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Your right to speak freely

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AUSTRALIANS pride themselves for saying what they think, fairly and without fear or favour. You might not like what I say but I defend my right to say it.

The Abbott Government has the same belief and intends to remove Section 18C of the Racial Discrimination Act.

It was this part of the Act that *Herald Sun* columnist Andrew Bolt was found to have "contravened" in two articles in 2010. It was Bolt's opinion that some "fair-skinned" people of diverse ancestry chose to identify themselves as being Aboriginal to gain political and personal benefit.

Under Section 18C it was found to have been likely to offend, insult, humiliate or intimidate a person or group of people.

But should there be a law to protect people from being offended? Gagging people from fairly and legitimately held opinions is censorship. It is a basic denial of freedom of speech, which was pointed out by Attorney-General George Brandis in front of a hostile panel and audience on Q&A on ABC television on Monday night.

The discussion on the repeal of Section 18C of the Racial Discrimination Act turned into an attack on Bolt. An opinion as to some people using their ethnicity to their advantage might have been offensive to some, but should that have prevented Bolt from saying as much? The *Herald Sun* says the answer to this is an emphatic "no".

There needs to be maturity in debate. Bolt was subjected to the robust opinions of others on the Q&A panel and from the audience, which loudly applauded Professor Marcia Langton, who was introduced as one of Australia's best-known indigenous advocates and scholars.

Prof Langton described herself as being of similar "light skin" to the people offended by Bolt and, being a person of robust opinions, she described Bolt's views as being "foul" and "racist abuse".

Right or wrong, that is Prof Langton's firmly held opinion and there the matter should end. He said, she said.

But calling on the Government to adjudicate in a debate is to diminish people's right to voice their opinions, blunt as they might be.

Senator Brandis said in his opinion Bolt is "no racist" and brought some sense to the Q&A tirade by pointing out that, in his opinion, a failure to repeal Section 18C of the Racial Discrimination Act in its current form is to say "political censorship is OK". No, it's not, and the Racial Discrimination Act, Section 18C, is an Act too far. The Attorney-General crystallised the issue by saying "it is not the role of government to tell people what they are allowed to think and it is not the role of government to tell people what opinions they are allowed to express".

Andrew Bolt's opinions aside, the Government is correct to remove this offensive section from the Act. It is offensive to tell people they must not voice their opinions. There are defamation laws to deal with what we say about each other. These laws consider the injury that may have been caused to someone's reputation, economic and personal.

The underlying problem with the ill-considered effects of Section 18C is that if someone says they have been offended or humiliated, who is to challenge them? That is not what freedom of speech and the right to fairly voice your opinions is about.

Former Labor acting leader and now Opposition treasury spokesman Chris Bowen is aware of the rules of Parliament, which allow debate that many MPs might find offensive.

Being an experienced politician, he knows just how far he can go, telling the Q&A audience that if he were to say the Speaker of the House was "biased" he would be in contempt of Parliament. No one in the Q&A audience would have been in any doubt as to what Mr Bowen's opinion of the Speaker might be.

Australians unskilled in such verbal finesse need to have their freedom of speech protected, not diminished. Whatever you might think of Andrew Bolt's opinions, an ill-conceived law that protects people from being offended merely stifles debate.

Technology continues to provide numerous platforms on which people are free to state their opinions, so let the conversation continue. Section 18C of the Racial Discrimination Act is the offence. It is a gag that must be removed.

<http://www.heraldsun.com.au/news/opinion/your-right-to-speak-freely/story-fni0ffsx-1226851875830>



Monday 10 March, 2014

Vilification, Discrimination & Defamation

TONY JONES: Good evening and welcome to Q&A. I'm Tony Jones and answering your questions tonight, journalist and television presenter Lisa Wilkinson; Attorney-General and Minister for the Arts, Senator George Brandis; Professor Of Indigenous Studies, Marcia Langton; The Australian's newly appointed media editor Sharri Markson; and Shadow Treasurer Chris Bowen. Please welcome our panel. Thank you. And, as usual, we're being simulcast on ABC News 24, News Radio and you can join the Twitter conversation or send us a question, if you like, by using the #qanda hashtag on your screen. Well, our first question comes from in the studio. It's from Anna Egerton.

