

## Free speech under threat in New Zealand

By Dr Muriel Newman, NZCPR, 18 July 2018

Earlier this year, Dr Bruce Moon, a retired physicist and avid historian, was invited by the Nelson Institute to give a talk at his local library. The topic he chose for his April 8<sup>th</sup> address was New Zealand's 'fake history' as it relates to Treaty of Waitangi issues.

Four days before the event, Bruce was informed by the organiser that the talk had been called off. He was told: "At the Library today NCC, Library officials, and two of us from the Nelson Institute met to discuss your planned talk. All 3 of these groups had been contacted by persons saying you should not be allowed to talk on this topic, in the Library. Both the NCC and the Library felt a talk could disturb the peace and become a Health and Safety issue."

Bruce contacted the Nelson City Council Mayor for an explanation for this "brutal censorship". The Council's Chief Executive replied on her behalf: "Earlier in April, Library staff were made aware of the event which you were scheduled to speak at, which was potentially controversial in its content. As the venue was subsidised by Council, staff recommended that the Institute seek an alternative viewpoint to help balance the discussion. The Institute was unable to source such a speaker at short notice, so it was agreed that the event would be cancelled. Safety issues were also raised at the time and I do question whether a room at the back of the library is an appropriate venue for a debate of this type that could be emotionally charged. Nelson City Council does not look to restrict freedom of speech, however, staff do consider that there should be an opportunity for a balanced debate especially on potentially controversial topics and especially when using council facilities."

The Council's Communications Manager also tried to claim that the Council does not censor free speech, saying "The Council does not restrict the freedom of speech. It does however value the health and safety of its staff, and actively works to ensure the workplace is safe."

Let's make no mistake about this - the Council did and does restrict the right of free speech. There are two significant errors in the Council's position. The first is their censorship under the guise of 'health and safety' concerns based on nothing more than anonymous 'threats' made over what Dr Moon *might* say.

The second is that the Council unilaterally decided the scheduled talk would be so 'controversial' and 'unbalanced', that they demanded the organisers find another speaker to 'balance' the 'debate'. This is in spite of section 21 of the Human Rights Act making it unlawful to discriminate against someone on the grounds of their political opinion.

In fact, it's plainly absurd for the Council to require those who hire its venues to present opposing views. Does that mean they will only hire a venue to the Prime Minister if the organisers agree to invite the Leader of the Opposition along to provide an alternative view? Or would someone promoting the benefits of a zero-carbon future be required to provide a speaker to explain that there is no evidence that man-made global warming exists? Clearly not. The proposition is preposterous, and so too is the position taken by Nelson's Mayor and CEO.

Further, when the Nelson City Council kow-tows to the threats of a vocal minority, it is not only restricting free speech but it is also failing to enforce the law.

Threatening to harm people or property is an offence under section 307A of the Crimes Act. The penalty is up to 7 years in prison, if the threat causes “significant disruption of the activities of the civilian population” and creates a risk to public health.

On-line threats are also against the law, with perpetrators facing up to two years in prison or a fine of up to \$50,000, under section 22 of the Harmful Digital Communications Act.

While protest action *is* lawful, since that too represents free expression, it is *not* lawful if the protestors are threatening harm.

What should have happened in Bruce Moon’s case is that the Council should have reported the threats of violence to the Police, and the talk should have gone ahead as planned. Under such circumstances, it is likely that the Police would have maintained a presence at the event and the courage of the anonymous bullies would melted away to nothing - assuming they even turned up to the event at all.

Instead, the Council allowed faceless and nameless ‘people’ issuing illegal threats to deny a person’s right to free speech.

Fortunately the organisers of Bruce's speech did not give up, despite the many closed doors that greeted them. A number of groups were approached - including the polytechnic, church groups, and the Masons - but once they heard the topic of the presentation, they refused access, no doubt scared off by the Council's stance and concerned that hosting the talk, might label them as racists!

In the end, the Nelson Hearing Association provided a venue, and the talk went ahead on July 7<sup>th</sup> to a packed hall. There were no protests. No one’s health or safety was threatened. There was not a single dissenting voice!

There is a certain irony in the fact that a hall dedicated to the hearing impaired allowed the talk to go ahead, while a library – the institution that throughout history has been at the forefront of defending free expression in a written form - muzzled free speech.

Bruce’s talk, *A Jaundiced View of History*, which was deemed so controversial that he was banned from many Nelson venues, is this week’s NZCPR Guest Commentary:

“Thank you for your introduction, Mr Chairman and for all your hard work to ensure that I could be heard. I am a New Zealander, all of whose pioneer forebears arrived in the South Island before 1880, seeking to live in a country where one’s position in life was not determined by the happenstance of ancestry.

