

Free speech and Israel Folau April 2019

Methodology

The following tables and graphs are based on a sample which has been selected for voting intention based on the results of the most recent Newspoll to the date of the questionnaire, as published in *The Australian*.

Results should be taken as indicative in that the sample is not properly randomised, but it is unlikely that groups are completely unrepresentative.

In these tables we have amalgamated the Pauline Hanson One Nation and the Australian Conservatives votes as one and labelled them "Nationalist". This is so that we have a statistically significant sample for this group, and because these parties in our sample attract similar voters, with significantly more having voted Liberal or Liberal National previously than have voted Labor.

The poll was conducted April 16 through to April 24, 2019 using our online panel of over 13,000 Australian voters.

Quantitative analysis was undertaken using Microsoft Excel, and responses were weighted for voting intention. Qualitative analysis was undertaken using Leximancer. Respondents were selected randomly from their various voting blocs.

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Executive Summary

The Israel Folau case would have been likely to have been a key point of dispute between the major parties 20 years ago, but in this election was a point of agreement with both leaders saying they believed in free speech, but Mr Folau should have expressed himself more carefully.

This reflects only one side of the free speech debate, as uncovered in our research, and puts the current election in an interesting light where the debate is more in the middle ground, at least on this issue, than it has been in the past.

While our research was conducted on free speech in general, it is useful to view it through the lens of the Folau case.

Based on our polling, the opportunity and the imperative are still there. Out of a virtual focus group of just over 800 Australians, balanced by voting intention, 47% disagreed with Rugby Australia's treatment of Folau, while 40% agreed.

Crucially, those who back RA are mostly corralled on the left of the spectrum with support of 68% of ALP and 72% of Greens voters. Only 12% of Liberal voters back them, 5% of the nationalist minor party voters One Nation and Australian conservatives, and 28% of others.

"Others" is particularly significant because they tend to be composed of more left-leaning minor parties, as well as independents.

Liberals might have been even more emphatically against, but some ranked his contractual duties higher than his right to free speech.

Informing these inter-party differences are two significantly varying views on what free speech is. On the Right, free speech entails not only saying what you think, but not caring if you offend someone else in the process, by what you say or how you say it.

On the Left, it is a right to be heard in public debate, conditional on not offending anyone, or any one group. So expressing yourself in an offensive manner for them is not free speech.

Neither is expressing offensive sentiments, such as homophobia, Islamophobia, racism or misogyny.

The Right still believes in the maxim that "Sticks and stones will break my bones, but names will never hurt me," while the left worry that a young gay person may commit suicide because Israel Folau thinks he will go to hell.

This then informs views on hate speech. While the majority supports hate speech laws, with support 20% of Liberals, 15% of Nationalists and 35% of others, there are differing views as to what constitutes hate.

It doesn't necessarily imply acceptance of Section 18C of the Human Rights Act, for example, because it doesn't deal with physical harm, which is the threshold for most right wing voters.

Social media was also a complicating factor. 20 years ago, a footballer like Folau could have preached as much as he liked, and barely anyone would have heard him. Self-publication has given an unprecedented number of us prominence that never existed before.

Just as publications exercise control over what is published, many respondents thought that celebrities needed to fulfil the same position, and that someone who was prominent on social media lost some of their licence to say what they thought because of their ability to reach and influence.

Social media was also blamed for a lowering of standards in civility because of the way it rewards outrage and overstatement

There is a sense in which the free speech positions reflect recent victories in the culture wars.

Many on the Left define free speech to make it impossible to discuss homosexuality, for example, because anything which is not completely affirmatory is "homophobic" and therefore not a legitimate exercise of free speech.

As a result of the Gay Marriage postal ballot result they have a further string to their bow. They claim a positivist justification: homosexual relationships are now equal to heterosexual ones and therefore homosexual relations have been completely normalised.

So the Left has become the conservative force in Australian politics, and their version of free speech is a way of pulling up the drawbridge and closing the portcullis on the losers.

This is reflected in views on whether we need more free speech protections in Australia. The Left tend to think we don't, while the Right definitely think we do. So as much as being a measure of whether speech ought to be free or not, it is a measure of whether your side is winning the war or not.