RACIAL DISCRIMINATION ACT 00:01:04

ANNA EGERTON: Senator Brandis, the Abbott Government has plans to repeal section 18C of the Racial Discrimination Act, which they claim is a form of censorship of free speech. Do you really think that overtly racist remarks, such as those of Andrew Bolt regarding light-skinned Aborigines, are not only socially acceptable but necessary to political discourse in the 21st Century.

TONY JONES: George Brandis?

GEORGE BRANDIS: Well, you are right when you say that we made a commitment to repeal section 18C in its current form and we are going to do that and you're right to identify the Bolt case as the episode that, as it were, catalysed this debate nearly two years ago. Regardless of whether you agree with what Mr Bolt said, whether you were offended by it, whether you think that it was a deplorable thing to say, whether you agreed with it, our view is that it's not the role of the Government to tell people what they are allowed to think and it's not the role of the Government to tell people what opinions they are allowed to express and if, as is obvious from your question, you strongly disapprove of what Mr Bolt had to say, then, in our view, that's a matter for civil society to make that judgment. It's not a matter of the Government passing laws to censor the expression of opinions that are unpopular or offensive to mainstream society.

TONY JONES: Senator, we'll go back to our questioner. She had her hand up. And we'll hear from the rest of the panel.

FOLLOW UP - RACIAL DISCRIMINATION ACT 00:02:32

ANNA EGERTON: Senator Brandis, given that people in power, such as yourself, already have a public platform in which to express their opinions, surely the minority groups that don't share the same status, their - your freedom of expression should be curtailed when it's being used to target and vilify oppressed groups. Why is your right to make offensive comments more important than their right to be free from racial discrimination?

GEORGE BRANDIS: I absolutely disagree with you. If you're going to have a free society, then everybody's right to express

their opinions has to be respected. Minorities, majorities, disempowered people, powerful people - everyone's right to express opinions has to be respected and the vice we see in section 18C of the Racial Discrimination Act is that it doesn't do that. The moment that you go down the path that you're suggesting, you set up the Government as a censor of opinion and in a free country that could never be allowed.

TONY JONES: Let's hear from Marcia Langton.

MARCIA LANGTON: Well, I find it very difficult to agree with your Government's proposition on this matter, Senator Brandis. One only has to look at, say, the code of behaviour with the NRL or the AFL and, you know, with - if you have your way and you repeal section 18C, the place where people of colour, like myself and unfortunately this is never going to be the case, will feel safe from racial abuse is on an AFL team or in the NRL and everywhere else in society, where there are not such codes of behaviour we'll be targets. And it's not true that this, in my opinion, that the simple argument about freedom of speech applies in this case because there is also, I believe, a right of people like myself to feel free from racial discrimination and especially from racial vilification in public speech and publication.

GEORGE BRANDIS: Well, I agree with that up to a point. I agree with you up to a point, Professor Langton, but I think you're running together two quite different things. You are running together racial vilification with the expression of opinions that might - members of a particular racial group might find offensive and they're not the same things. I agree that it is a matter of drawing the line but we can structure and write our laws so that we respect freedom of opinion and, at the same time, protect members of ethnic minorities or racial minorities from vilification, which isn't the expression of opinion, by the way. It's the utterance of abusive or threatening words.

TONY JONES: Okay. All right. There is going to be a little bit of discussion around this. I'd like to hear from the other panellists before we come back and hear your views again. So let's hear from Lisa Wilkinson.

LISA WILKINSON: I'm a passionate believer in freedom of speech but not if that freedom of speech allows somebody to racially vilify or humiliate or marginalise or isolate a particular group and I think that's what 18C is about stopping having happen. And if there is going to be freedom of expression, that has to be balanced with freedom from oppression and I think that's what also 18C is about and really it's about the rules of the playground applying in adult life outside of the playground where bullies are no longer allowed to bully and get away with it.

TONY JONES: Can I quickly jump in here, because the Andrew Bolt case was mentioned earlier and I'm just

wondering do you have a view as to whether that was tantamount to bullying? What he said, I should say?

LISA WILKINSON: It certainly went down that path and I'm just - I'm never comfortable with a particular marginalised section of society being spoken about in that way.

TONY JONES: Let's hear from the rest of the panel. Sharri Markson.

