which is interesting about, you know, people who were assaulted by police and whether they might like to take legal action. And it does seem like there may be some legitimate claims, civil claims against the police force for damages. We don't

like to see police assaulting people. I think that's a pretty reasonable expectation in society. And the court may agree that actually the police behaviour, regardless of the powers actually, were just went above and beyond. that may have occurred actually, even if the Pard scheme was still lawful, that police behaviour, know, the police do not have a right to beat people up basically. So it would be interesting to see if people do pursue claims against them.

Crystal Andrews (11:04)

I mean, you're right to point out that separately to, you know, these laws now kind of being thrown out there, there also was the separate investigation into police conduct that has been heavily criticized, but it is going ahead. As I understand, I think there's going to be public hearings later this year relating to it. they were taking submissions from the public about things that they, you know, things that they saw or perhaps experienced themselves. So there definitely will be more to come.

relating to this specific protest even, you know, even aside of the unconstitutional ruling of last week. I think that is the part that, you know, has made this one story really seem so important to a lot of people is because it is just one example in what is a broader pattern of governments working with police to really restrict protest to

Isabelle Reinecke (11:38)

Absolutely.

Crystal Andrews (11:58)

what seems like deter people from attending protests. I think for myself, it feels like that is ramped up in the past few years. What do you think is driving that impulse? I guess I should first say, you know, do you do do you agree with that assertion? And if you do what is driving that, what's driving that behavior?

Isabelle Reinecke (12:16)

Yeah, I definitely do agree with it. think we're seeing a lot of trends both in the level of restriction, the heavy handedness of police at protests. ~

And it is an increasing trend and I think it's interesting in a context in a political world where people are trying to express their views by public forums where they feel like their voices aren't being heard or they have no other way to access power. you know, I think that's why we have seen a lot of climate protests. We've seen a lot of protests about police mistreatment of black people, of black deaths in custody, men's violence against women. We've seen a lot of protests on, obviously, of course, also seen a lot of protests

about Australian government's response to the genocide in Gaza. People have concerns that they are not seeing, heard and taken seriously by the people who have the power to make decisions in our country. And when you have no other way to go, protests tend to be a place that people do go to. And we know the protest is effective in Australia, that it has created really wonderful shifts in our society and we're a better place for those protests. know, at same-sex marriage equality as one recent and fabulous example of the need

for protests and the value of protest over time, both for building community, as I say, social cohesion and as an outlet and that release valve for a community when it is being ignored unjustly, ~ but also as a mechanism of change making. So I think you've seen an increase in this really sense of dissatisfaction, a lack of agency between what people are saying to government and what is then happening in government ~ that leads to increased protest. But I think we've also seen the normalisation of restriction on protests

in recent years that is really concerning. And I think really to me, the root of that is the fossil fuel industry. And it's very public work over the past decade or so to restrict protest rights around Australia and also around the world. Apparently Australia is one of the most criminalized jurisdictions in the world for climate protests. And you hear that from fossil fuel executives themselves at their conferences. There was one about a year ago where major fossil fuel executives were talking about the fact that they had effectively won the

narrative on protests because they had shut down so many protest rights across Australia. And that has really just normalised this idea that government can restrict protest and you're seeing that now be extended and extended and extended. And there are, you know, concerning signs that governments are going to continue to remove protest rights where it is politically

inconvenient for them to have on the front page people protesting about decisions that they're making.

Crystal Andrews (14:51)

It is a issue that is certainly not going away. But Isabel, I really appreciate you walking us through this most latest ruling today. And it's one we'll continue to follow on Crikey. So thank you very much.

Isabelle Reinecke (15:06)

You're so welcome.

Crystal Andrews (15:07)

In Queensland, we're seeing a different approach policing people's language rather than their presence. So to unpack that side of today's discussion, I'm joined by comedian, author, lecturer in journalism at the University of Melbourne, and most importantly, crikey columnist, Sami Shah. Sami, welcome to Cut Through.

Sam Shah (15:26)

Thank you so much for having me.

Crystal Andrews (15:28)

Let's talk about what the hell is going on in Queensland in response to speech laws that were introduced by the Chris Ffully government, banning the phrases from the river to the sea and globalise the intervata, which I can say as a journalist and we can say on this podcast as a journalistic product, but people and protesters in Queensland at the moment cannot say, which is

laws that have been put to the test last Friday by one group which staged what I think is probably the most unique protest that I've seen in Australia, a John Farnham flash mob for Palestine. Let's see if I can play you a little clip and I'd love to get your thoughts on it.