An interesting departure from the sharp divide were views on the need for religious freedom laws. Only 24% supported them, while 39% opposed. Reasons were varied.

Some thought religious freedom wasn't under attack, others took a legally positivistic view, there was empathy for the potential plight not just of gay students in schools, but non-comforming staff. Then there was outright antipathy to Christianity, Islam or both.

There was an ominous note for the coalition. When we asked voters who was best to guarantee freedom of speech, 86% of Labor voters and 85% of Greens voters nominated either Labor or Greens. Only 55% of Liberal voters nominated the Liberal Party, with the balance selecting minor parties. The minor parties didn't think much of the Liberals either.

Thinking about free speech in Australia, how strongly do you agree or disagree that there are sufficient protections for it?

	ALP	Grns	LP	Nationalists	Other	Total
Strongly agree	24%	19%	5%	0%	14%	14%
Agree	43%	29%	14%	5%	9%	26%
Neither agree nor disagree	11%	19%	8%	5%	11%	10%
Disagree	11%	21%	36%	27%	18%	23%
Strongly disagree	5%	8%	37%	63%	40%	23%
Unsure	5%	3%	2%	0%	8%	4%
Grand Total	100%	100%	100%	100%	100%	100%
Total agree	68%	49%	18%	5%	23%	40%
Total disagree	16%	29%	72%	90%	58%	46%
Net agree	51%	19%	-54%	-85%	-35%	-6%

n=807

Thinking of your vote this election, which party is the best to provide an appropriate level of free speech in Australia?

	ALP	Grns	LP	Nationalists	Other	Total
AC	0%	0%	19%	50%	6%	11%
ALP	76%	22%	0%	0%	20%	32%
ВКАР	0%	2%	1%	0%	4%	1%
CA	1%	0%	0%	0%	0%	0%
CD	0%	0%	1%	3%	9%	1%
DHJ	3%	0%	1%	0%	6%	2%
Grns	10%	63%	1%	0%	11%	10%
Ind	3%	3%	1%	5%	11%	3%
Inf	2%	2%	2%	0%	6%	2%
JLN	2%	0%	1%	0%	2%	1%
LDP	2%	8%	7%	3%	9%	5%
LP	2%	0%	55%	10%	13%	24%
PHON	0%	0%	12%	30%	4%	7%
Grand Total	100%	100%	100%	100%	100%	100%

n=711

How strongly do you agree or disagree there should be "hate speech" laws in Australia?

	ALP	Grns	LP	Nationalists	Other	Total
Strongly agree	37%	37%	6%	2%	15%	22%
Agree	38%	37%	14%	12%	20%	26%
Neither agree nor	12%	14%	20%	10%	14%	15%
disagree						
Disagree	6%	6%	24%	15%	11%	13%
Strongly disagree	5%	3%	30%	59%	34%	20%
Unsure	2%	4%	6%	2%	6%	4%
Grand Total	100%	100%	100%	100%	100%	100%
Total agree	76%	73%	20%	15%	35%	47%
Total disagree	11%	8%	54%	73%	45%	33%
Net agree	65%	65%	-34%	-59%	-9%	14%

n=801

The federal government is proposing to introduce a Religious Discrimination Act. How strongly do you support or oppose this?

	ALP	Grns	LP	Nationalists	Other	Total
Strongly support	4%	0%	17%	17%	6%	9%
Support	9%	10%	23%	10%	5%	14%
Neither support nor	22%	21%	25%	22%	20%	23%
oppose						
Oppose	23%	19%	10%	10%	9%	16%
Strongly Oppose	30%	26%	13%	22%	42%	23%
Unsure	12%	24%	12%	20%	17%	14%
Grand Total	100%	100%	100%	100%	100%	100%
Total support	13%	10%	40%	27%	11%	24%
Total oppose	53%	46%	23%	32%	52%	39%
Net agree	-40%	-36%	17%	-5%	-41%	-16%

n=799

Israel Folau is an Australian Rugby Union player and a devout Christian who posted to his Instagram feed that "Drunks, Homosexuals, Adulterers, Liars, Fornicators, Thieves, Atheists, Idolaters: Hell Awaits You, Repent". He has been asked to show cause why his contract should not be terminated by the Australian Rugby Union. How strongly do you agree or disagree with the action of the rugby officials?