SHARRI MARKSON: Look, the newspaper I work for, The Australian, supports freedom of speech very strongly and they do support the repeal of 18C. But I personally have a different view. I agree with you, Lisa. I think that the Jewish communities, the Muslim, the Korean, the Vietnamese, the Chinese communities are quite strong on this and they deserve to be protected from humiliation based on their race and I know that last year a whole number of very anti-Semitic Facebook sites emerged. This hasn't been publicly reported before and the Jewish Board of Deputies had absolutely no way of having them pulled down. Facebook flat out refused to pull them down and it wasn't until they took it to the Human Rights Commission and invoked 18C that they finally got this hugely offensive material pulled down. So I personally would err on the side of caution and I think even though it will impact on freedom of speech, it does more good than harm to keep the Act as it is.

TONY JONES: Chris Bowen?

CHRIS BOWEN: I think this is deeply concerning. Now, if you listen to George Brandis and accept that frame, you'd think this was the only restriction on freedom of speech in Australia and, of course, that's a nonsense. None of us can defame each other tonight. None of us can say something which is untrue and outrageous. There is a restriction on freedom of speech. If you're in business, you can't engage in misleading conduct. As a member of Parliament, I can't come in here and say the Speaker is biased. I would be in contempt of the Parliament. So of course there are restrictions in a modern society on freedom of speech and this is a very important protection. Why? Because we don't want a society where it's okay to insult somebody because of their race and this law has a history. It wasn't introduced for fun. It was introduced as a result of a recommendation, a royal commission, into racial violence because racial vilification leads to racial violence. We don't want to live in a society where that's regarded as okay and this really just balances up the ledger a bit. If you're a person who isn't very powerful and you're in a situation where you're vilified, this gives you a chance to have a say. Most cases don't even get to court. They get conciliated and they're sorted out in a room where a person says, "You can't talk to me like that or about me like that."

And we hear a lot about the Bolt case. Well, I don't want to have a situation in Australia where things like the Toben case are acceptable. Where somebody can say the Holocaust was made up as part of a Jewish conspiracy and that's all right. It's not okay. It's not all right.

TONY JONES: You're not putting Andrew Bolt's comments and Holocaust deniers in the same...

CHRIS BOWEN: No. No. No. Well, they've both - but they've both been dealt with under this clause of the Act. That's the point I'm making and that is not okay for that to be allowed to happen in Australia. People have a right to be respected and not to be insulted because of their race or nationality. And it's not just simply the person involved who has to take offence. A judge has to decide that a reasonable person would take offence. That's quite a hard test and judges have said that this would have to be a very serious thing that was said, not

something trivial and there are also protections in the Act for matters of art and scientific discovery and...

TONY JONES: Chris, I'm sorry, I'm going to interrupt you because we've got a few people with their hands up. I will just quickly go to that young lady down on the floor there. She had her hand up for a while. Go ahead.

QUESTION FROM THE FLOOR 00:09:48

AUDIENCE MEMBER: Thank you. For the Attorney-General, as you just alluded to, there is section 18D, which provides exceptions for legitimate political comment or legitimate artwork. Why do you think that 18C, as it currently stands with those exceptions in 18D, isn't sufficient?

GEORGE BRANDIS: Because section 18C, as it's currently written and, you know, I understand the sentiment that the other panellists have expressed, but just realise what that means. What it means is that we are going to, if we don't repeal section 18C in its current form, we are going to say in this country that political censorship is okay, because that's the necessary consequence of the argument that is being made against me. It's not the case that just because somebody says something outrageous or somebody says something that is offensive to community standards, that there should be a law against it, that they should be able to be dragged off to court or prosecuted or fined or even thrown in jail because they say something that community standards - that is at variance - at variance from community standards.

SHARRI MARKSON: Well, hold on, it's civil. It's civil legislation not criminal so you won't end up in jail.

CHRIS BOWEN: George, it's not...

SHARRI MARKSON: It's civil legislation.

GEORGE BRANDIS: I didn't interrupt you, Chris.

CHRIS BOWEN: Well, it's not...

SHARRI MARKSON: I interrupted you.

GEORGE BRANDIS: If I may finish, please. Bolt could, as a matter of fact, if Bolt had repeated what he said then he would have been in contempt of the Federal Court.

CHRIS BOWEN: But let's not characterise it as a criminal offence when you know, Attorney, that it's not.

GEORGE BRANDIS: But you're missing the point, Chris.

CHRIS BOWEN: Well, I don't think we are.

GEORGE BRANDIS: If Bolt had not abided by the order that was made against him, he would have been in contempt of court, so it's not just a criminal matter.

TONY JONES: Okay.

CHRIS BOWEN: (Indistinct)

TONY JONES: Let's hear from Marcia Langton, who was politely waiting to get in.