“My thesis is that New Zealand today is awash with fake history issuing from those seeking

political advantage, material gain or personal satisfaction. Values dear to me and once, I used to think, to all New Zealanders, are truth, fairness and democracy which are under threat today – but I don't ask you to believe me. I ask you to believe the hard historical evidence.”

Bruce's experience reminds us that the freedom of expression, a fundamental cornerstone of our democracy, is now under threat in New Zealand as never before. Why? Because people like Nelson's Mayor and CEO allow it to be. Clearly they are so spineless that they would rather undermine the fundamental right of free speech than upset their local radicals who through intimidation are forcing their will onto the community. The Mayor should be ashamed of herself.

While we like to think we live in a tolerant society with a 'live and let live' tradition, reality suggests otherwise. It seems those extremists who use attack politics to impose their radical views onto others are succeeding.

We can see this not only in Bruce Moon's case, but also in the high profile silencing of two Canadian speakers, who were due to address an audience in Auckland early next month.

Lauren Southern and Stefan Molyneux are described as “world leading commentators and justice activists” by Axiomatic Media, the organiser of speaking events that are taking place in Melbourne, Perth, Adelaide, Sydney, and Brisbane. A New Zealand event, to be held at the Auckland City Council's Bruce Mason Theatre on August 3<sup>rd</sup>, had been added onto the end of the tour.

However, threats of violence made against the speakers and anyone who turned up to hear them, ensured the event was cancelled.

It turns out that their visit was opposed from the beginning. The New Zealand Federation of Islam Associations president Hazim Arafah had written to the Immigration Minister, the Minister for Ethnic Communities, and the Human Rights Commission asking for one of the speakers, Lauren Southern, to be denied entry into New Zealand. An on-line petition to that effect was also launched.

Their opposition to the speakers was supported by Auckland Peace Action, a radical activist group that purports to oppose aggression and war. Their spokesman, Valerie Morse, said the organisation would “stand in solidarity with the Muslim community in Aotearoa who are opposing these fascists. If they come here, we will confront them on the streets. If they come, we will blockade entry to their speaking venue. We are preparing to take action to stop their public event if the Minister fails to do so. We encourage people across Auckland to join us and say NO to hate.”

Valerie Morse is no stranger to violence and extremism having been arrested in 2007, not only on firearms charges - including possession of a military-style semi-automatic rifle and Molotov cocktails - during police raids on a military style training camp in the Urewera Mountains, but also for burning the New Zealand flag at an Anzac Day parade.

As in Bruce Moon's case in Nelson, it was the threat of violence and protest that led to the presentations by Lauren Southern and Stefan Molyneux being called off.

Auckland Live, the organisation that runs events at council facilities, said it was security concerns around “the health and safety of the presenters, staff and patrons” that led to the event's cancellation.

With only four weeks to go until the scheduled event, the promoter said there was not enough time to find another Auckland venue, and so the event was cancelled.

Meanwhile, Auckland Live, as a courtesy, informed the mayor's office that the booking had been cancelled. As a result, Mayor Phil Goff decided to get in on the action by issuing a tweet: “Auckland Council venues shouldn't be used to stir up ethnic or religious tensions. Views that divide rather than unite are repugnant and I have made my views on this very clear. Lauren Southern and Stefan Molyneux will not be speaking at any Council venues.”

Phil Goff appears to have forgotten that under section 14 of the New Zealand Bill of Rights Act, “Everyone has the right to freedom of expression, including the freedom to seek, receive and impart information and opinions of any kind and in any form”.

Fortunately individuals who do believe in free speech, have taken a stand against the Council's ban, forming a Free Speech Coalition and raising sufficient funds to mount a judicial review of the event's cancellation. We will await the outcome with interest.

British writer Salman Rushdie, knows more about the importance of free speech than most, having had a fatwa issued against him by Muslim fanatics in 1989 following the publication of his book *The Satanic Verses*. He believes, “There is no right in the world not to be offended. That right simply doesn't exist. In a free society, an open society, people have strong opinions, and these opinions very often clash. In a democracy, we have to learn to deal with this.”

He's right. Free speech is a pillar upon which a free society is built. It enables the contest ideas, that underpins democracy itself.

Those people in charge of the council venues, who lacked the courage to protect the rights to free speech of Bruce Moon, Lauren Southern and Stefan Molyneux should be reminded that those speakers have a right to be heard, whether we like what they have to say or not.

Even Phil Goff has a right to be heard. However he does *not* have a right to dictate what others should or should not hear. And nor should those who threaten the “health and safety” of public events be allowed to dictate who should be heard.

It's time the laws safeguarding free speech were properly applied. Illegal threats to close down meetings and debate should be referred to the Police. There should be no more cancelling of events - free speech in New Zealand should be protected according to the law.