	ALP	Grns	LP	Nationalists	Other	Total
Strongly agree	43%	50%	8%	2%	20%	26%
Agree	25%	22%	4%	2%	8%	14%
Neither agree nor	11%	17%	7%	7%	17%	11%
disagree						
Disagree	12%	4%	19%	10%	15%	14%
Strongly disagree	7%	3%	59%	78%	35%	33%
Unsure	2%	4%	3%	0%	5%	2%
Grand Total	100%	100%	100%	100%	100%	100%
Total agree	68%	72%	12%	5%	28%	40%
Total disagree	19%	7%	78%	88%	51%	47%
Net agree	49%	65%	-65%	-83%	-23%	-6%

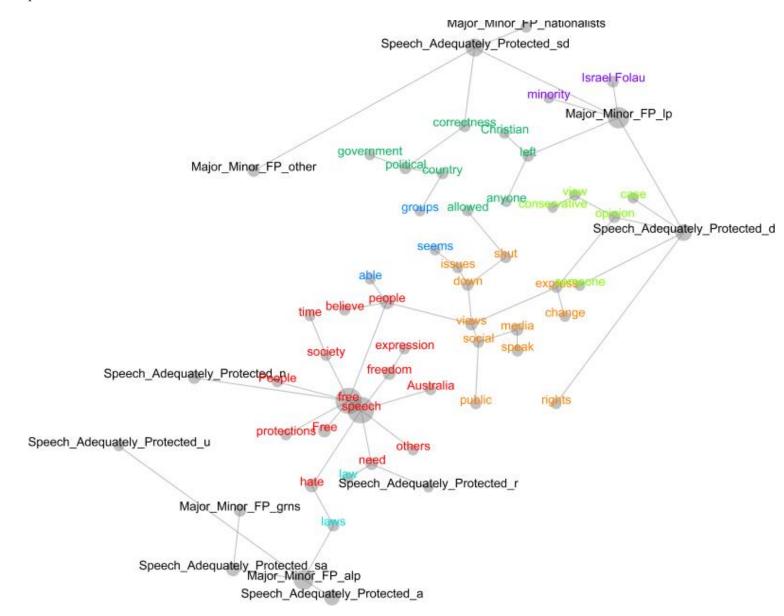
n=805

Qualitative Analysis

Our qualitative analysis looks at the reasons given by respondents for their various judgements. The following maps are generated from the data by Leximancer and overlay the key words over the variables from the question – generally the answer to the question plus voting intentions. Words that are most closely associated will cluster together. The most frequently used words are brighter than those used less frequently.

We do not edit the verbatims and all spelling and grammatical errors are reproduced. Editing the transcripts would take away from some of the unique tone of each response. The verbatims are selected so as to give a better insight into how the individual words are being used.

Thinking about free speech in Australia, how strongly do you agree or disagree that there are sufficient protections for it?



Verbatims

Media and political parties blacklists discussion on certain subjects in particular informed health choices (to include natural medicine and vaccine exemption) and environmental campaigns in particular re fracking, coal mining, logging, antinuclear and renewable energy. **Re** the former, social media has been directly instructed by the government to shut down discussion, and many views considered too radical or alternative are being erroneously labelled fake news.

The many issues like Margaret Court, & now Israel Folau. Muslims & those who tow the left leaning line seems to be able to voice their opinions without concern but speak of Christian or even Moral issues like abortion, same-sex marriage etc & one is shouted down & accused of hate speech!

If we are discussing free speech in this country as the ability to raise and debate contentious issues within our society without harming or shaming any particular group within society then there are, for the moment, sufficient protections - within the **ADA**, etc. However, if we re talking about those (largely white,

male, right-wing) voices claiming the left are preventing them from the right to free speech, and who vilify and shame at every opportunity, it s unclear whether or not they are effectively subverting the meaning of the term, and hence protections for it.

Given the vast amount of rabid conspiracy theory rubbish on social media, free, although not necessarily true speech, seems perfectly fine. I have no issues with media etc curbing people like **Alex Jones**, antivaxx misinformation, and offensive racist and sexist talk.