Crystal Andrews (16:36)

I mean, the sax coming in was, I think, my favourite moment.

Sam Shah (16:42)

I

really struggle with this because it's one of those things which I want to feel the vibe of the moment but I didn't grew up with Farnham I'm from Pakistan, John Farnham didn't cut through so that kind of nostalgic love for everything Farnham related which by the crikey editors are obsessed with the guy I just don't have it so even that song I had to google it and then listen to it once and I was like it's alright not my cup of tea whatever

Crystal Andrews (17:07)

Yeah, it's true.

Oh, for me, it transports me immediately back to my childhood. I'm right back there in the living room in like 1997 or whatever it was.

Sam Shah (17:15)

Look, if there's a values-based test for immigrants, John Farnham better not be on it, is all I'm saying, because we will all fail.

Crystal Andrews (17:21)

Well, I guess,

you know, the point of that song being, you know, the it's been taken up as like the theme song for these protests because of the lyric in it, ~ from the river to the sea, which is not used in the song, I guess, to be clear in support of Palestine. But it is of course the band phrase. And I mean, we're having like a bit of a, you know, giggle about it and it is meant to be clearly meant to be quite tongue in cheek. But it is also like a genuine

Crystal Andrews (17:50)

challenge to these laws and Queensland police did arrest 20 people at the time that I last checked on from this protest on charges of either displaying or reciting a prohibited expression and I guess that the potentially could be more to come. And so Sammy, I wanted to pick up on something that you would written in a column about these laws. You wrote speech laws always sound much more sensible in theory than they look in practice.

In theory, who wouldn't oppose hateful speech in practice, the category turns to mush the second you lean on it. What did you, what do you mean by that?

Sam Shah (18:22)

I mean, I think it's the idea around how do you define hate speech, because on a general level, you know, nobody wants hate speech. Everyone is agreed that hate speech, know, spewing any kind of hate is a bad thing. ~

This kind dates back to early cancel culture stuff from the 2010s even, where it was like we're not cancelling people, we're just against hate speech. And even then the problem was always the same. One person's hate speech is possibly another person's truth or personal expression or whatever.

When you start getting into these definitions, know, from the river to the sea is a very specific example where if you're a Jewish Australian who is also, you know, is committed to Zionist ideology with regards to the nation of Israel, then the phrase from the river to the sea can be seen as anything from an expression of dispossession to an expression of genocide or intention towards genocide.

But if you're a Palestinian or a pro-Palestinian, it might be meant as a as an expression of inclusion. It might be meant as an expression of criticizing Israeli policy towards Palestinians. Or it might be, and I've heard it used that way, meant as an expression of genocidal intent. So it is kind of varied in that regard. And, know, I'm a minority. I'm an ex-Muslim. If I criticize Islam, am I committing hate speech against Islam? I, you know, people within intra-racial communities

there's all kinds of language we have, the idea is always great. The problem with policing law and that phrase you used, for example, that the police had arrested 20 people over, which was, can't remember the exact wording. Can you just read that out again? That they arrested people for signage and...

Crystal Andrews (20:07)

They arrested people for displaying or reciting prohibited expression.

Sam Shah (20:11)

There we go.

Reciting prohibited expression is a bizarre and absolutely, and it sounds cliched to say it, Orwellian bit of language. Reciting prohibited expression should not be something a Western liberal democracy ever has as a legal prohibition. And yet here we are.

Crystal Andrews (20:30)

Because it sort of divorces the actual phrase itself from any intent. if you are simply reciting something, does that mean that you mean it?

Sam Shah (20:40)

Exactly. I mean, we've had, you know, in Victoria, we had Tom Ballard, the comedian who kind of faced some of these problems where he was, you the Nazi salute is its outlawed here. But he was performing an aspect of the Nazi salute in a satirical fashion during a comedy show. And police were involved at that point as well. ~ Intent is a big part of how we speak, you know, so intent are now a police now judging intent in language and in expression. And even if they have the ability to do so, what happened to free speech?

as basic tenant of our civilization, of our society and legal system. So there's a lot of problematic areas there and they all go back to that fundamental question of how do you define hate speech? Is it just because one group of people feels that the language and wording is hateful towards them? Because if that's your definition, then any community can have any number of language things ~ outlawed. And we might not want to go down that road and yet here we are.