MARCIA LANGTON: Well, this Bolt case is being depicted now as if it were a matter of high politics. In my opinion, the articles that Bolt wrote about several Aboriginal people were far from the subject of politics and simply abusive. Now, just to take one instance, there was a young woman who was the victim of his abuse and she is now a world renowned immunologist, Dr Misty Jenkins. Now, she is very fair-skinned, like my children, and I've known her since she was a young science student at the University of Melbourne. She later went on to do a PhD under Professor Peter Doherty. Then she went to Oxford and Cambridge and she has worked hard all of her life and she is a dedicated scientist. Has never particularly benefitted from her identity as an Aboriginal person. She has more than earned her way in life on the merits of her work and yet she was the victim of foul abuse from Bolt and she, as a result of that case, withdrew from public life. She used to speak to students. Now, nothing that he said about her was political. It was simply racial abuse. He argued that she had no

right to claim that she was Aboriginal and, like most fools who put this argument in public, we are expected to deny our parents and our grandparents because somebody believes in race theories. So, I absolutely refute...

GEORGE BRANDIS: Well, I don't think Andrew Bolt believes in race...

MARCIA LANGTON: ..that this has to do with political debate and suppression of political debate. This is about preventing victims of abuse from being racially abused. Now, he could say something about me that had nothing to do with my race and that would not offend 18C. He could say all sorts of terrible things about me and so long as they were not defamatory or in breach of 18C, that would be legitimate debate and I welcome him to do so. I'm perfectly capable of defending myself. But very often people who are the victims of this kind of abuse are not capable of defending themselves.

GEORGE BRANDIS: But...

TONY JONES: George Brandis, if I understand you - if I understand you correctly, you're not in any way defending what Andrew Bolt said. Is that correct? Did you find it offensive?

GEORGE BRANDIS: I didn't agree with it but I would - I don't agree at all with what Professor Langton said a moment ago. I think - know Andrew Bolt. Andrew Bolt is not a racist, and to accuse - Andrew Bolt is not a racist and to accuse him of being a racist is itself a form of vile abuse of the man. He expressed an opinion - he expressed an opinion which you and some people in this audience tonight found offensive. Fair enough. I think he has the same right to express opinions that other people find offensive, as you have the right to express opinions that he might find offensive.

TONY JONES: Just very briefly...

GEORGE BRANDIS: That's what a free society means.

TONY JONES: Just if I could just get you to address what Marcia Langton specifically said about that woman who has withdrawn from public life, because of the depth of the offence that she took from those comments, are you sympathetic with people who are so deeply offended that they withdraw from public life?

GEORGE BRANDIS: Well, I don't know anything about the facts of that lady's particular case.

TONY JONES: But aren't those sort of facts at the heart of the case?

GEORGE BRANDIS: No, I don't think they are. At the heart of the case, to my way of thinking, is this question, Tony: in a free country, should people have the right to say things that other people find insulting or offensive or wounding and I think they should.

LISA WILKINSON: Do you think part of the reason why you can't sympathise or recognise what's...

GEORGE BRANDIS: No, I didn't say I didn't sympathise.

LISA WILKINSON: But you can't seem to understand how that would cause enormous discomfort for somebody and they would withdraw from public life. Do you think that's because you are a white, able-bodied, heterosexual male?

GEORGE BRANDIS: No, I don't think - I don't think that - I don't think so at all. I don't think so at all. I - I think that - that you have to be very careful what you wish for here because...

LISA WILKINSON: I think what people wish for...

GEORGE BRANDIS: No. No.

LISA WILKINSON: ..is a civilised society

GEORGE BRANDIS: They do. Of course they do. Of course they do but how do we achieve a civilised society? Do we achieve a civilised society by having a civic culture in which

those sort of offensive, racist remarks or wrongful allegations of racism against other people, for that matter, are disapproved of by the society or do we have a society in which every time somebody says something unpopular or offensive to a majority of opinion the Parliament passes a law to say, well, you are prohibited. You are censored from saying that? I don't want a society like that.

TONY JONES: Okay. I just want to go just go back to this side of the panel and, Sharri Markson, you were listening to this. You came out with a perhaps surprising personal view, which differs from your newspaper's editorial line. Are you swayed at all listening to the Attorney-General's argument?