The **PC Brigade**, who just happen to be of "the **Left**" and appear to have the ear of the **Judiciary**, howl down anybody with a view that differs from theirs. Only minority groups and members of the "loony left" are allowed to express an opinion.

The idea that *feelings* in a snowflake receiver are more important than freedom of conscience and speech and research in someone else is very dangerous. Too many cases demonstrate this: Callum Thwaitesand the 18C QUT students; Professor Peter Ridd at JCU; the appalling double standards which give Islamic spokesmen a free pass while suppressing Christian viewpoints; the denial of visa and venue to speakers like Milo Yiannopoulos and Geert Wilders; the nonsense peddled by ungrateful idiots like Tim Soutphommasane and Gillian Triggs of the AHRC; and.

The common law presumption of freedom of speech is not greatly trammelled. **Defamation** laws are one big limitation, and may be too restrictive; imbalances of power between ordinary people and big corporations probably need significant reform.

We need an **American** first amendment guaranteeing complete freedom of speech I don't trust lefties when they talk about @hate speech don't trust their definition **Israel Folau** is crucified for being religious and what he said is distorted as hate speech when it is old fashioned religious sermon

Section 18C needs fixing - our government and **Opposition** have leaned too far to pandering to minority bodies such as indigenous and muslims - too often religion is allowed to be seen as racism and this must be stopped. We need totally free speech in **Australia**

As we have discovered re the massacre in **NZ**, the **Murdoch** press and the like have been radicalising weak minded white males and misogenists. **Social** media has pushed us into a space where we need to control hate speech, but there is poor protection for whistle blowers and critics of **Government** and corporates.

We need a bill of rights and explicit protections for free speech. We need to address the internet age and social media in a systemic review of free speech and legal protections around gender, religion, defamation etc.

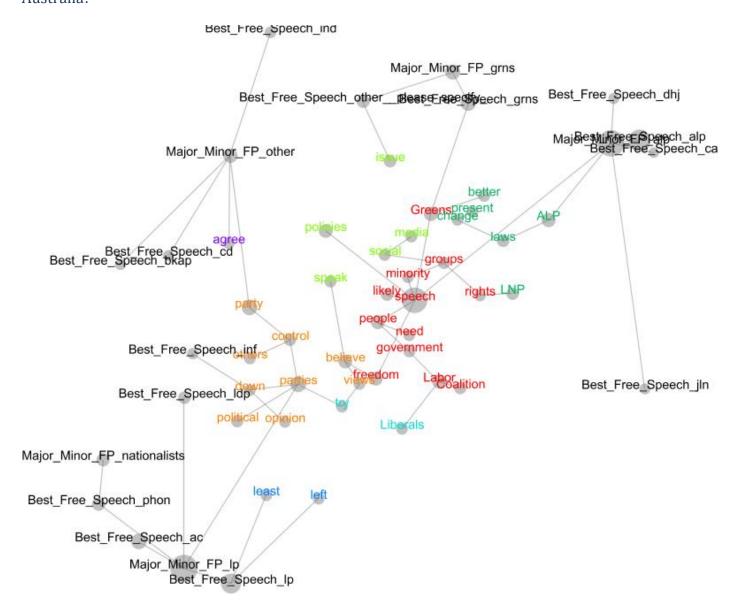
When employment contracts are written in such a way as to violate a person's right to free expression something is very wrong as seen clearly in a recent sporting debacle and contempt of a university for freedom of speech, and I might add the law. **Tellingly**, there is unease about how much to say among friends and acquaintances, which is alarming.

Those who confuse "free speech" with a purported "right" to force other people to listen to, and worse comply with, racist, homo- and transphobic and other bigoted hate speech are giving freedom of speech a bad name, and our laws need to make it clear that freedom of speech carries responsibilities of civility and the avoidance of harm.

free speech does not mean freedom to say anything but freedom to speak into public debate some consider they have the right to free speech without being scruitanised some want the right to speak and shut down those who disagree the dynamics have been changing and continue to change with social

media where everyone's views are "broadcast" unmoderated. when freedom of speech was in print, newspapers were **Edited**.