Crystal Andrews (21:40)

And I suppose ultimately, any community could put forward their ~ argument for what hateful speech against them might be, but ultimately the people who do decide are the authorities, I guess in this case, ~ the Queensland government, and then it is enforced by the police. So that

rests with them. And I suppose it is question of like how comfortable people are with ~ the ability of those groups of people to...

are in good faith ascertain those ideas around intent and meaning and harm and all the rest of it.

Sam Shah (22:15)

Yeah, absolutely. And then there's the purpose of the law. Is the law there to take the power away from that phrase because it's had the opposite effect? Right. That's a very important part of this as well. If the law can be bypassed by swapping from for between, for example.

You haven't regulated the idea, just regulated the phrasing. You've now turned this into a slogan that has more potency because of the restriction you've applied, as we've now seen, where it's being used as a point of protest and not just for Israel's actions in Gaza, but also for free speech actions in Queensland. And so you've made that phrase something even larger than it, for example, previously was. It also has a issue with the authorities now.

have implemented it where it makes them look weak. It makes them look like they are arbitrarily picking and choosing which hate speech they consider too hateful, ~ regulation they feel should be implemented against and for which ethnic minority communities, all of which feeds into conspiracy theories, anti-Semitism, all the problems that this law purports to try to avoid or stem.

and I feel is actually encouraging and advancing in many ways.

Crystal Andrews (23:35)

Yeah, I mean, it directly feeds into core anti-Semitic tropes that Jewish people are uniquely able to sort of influence ~ the levers of power. And by passing these laws and enforcing them in such a way, it can be seen to reinforcing those ideas instead of protecting against it, which is, you know, the reason kind of given for passing them in the first place.

Sam Shah (24:00)

I there's also another aspect to this which is very uncomfortable for a lot of people, which I'm a big advocate for but I understand that I'm very much in a minority on this. I'm a free speech absolutist. I genuinely believe that is the most fundamental value in a free society and unfortunately that means hate speech needs to be allowed.

Not just for the for the technical reasons of some one person's hate speech could be another person's, know, personal truth or free expression. But hate speech is an important part of society as well. By expressing our hate, we are then able to deal with that hate. We are then able to engage with that hate. We are then able to counter that hate, possibly even. You know, one of the.

messages that I got after the I wrote the column a while ago was someone saying look if schools and education institutions had taken the time to teach young people about the

importance of anti-Semitism and how to counter it then we wouldn't be forced to make these judgments right we wouldn't be forced to now enact these laws to cauterize a wound ~ and and and I agree that there was a lot that needed to be done but this is not fixing the problem

This is creating a whole new set of problems while also ignoring the problem as it currently exists. And I think that's the issue here. Free speech is a value in a society that helps a society grow, but also puts a lot of responsibility on the members of that society. Taking it away and enacting censorship, which is very active censorship at this point, ~ is not going to help the society, nor will it help free speech as a value. It'll actually be long term damaging.

Crystal Andrews (25:41)

And so what are then I mean, if I'm understanding what you're saying correctly, the line should not be that, hate speech is banned in the way that these phrases have been banned, there shouldn't be, you know, an arm of the state saying, you can't say this and restricting what it is that you can't say. because simply doing that doesn't eliminate the ideas at all. It just means that

can't say those particular phrases, ~ but that there then should be like social reinforcements about what we accept and what the consequences for the things that we don't like are. Is that, am I getting the right sort of gist of it there?

Sam Shah (26:11)

I mean.

Yes, I look, yeah, you're right. There should be social reinforcement. There should be dialogue, discussion and those kind of things which might help people understand. Now, I'm being possibly naive in believing that if you explain to someone why saying something is hateful and hurtful, they might stop saying it. History has shown that they probably don't stop saying it or maybe they stop saying it briefly and then go back to saying it again. But banning them outright legally from saying it just moves it underground. And one of the big problems we've seen is that whenever the rise of the neo-Nazi

far right in Australia and in the US has proven this ~ that when you push it underground, it doesn't stop growing. It actually grows faster and spreads more virulently in a way that you otherwise could have had eyes on were it above ground. ~ I'm torturing several metaphors over here, but the point I'm trying to make is pretty much the same.