SHARRI MARKSON: Not at all, especially when he just said - when he used the words "offensive." I mean, this isn't just people expressing unpopular and offensive statements. These are statements that would humiliate someone based on their race. It's very, very different.

GEORGE BRANDIS: Well, it all depends what the test is. Now, you know, section 18C defines four different tests: offend, insult, humiliate, intimidate. Do you really think that we can have a free exchange of ideas in this country if people don't have the right to say things that might offend or insult or even humiliate their antagonists in an argument?

SHARRI MARKSON: But as Chris...

LISA WILKINSON: But all of that can add up to vilification.

SHARRI MARKSON: And this is the only...

GEORGE BRANDIS: Well, no, I don't agree. That's, in a sense, the very point. I don't think that is vilification. It may be.

LISA WILKINSON: Why not? Why not?

GEORGE BRANDIS: But I think - I think vilification...

SHARRI MARKSON: This is the only law that deals with racial vilification.

GEORGE BRANDIS: I think vilification is better defined in other terms and you - we haven't addressed the other side of this argument, Tony, and that is that, as I said at the start, we can have free speech and we can have proper laws against racial vilification. What I'm concerned to defend is freedom of opinion. If somebody, for example, incites racial violence, that's not the expression of opinion and nobody is suggesting we would do away with laws like that.

SHARRI MARKSON: So I'll just say there is a law for inciting racial violence.

GEORGE BRANDIS: That's right.

SHARRI MARKSON: But 18C and 18D are the only laws that deal with racial vilification and that's why it is so important that they remain.

GEORGE BRANDIS: Well, that's not right actually. There are state laws.

TONY JONES: Well, I tell you what, I'm sorry to - we could probably argue this all night but we do have other issues to get onto. So, we may come back to this during the course of the program but it is time to move along. You're watching Q&A. The next question comes from Glenn Radford.

WOMEN AND QUOTAS 00:18:36

GLEN RADFORD: Question is this: Liberal backbencher Sharman Stone has suggested that the party should introduce mandatory quotas to boost the number of women in Federal Parliament. What does the panel think of the quotas as a way to redress discrimination? And aren't quotas a form of reverse discrimination against those in the majority who have been selected on merit?

TONY JONES: Let's hear first from the women on the panel. Lisa Wilkinson?

LISA WILKINSON: It's interesting that that question comes from a man because maybe you would have to be a woman to get, you know, exactly what this is all about. And right now I look at our Federal Parliament and I see one woman in our Federal Cabinet and 19 men and if that, alone, isn't enough to tell you that women are not being selected on merit because there are a lot of very talented women in the Coalition who didn't get a look-in. Tony Abbott said there is a lot of them knocking on the door. Well, Tony Abbott needs to understand they're not there to sell Avon. They've actually got talent that needs to be recognised. And there was also the argument put forward that they don't have the experience. Well, experience only comes when you get a chance in the first place and that comes from taking a chance. And obviously, for members of the Coalition, you know, it's - they see it as a big risk. But there are very talented women in the Coalition who really should get an opportunity. And the great pity about that 1/19 ratio is, for the first time this country had a female Foreign Minister, and that was completely overlooked in Julie Bishop achieving that situation. Sorry, you want to speak.

GLEN RADFORD: I'm not arguing against that. But what I am arguing against is this idea of a quota system.

LISA WILKINSON: But the trouble is if you don't have a quota system, it is clear that women end up being ignored.

GEORGE BRANDIS: That's not right.

TONY JONES: Let's hear from the other women on the panel first. We'll come back to you in a moment, Senator. Sharri Markson

SHARRI MARKSON: Look, the Treasury Secretary, Michael Parkinson, gave a really interesting speech recently, where he said that the merit system isn't working because you have a lot of male bosses who, when they go to hire someone or choose their successor, they look for someone who looks like them, dresses like them and acts like them. We know the merit system isn't working and we haven't had an improvement in women equal pay or women in senior positions at companies for the past 25 years. So I think, at this point, the only way we can actually force cultural change is to have quotas. And whether we first give ourselves, like, a five or ten-year period where we set targets and see if companies can, you know, out of free will, get women into those positions, you know, I don't mind. I'd be happy with, that. But then, if it's not working at the end of that five or ten-year period, we've got to bring in a quota and I would also say I'm really happy that Ita Buttrose, who previously had been against quotas, in her final speech when she finished up as Australian of the Year, she now supports it as well, because she recognises that the world is not changing.

TONY JONES: Marcia Langton?