Thinking of your vote this election, which party is the best to provide an appropriate level of free speech in Australia?



Verbatims

see above I'd say the **ALP** and **Greens** understand responsable free speech I am an evangelical **Bible** believing **Christian** with a university education in the humanities where I wrote **Christian** based essays. I learnt to explore issues, to argue my case and present my case to others for scruitany maybe we need more philosophy I believe a **Judo Christian** arguement should stand on it's own merits without legal protection sadly I have seen the ruling elite of religous institutions want to preserve their prestige and priviledged position when they have breached their duty of care, in some cases abonded the poor.

Labor is playing a nasty game of identity politics where the 'white establishment' is marked down as being responsible for every bad thing that has ever happened to the numerous little groups whoi bleat how unfair the system and life is. Their rights are being abused but I don't see any of them meeting their social responsibilities.

I believe that the **ALP** is responsible for the most recent tightening of our laws with regard to inappropriate speech, which I support. There may be a case for further tweaking of the wording of the laws, but 'the right to speak as a bigot' without worrying about the targets of that bigotry seems unbalanced to me.

Oddly enough, I think this party [PHON] is persecuted because it does speak out. I don't agree with them on everything but I do believe they have courage to speak what others are afraid to say, especially re corporate control, medical control, and immigration sustainability.

Mainstream parties very happy to erode free speech in the name of anti-terror laws. The **Greens** speak up against this populist/politically expedient approach.

The rise of social media has meant that a very small number of vocal people can create a lot of adverse haedlines and neither party is prepared to risk this by allowing unpopular views to be aired.

We need legislators who will totally and comprehensively reject political correctness. There's far too much **PC** within the **Liberals** and **LNP**, and the **ALP** and **Greens** are not worth talking about.

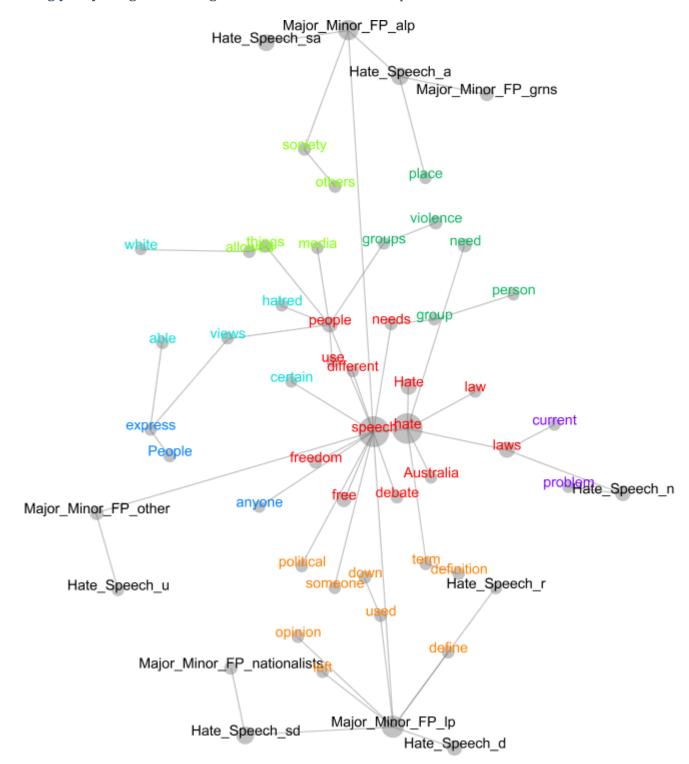
The **Greens** position on free seech is closest to mine. ANd the **Greens**are less likely to pander to extremist right wing views that (hypocritically) espouse free speech, except for those people with different views than theirs.

The less government does, the less harm government does. The above party [LDP] are committed to reducing government's impact on ordinary people's lives and treating people as adults who are free to make wise and unwise choices.

Thanks to a **Labor/Green** bloc, a person in **Tasmania** can now be fined \$3,000 for deliberately or accidentally using pronouns for someone who doesn't want standard pronouns because a gender whisperer has convinced them of science denying fantasies. **Labor's** federal platform aims at similar for the country including (as in **Canada** & **UK**) a **Gender Commisssioner** to see that people not at least 'dipping their hat' to such fantasies.