You know, one of the points I made in the article was when you're an immigrant and you do the citizenship test, it's a very simple thing. know, we all study for it when we apply to be citizens. I had to do it as well. And one of the questions was, is Australia a country with free speech? And you're supposed to say yes or no. And I, at that point, had been in the kind of news milieu for long enough that I was like, well, technically, no, because of our defamation laws being as restrictive as they are and.

Some of the hate, you know, 18 C, for example, in my opinion, does have certain limitations of free speech that are problematic long term. And that's not the answer they want. They want me to click. Yes. Well, with these Queensland laws, can we still click yes and get our citizenship or now are we actually not being adherent to?

Australian values because Australian values are that greatest censorship is more important than free speech. So it becomes this thing of what exactly are the values of the society. It becomes a much larger question than I think Queensland's mediocre politicians were capable of considering or are even skilled enough to answer.

Crystal Andrews (28:10)

I do want to come back to that point, but first I think it is important to really ~ drill home and make clear to people how important the specificity of language is to these laws. And you referred to this fact that like the Queensland police advised the protesters that it is specifically from the river to the sea that is banned. And so if they were to change the proposition and say between the river and the sea, that that would be fine. And that wouldn't break the law, ~ which

Sam Shah (28:37)

Mm.

Yeah.

from one body of water to another body of water. That's all you need to say.

Crystal Andrews (28:40)

Exactly. We actually had a lot of commenters on the article that you wrote, like suggesting alternative phrases that could be used. And for me, I find this quite interesting, but also I'm a little bit torn about how I feel about that because on the one hand, I think if you take just this specific idea, and this is obviously about the liberation of Palestine at its core, that's what this protest group would say that it's about.

Sam Shah (28:47)

There we go.

Crystal Andrews (29:08)

you know, obviously I can see how, okay, yeah, if we adjust the prepositions, if we massage it a little bit, it doesn't change the core of that message. And you still can probably get the idea across and you can still share and spread that idea. ~ And so on one hand, yeah, okay, maybe it does make the police and the authorities look like, look stupid and look like this is a very redundant case to pursue. But on the other hand, there is a part of me that feels that being able to be like quite

precise with language, particularly political language and speech and being intentional with the words that you choose. it is often core to some of the messages and some of the ideas that we, you know, that we do want to and try to advance. And so maybe it is like, is there an element of, it is actually effective for authorities to have a way to force the groups to constantly be like evolving and changing and adjusting their language to the point where it hard for

them to grow, you know, support or it's hard for people to follow what's going on. And so maybe, maybe that is an effective tool at kind of stopping, stopping dissenting voices or stopping a movement. Where do you sit on that? Like I say, I'm, I'm not sure if I clearly landed in one camp or the other.

Sam Shah (30:19)

If I understand what you're proposing here, all that's happening then is that the governments are forcing authorities are forcing people to be more creative with their points of expression. Now, ~ I'll just go back to this one example. It's from South Africa during the apartheid and a lot of phrasing and language and analogies and metaphors and slogans were banned by the apartheid government ~ because they didn't want

you know, South African or rather African people to be able to, you know, express their need for freedom. At the same time, there was a TV show that had just become a hit. I'm old enough that I remember watching it. You wouldn't know about this. It was a TV show called V, just the letter V. ~ And it was about aliens coming to Earth and pretending to be human. then humans discovered that they're aliens, but it's too late. And the aliens have now started farming the humans and colonizing them and living with them and, know.

trapping them and killing them etc etc and the way that the humans started protest movement is by spray painting V for victory in red on certain places that became the poster of the show that V started popping up all over South Africa because that TV show was available and so now that became an expression for the

Sam Shah (31:38)

ANC and for the South African movements to voice their expression of freedom. ~ That's the same thing that always happens when you ban certain language, when you ban certain expressions. Why my republic did ban a lot of Nazi imagery, ideology as well as expressions? They didn't go away.