MARCIA LANGTON: Quotas work. We know this from history. We know this from, for instance, the affirmative action quotas in the United States with African-Americans. Those quotas worked. They became very unpopular for - on the basis of arguments that, you know, really were not evidence-based and when quotas were removed, we found that the proportions of African-Americans in, say, student bodies, slipped backwards. So it's pretty clear from a lot of the evidence that quotas do work and it's also true, as Sharri says, that the merit system doesn't work for women and minorities. So, you know, if the Liberal Party were to think about quotas for women, I'm sure a lot of women in this society, including myself, would be pleased to see more women in Cabinet and more women in Parliament.

TONY JONES: Chris Bowen?

CHRIS BOWEN: I think the argument about quotas versus merit is a false one because, as Lisa said, that would imply that there is only one woman in the Liberal Party in the Federal Parliament who has got enough merit to be in the Federal Cabinet and, in fairness, I don't think that's true. And knowing them as I do, there are plenty of women in the backbench in the Liberal Party who could very easily earn their place in by merit in the Cabinet and they've been passed over. The second point I'll make is this: I've got no doubt George is about to say quotas are bad. There are quotas in the Liberal Party as we speak. Tony Abbott would have weighed up, I've got to have enough members from the House representatives and enough members from the Senate in the Cabinet. I have got to have each State represented. I've got to have small L liberals and conservatives represented. The National Party has got to be represented. They're all quotas. They're all quotas and yet it wasn't good enough to say, "Well, we need a few more women than one," and I think that's very disappointing for the country.

TONY JONES: George Brandis?

GEORGE BRANDIS: Well, I agree with the view that the gentleman who asked the question expressed. I think that if you're against - I think if you're against discrimination then, as a matter of logic, you've got to be against reverse discrimination and, Chris, you correctly anticipate I am against quotas and I don't think you do justice to a number of other women ministers in the Government, like Senator Marise Payne, Sussan Ley, Senator Michaelia Cash, Senator Fiona Nash. You disregard the fact that Tony Abbott put a woman in charge of the House of Representatives, a formidable woman, Bronwyn Bishop. You disregard the fact that one of the most powerful people in Canberra is the person Tony Abbott chose to be his Chief of Staff, Peta Credlin. There are so many women working as advisers in the Prime Minister's office, each the personal choice of Tony Abbott. I don't think your comment does justice to those considerations as well.

TONY JONES: Can I just ask you this, though: when you sit in the Cabinet room and you look around at all the male faces and you come across one woman do you really...

GEORGE BRANDIS: Well, I sit across from Julie Bishop actually.

TONY JONES: Okay. So...

GEORGE BRANDIS: ..so I look at Julie Bishop.

TONY JONES: All right. So you see her quite often.

LISA WILKINSON: That's the problem. Need to put you opposite men.

TONY JONES: You'd have to look twice for there to be two of her and there aren't. There's only one.

GEORGE BRANDIS: Well...

TONY JONES: So here is the thing...

GEORGE BRANDIS: Yes.

TONY JONES: ..does it seem to you.

AUDIENCE MEMBER: (Indistinct)

TONY JONES: Does it seem to you to be a fair representation of Australian society?

GEORGE BRANDIS: Yes, I think it is because the Liberal Party is gender blind.

CHRIS BOWEN: How can it? How can it?

GEORGE BRANDIS: The Liberal Party is gender blind. You go into a pre-selection - you go into a pre-selection, the Liberal Party and the National Party, and I have never seen an occasion in which the female candidate was discriminated against because she was female. If anything, it is an advantage in a pre-selection, on my side of politics at least, to be a female candidate. I think you have to also look at the

root of the problem. Fewer women offer themselves for parliamentary service than do men and that's the case on both sides of politics.

TONY JONES: I think Lisa Wilkinson wants to get in on that.

LISA WILKINSON: Do you think - do you think the reason for that might be because we haven't had enough female politicians over the last century who have put forward women's issues and made sure that things like childcare are looked after and domestic violence issues are raised and all of the...

GEORGE BRANDIS: Well, I don't think...

LISA WILKINSON: ..things that are much more female-focused issues?

GEORGE BRANDIS: I don't think that you have to be a female politician to put those issues on the agenda and don't forget...

LISA WILKINSON: But that's the problem. Men are clearly not putting them on the agenda because women wouldn't be so heavily represented...

GEORGE BRANDIS: I don't know about that.