They [ALP] have clear plans and policies to get rid of extreme racist and hate speech. They also are more caring, inclusive and respectful of the interests of everyone, so we could expect clearer fairness in their treatment of minority groups and disabled persons' needs.

How strongly do you agree or disagree there should be "hate speech" laws in Australia?



Verbatims

very complex public debate needs moderation which newspaper editors did and do social media has no moderation and this is the delima yes social media companies are being asked to introduce moderation I wouldn't want debate shut down we need to define hate speech if we have laws against hate speech then those laws need to protect people from those laws being mis used to shut down legitimate debate we need to. talk it through more a lot more

A definition of "hate speech" would be helpful. **Presently** I think it is simply a term that is understood differently by different people and groups, meaning that any law or laws would need substantial public discussion before implementation, and ongoing scrutiny of their impact.

Hate speech laws only increase the hatred. If kids were taught in school to respect each other and accept that others can be different or come from different backgrounds, there would be no need for hate speech laws.

I think the term of "HATE SPEECH" is far too regularly misused as being an opinion or statement that does not agree with the beliefs of the person who is calling it. With so many emotionally fragile people there is very little to be said in this modern world that couldn't be labelled as hate speech!

We have a growing problem with hate speech, any attempts to curb it are greeted with howls about curtailing free speech. **Free** speech and the freedom to incite hatred are two very different things.

We need to be able to identify people who use the media to spread hate. In the old days, newspapers would not be able to print horrible things and so this would deny a mouthpiece to people.

There are already protections in place. If a group somehow believes they have a loophole - religious freedom, then that particular matter needs to be addressed in the current legislation, rather than creating yet another law.

he definition being used for **Hate** speech includes people voicing a legitimate view that is not **Hate** but different from the left wing politicians

However, the definition of hate speech needs to be quite specific in definition rather than current broad brush definitions. **Hate** has a specific meaning and implies a very strong aversion to any position.

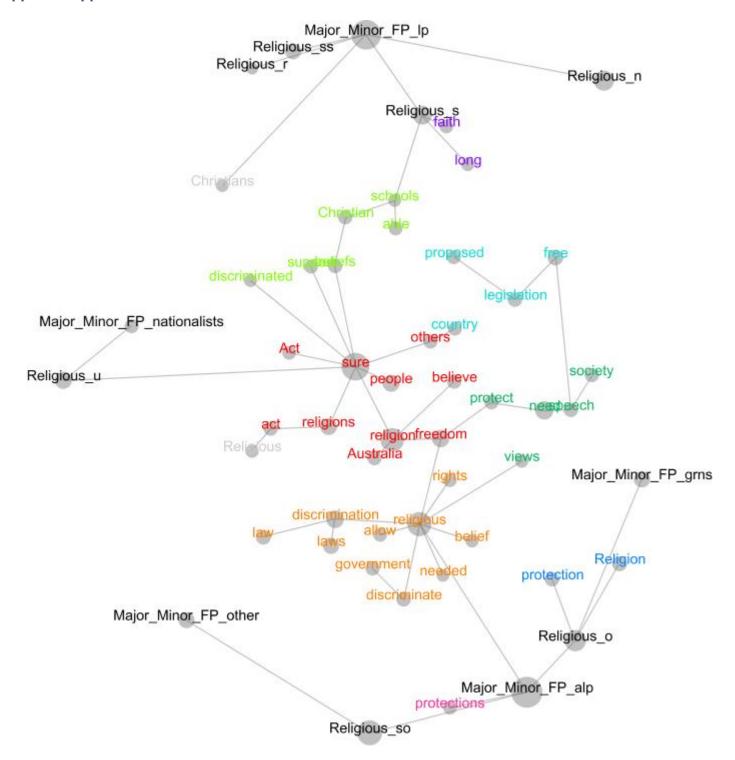
I take "hate speech" to refer to speech which denigrates, insults, intimidates or harms people based on an attribute of the sort covered in most of our anti-discrimination laws. (I dislike the term "hate" as it is too subjective, and inappropriately applied to the sort of harm actually involved.)