I'm using two extreme examples here for purpose. One is an example of people wanting freedom, which is South Africans, against the apartheid government. And the other is Nazis wanting oppression and murder against the Weimar government. But both of them were censored by their respective authorities. And the censorship did not have the desired effect. What you're pointing out that this might create a more specificity of language, I think that that specificity comes through debate and discussion. ~

I think one of the ways, for example, that might have been done better is when, you know, and I know it requires a lot of open mindedness and open heartedness from both sides, from the people saying from the river to the sea and from the people who are hearing from the river to the sea. But

What's the point of all these tools we've developed? What's the point of all these TV shows we have where everyone sits at round tables, these podcasts we have, where everyone has discussions and conversations? We've built entire societies to have responsible conversations and we don't have any of them. Instead, we just hand the power to the legislation to fix the problem. So the problem then doesn't get fixed. Instead, it just gets worse.

Crystal Andrews (33:05)

Hmm. I mean, that's a very, very good point. I can, I can see that. And it is, I guess like kind of ironic in a sense that we're, you know, attempting to have these, these discussions and facilitate those kinds of conversations, at the same time that, or at least the political right in Australia is also trying to advance, a parallel discussion about immigration who can come to this country. ~ and that

quote unquote Australian values should be the test belief in a quote unquote liberal democracy should be, you know, the barometer of who gets to come here. you kind of did touch on this before, but it seems like it feels just as ironic to you that the same groups that are trying to make that argument are also participating in passing laws like what we've got in Queensland.

Sam Shah (33:56)

Do I believe in too much free speech now to qualify to be an Australian if I was applying for migration right now? Like that's a bizarre place we've now ended up in where free speech has become this kicking ball for a while now. used to be the left was pro-free speech in the 80s and 90s and the right was a very conservative and censorious. Then the right became the free speech advocates in theory, particularly with regards to 18c and the left became very censorious with regards to things like cancel culture and political correctness, et cetera.

And

now we're back again to the other side where the left is fighting for free speech and the right. And the point that I try to consistently make is the one issue here isn't free speech, it's hypocrisy. The basic fundamental value of free speech and understanding the importance of free speech is that it's not the speech you like, it's the speech you don't like that you have to protect. ~ Because if you...

take away the speech you don't like, eventually you will also lose the speech you like. It's a very fundamental principle of free speech and something that should be taught in schools and probably isn't. I think right now we're at that place where we have these values. We keep talking about the importance of these values. Every Australian, if you ask them, do you think free

speech is a good thing, will say yes, but it's only free speech for me, but not for thee. And that's where the frustration always comes out.

Crystal Andrews (35:17)

Do you think that that message actually might be coming through sort of ironically with the passing of these laws? Because, I guess anecdotally, I speak to a lot of people who, you know, are not necessarily as plugged into those listening to this podcast and they all think that this is bad, you know, this is a bad thing. And so maybe it's kind of getting us there even counter-intuitively,

Sam Shah (35:38)

Yes, I think that that's definitely one part of it is it's the old ~ comedian Dave Chappelle had this bit when doing the first Trump term in 2016 where he was saying that it's really interesting that most people who never talk about politics or care about politics are now suddenly interested in politics. And so maybe the good side of someone like Trump coming in is a lot of apathetic people are now more involved. Right. So if you don't care about free speech, suddenly an imposition of free speech makes you learn to care about free speech.

speech. But yes, ideally, you know, and look, at the same time, I am very aware of the intention behind these laws. It was well intentioned. Bondi had just happened. ~ We had seen a massive terrorist attack in this country targeting Jewish Australians for anti-Semitic reasons and purposes. And so the governments are scrambling to make Jewish Australians feel safer. And they felt that this speech, which is

something that a lot of people have said makes people feel unsafe should be taken away. The intention was pure, the pure is strong word, but it is well-intentioned, but a government should know better than,

bad laws with good intentions being enacted versus just waiting to see what laws might actually have more effective results than the ones that were now, think, with, you know, you've got protests, protesters wearing John Farnham wigs. And I don't think anyone wanted to see that.

Crystal Andrews (37:08)

Yes, and who knows the escalation, maybe we will soon see Olivia Newton-John impersonators, all kinds of 70s and 80s personalities.

Sam Shah (37:17)

Yeah, I just I really I really don't want to have to listen

to country music just to learn more about the street and culture. I've done my part, you know, like it cut me some slack

Crystal Andrews (37:25)

Sammy, I really appreciate your time having a little discussion with me about this on the episode today. Thank you very much.

Sam Shah (37:31)

Thank you, my pleasure