LISA WILKINSON: ..when it comes to domestic violence figures.

GEORGE BRANDIS: I think one of - one of the most...

LISA WILKINSON: Childcare wouldn't be the issue that it currently is. Maternity leave wouldn't be the issue that it has been for such a long time. It's great to see that Tony Abbott has turned around there but, you know...

TONY JONES: Lisa, I am going to interrupt you...

GEORGE BRANDIS: Well, that's...

TONY JONES: ..because we have several people with their hands up in the air. We'll just quickly go to a couple of them. That lady there and then there's a gentleman just three seats down, just behind the sound recordist. Go ahead.

AUDIENCE MEMBER: Anti-Discrimination Commissioner Elizabeth Broderick said that if you don't include women, you contribute to excluding them. Thank you.

TONY JONES: Okay. We'll take that as a comment. And this gentleman down the front there wanted to get in as well.

AUDIENCE MEMBER: Yeah. I wanted to ask the panel is it the right thing to try and change the culture of a population through legislation? What the panel think?

TONY JONES: Okay. Once again we will take that as a comment and we have one more question on the subject. It's from Kathrin Bain

CORPORATE GENDER REPORTING 00:26:57

KATHRIN BAIN: There has been some concern expressed over the Government considering relaxing the gender reporting requirements that currently apply to companies with at least 100 employees. Is there any evidence that shows that such reporting actually improves gender balance in the workplace? I mean I would think that a lot of Australians wouldn't even know that these reporting requirements exist, let alone where to access the information when it is reported.

TONY JONES: Sharri Markson?

SHARRI MARKSON: Yeah. I'm totally on top of this issue, because I read about 90 of the reports last year when I was Cleo editor and up until that point they weren't complete. They didn't have the pay levels for men and women who were in the same job. This year, for the first time, we're going to be able to look at that and I can't wait to see it. It will be fascinating. But now there is speculation that the reporting requirements, as you say, could change from being all companies with over 100 employees, to companies with over a thousand employees and there is a big debate in the business community about this. Jennifer Westacott has said it's too much red tape. But

I'm really happy about the fact that people like Mike Smith and the Citibank CEO have come out and said, "We need to have these reports" because they don't know what is necessarily going on in their organisation and they have said that when these reports come in, it will be able to really easily see where the problems lie.

GEORGE BRANDIS: Then why doesn't Mr Smith, or people like Mr Smith, prepare these reports in any event, rather than rely upon a government regulation to mandate it if they're useful to it?

TONY JONES: Isn't it more useful for the companies that aren't doing it, because his company probably is.

GEORGE BRANDIS: Well, do we know that?

TONY JONES: And I guess the point is how hard can it be to count up the number of women employees you have working for you and to write out a form saying what jobs they have?

GEORGE BRANDIS: Well, look, this is a particular issue that I'm not very familiar with but can I make the broader point that one thing this Government is committed to doing is to reducing the red tape that has tied up businesses, large and small, in this country with tremendous productivity effects and, Tony, may I please, on indulgence, make one observation in reply to what you said, Lisa? The biggest social reform from the point of view of advancing the life chances of women has been authored by Tony Abbott and that's the paid parental leave scheme.

LISA WILKINSON: Which is not terrible popular within the male members of the Federal Cabinet.

GEORGE BRANDIS: That's not correct. That is not...

LISA WILKINSON: Well, everything I hear is it's not very popular with the...

MULTIPLE SPEAKERS TALK AT ONCE

LISA WILKINSON: It's probably one of the first things to go if this May Budget turns out to be a really tough one.

GEORGE BRANDIS: Lisa, I said...

LISA WILKINSON: But he is arguing for it and it's really impressive, the way he's been arguing for it. That said, back in...

GEORGE BRANDIS: But that reflects his view of the world.

LISA WILKINSON: But back in 2002...

TONY JONES: I'm sorry. No, I'm just going to...

LISA WILKINSON: Sorry, Tony.

TONY JONES: No, I'm going to pause you both. Excuse me, I'm sorry.

LISA WILKINSON: Back in 2002, Tony Abbott said that paid parental leave would happen over his dead body and in 12 years we've seen change and that's a wonderful thing and to be celebrated.

GEORGE BRANDIS: And I think Tony Abbott deserves to be applauded for it.

TONY JONES: Okay. All right.

LISA WILKINSON: And I am.

TONY JONES: I'm sorry. I'm sorry. The indulgence...