People should not be allowed to incite violence against anyone or any group of people through their public speech however should be able to express opinions if not contravening above

"Hate speech" is a label used by the left establishment to shut down expression of any views they do not approve of.

I find it truly disappointing that there might be a need for laws against hate speech, but if, as it appears, it s on the rise then there is probably a need for society as a whole to condemn it - and the best means would be to have that condemnation enshrined in the law.

The federal government is proposing to introduce a Religious Discrimination Act. How strongly do you support or oppose this?



Verbatims

I am yet to be convinced that what I've seen as being proposed is the best alternative. I have a strong faith, but can't see how forcing attitudes will work - again, reducing the level of negative, discriminatory, patronising, judgemental, dehumanising language about religious groups (and many other groups in our

society) would probably achieve more in the long run and maybe a few eyes/minds will be opened to the value of respecting others' views (perhaps except for extremists in ANY group!)

In line with my answers to earlier Q on **Education**, we need free secular public education so that mix of cultures and religion in schools will help to solve discrimination This applies to segregated **Muslim** schools just as to all other religions(unfortunately when **Catholic** schools first gained **State Aid** there were not so many competing religions for **Govt**funding).I am NOT off this topic I'm saying that discrimination is caused by the OTHER not ever meeting an OTHER.

It is almost impossible, once you try to write such an **Act** you find yourself discriminating against some other group. **Australia** already has suficient laws to prevent discrimination on religious grounds, indeed it is one of the countries with the greatest freedom of religion I can think of, anything else would create a new crime where one is not needed.

If I can t choose who educates my children then I am not being allowed to exercise my conscience and not being allowed freedom of religion. Which means **Christian** schools need to be able to select staff who align with the explicit teaching and values of **Christ**.

In this country **Freedom** of religion is a given right and covered by the constution, but whn persons try to influence their relegion onto others then I agree with the **Act**. This is a **Christian** country , not a country for bigots You either abide by the laws of the country or your right to be an **Australian** citizen be revoked

Christians face the most discrimination (from **Leftists** and **Islamists**) so if the religious discrimination act protects their freedom of speech and rights then I support it. But I do not know the details of this act and I do not trust our political leaders that they can get it right.

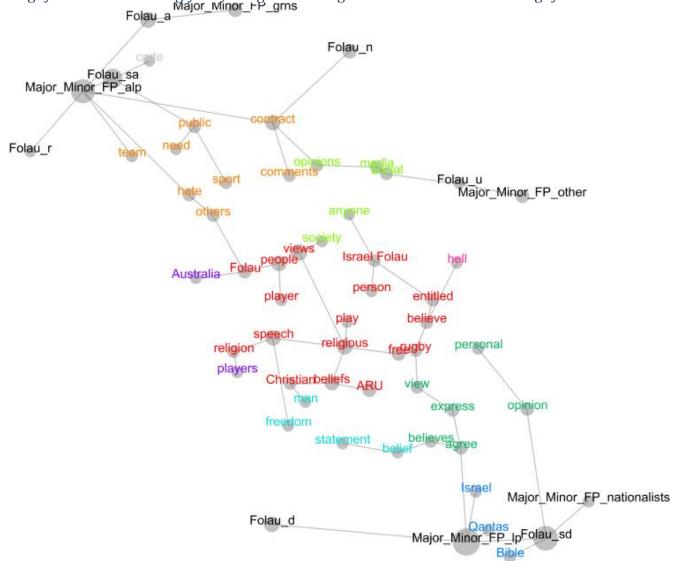
I am not very familiar with the terms of the proposed legislation, but I consider that at the present time, there is no barrier to the open expression of all legal religious beliefs. I would be concerned that, coming from the present government incumbents, such legislation would rather limit or reduce the freedoms of those who have no religion, or place the rights of those with particular religious beliefs over the rights of those with other or no religious beliefs.

I would prefer no discrimination law at all, but given a legal environment dominated by discrimination laws, and the distinct lack of protection for religion within this framework, a religious discrimination act or something similar is necessary.

Ideally, we should not need to protect religious freedom, expression etc however in this time it may be our only defence against discrimination of religious people, in particular **Christians**

I would support the passing of a *Religious Discrimin*ation Act if it followed the UN format of religious freedom, in that it equally supports both freedom of religion and freedom from religion. I do not have confidence that this would be the case in the legislation proposed by the current government.

Israel Folau is an Australian Rugby Union player and a devout Christian who posted to his Instagram feed that "Drunks, Homosexuals, Adulterers, Liars, Fornicators, Thieves, Atheists, Idolaters: Hell Awaits You, Repent". He has been asked to show cause why his contract should not be terminated by the Australian Rugby Union. How strongly do you agree or disagree with the action of the rugby officials?



Verbatims

I believe that he has every right to express his views without penalty, but if he has signed an employment contract that expressly states he has to agree with the conformist view of the politically correct **ARU**, then he may be in breach of that contract & the **ARU** may have the right to sack him. However I totally support his right to express his religious views in a free society.

The rugby officials have just gone over the top & are disgusting. They have scandal after scandal in their ranks, they have sexual immorality, players accused of rape, drunkenness, drug taking etc & they hardly bat an eyelid but a man dares to quote the **Bible** verse that condemns all kind of sinful behaviour & dares to suggest that the people who behave in those sinful ways will be accountable to a **Holy God** & face His judgement unless they repent & believe on the.

Is this an example of hate speech. **Falua** is entitled to his beliefs but as an entertainer employed to encourage people to buy a ticket to the show he needs to restrain his public comments.

As I have little interest in the religion of sport I have virtually no interest in what a rugby player says and the latest media sensationalist beatup. He is free to say what he likes and the **Australian Rugby Union** is free to terminate him if that is allowed in his contract

Didnt use to think that personal opinions should be punished however, I have appreciated more these days how public figures and especially sporting 'heroes' do have an out of kilter impact on many young people.I think such views and language should be left for the insides of religious places like churches and mosques, not in the public arena.

On the one hand, I don't think he should use his professional status to preach his own religious views but on the other hand he probably has as much right as others to voice them on social media. **Tricky**, because the nature of his opinion does seem to incite hate and if there were the laws for this, he would be acting downright illegally.

He is one person, saying what he believes as a **Christian** individual, not mentioning **RA** or speaking in their name. **RA**, etc, overreacted due to **Qantas** pressure, and turned one social media comment into a big issue as if **RA** should hang its head in shame just because he plays rugby.

their action has put the comments centrally into the media. They are probably not the best examples of people to judge this statement the statement was really not necessary either maybe divorce personal ideals from capacity to play sport.

Society is changing. Although I think everyone should be free to express their general opinions, I also see that as a society, we have established legal and social standards that accept and respect homosexuals, atheists, unmarried sex, responsible drinking and free choice of worship; and no longer criminalise adultery.

The **ARU** had previously warned **Israel Folau** against such public expressions of divisive opinions. He is free to make such a faith statement but knew that it could lead to his losing his position as a rugby player.

Israel Folau is a good **Christian** man and he is entitle to his beliefs. His quote is from the **Holy Bible** in which he believes in the teaching there of and all he did was to quote from the **Holy Bible** which was highly prised in **Australia** and which may of **Australians** grew up reading and learning from and many of our laws are based on the bible.

For reasons stated above - there are at least two competing rights here and overlaying it all are contractual obligations. **ARU** are in a bit of a bind - sack **Israel** and they show intolerance to his religious views but if they don't they will lose sponsors (like **Qantas**) and cop a lot of flack from the "outraged masses" - most of whom would never go to a **Rugby** game anyway.

I consider **Folau's** comments to be hate speech **Folau** signed a contract agreeing to not vilify others **Folau** can't hide behind a religious motivation

What has Izzy's religious view got to do with rugby? **Nothing. Plenty of Muslims** play sport and most people know how Islam views homosexuality, etc.

He has no right to foist his beliefs on others when they are based on his belief in an entity that is not proved to exist. Whilst it has nothing to do with his rugby ability, being a famous rugby player carries extra obligations- it's like being a representative of a firm, because his actions cause sponsors to drop out, people to stop going