LISA WILKINSON: (CLAPS HANDS) Tony Abbott.

TONY JONES: The indulgence which you had is over. I just want to hear Chris Bowen on the subject we were talking about.

CHRIS BOWEN: Yeah. Look, I think reporting can play a role. There is always a balance to be struck in terms of which companies report, how big they are, et cetera, but it does - we're talking about it here today because of the reporting. It does focus the public discussion on it and there's a lot of goodwill at senior ranks, as Sharri said, of the business community. But it takes more than goodwill to get this fixed and it does take some accountability, some reporting, and so I

think it can play a role in moving the public debate on and getting more progress and getting a better situation for women.

TONY JONES: Okay. Let's change tack. Our next question is a video. It's from Fraser Mangle from Yarraville in Victoria

CHINESE BUYING AUSTRALIAN HOUSES 00:30:33

FRASER MANGLE: Why are the Chinese allowed to buy up Australian property? This is inflating the price and sentencing a whole generation to renting. Credit Suisse estimates that 14% of all new homes sold in Melbourne and 18% of all new homes sold in Sydney are going to Chinese. What benefit is this to Australians?

TONY JONES: Lisa Wilkinson, do you want to buy in on that one?

LISA WILKINSON: I'm just wondering why our video person only mentioned Chinese when, if you put together Canadians and North Americans, they make up a much greater percentage of the number of overseas foreign investors. So I don't quite know why there's this focus at the moment on the Chinese.

TONY JONES: Well, it's probably got something to do with the statistics that he mentioned, which came out in The Australian a short time ago, suggesting that 14% of new homes in Sydney are being bought by Chinese buyers.

LISA WILKINSON: But I think it's six billion...

MARCIA LANGTON: But it also pointed out that more - a higher proportion of people buying - overseas people buying these homes were Canadian or North American.

LISA WILKINSON: Exactly. Canadian and North American make up much more than the so-called Chinese, which includes Hong Kong, Singapore, Malaysia. But they're all getting clumped together, obviously, because visually it's easy.

TONY JONES: Well, there's a fair bit of media reporting around this and I'm wondering if it's actually feeding into the fears that young Australians have that

they will never be able to buy a home and someone is to blame?

LISA WILKINSON: It's feeding into both race fears and fears that they won't be able to buy a home. So a really easy headline, this one.

TONY JONES: Sharri Markson? Sorry. Go ahead.

MARCIA LANGTON: I want to know why Americans are buying Australian property. That's what I want to know. But, you know, it's not a very nice thing to say. I don't think that it's a valid argument. You will remember, Tony, 20 years ago, Queenslanders were up in arms about Japanese people buying property in Queensland. These - this is a media stunt to work up a bit of racism amongst Australians and...

TONY JONES: Well, you're certainly right about the figures because apparently Chinese buyers spend about \$5 billion a year buying property houses but total housing finance in 2012/13 was \$264 billion. So, yes, a small percentage of that is Chinese.

LISA WILKINSON: That's 4%.

TONY JONES: But it is interesting that it's coming out in - I'm not saying The Australian is responsible for throwing this out.

SHARRI MARKSON: But a lot of people have been reporting on this in the past few days in, you know, the Herald and other publications as well. It is - I do think it is the case that foreign nationals are driving up house prices in some suburbs in Sydney and Melbourne. I think we have seen that and also we know that in some of the new housing developments that are being built, real estate agents are directly marketing the properties in Hong Kong and Beijing so that they can try and

get a higher price. I think foreign investment in our country is a good thing and we should welcome it but it is also the case that it has never been harder for the younger generation to get into the property market. The unemployment figures - the youth unemployment are higher than we realise because unemployment is categorised as people looking for work, and there are a lot of young people who have simply given up. I think the figures of between 16 to 24 year olds for women, about 16.5 - 16% of them aren't in any sort of education, training or employment. And it's not that they don't want to work. They're desperate to. But a lot of companies haven't re-opened positions after the GFC and there is just not the jobs available.

TONY JONES: Chris Bowen, the Chinese housing issue, it may be just a way of saying it's very hard to get into the housing market. Foreigners are to blame.

CHRIS BOWEN: Housing affordability is a huge issue and Sharri is right to point to those figures about how hard it is for young people to get into market, but it's nowhere near as simple - I agree with Lisa and Marcia - as to say this is all down to one element. Foreign investment in housing comes predominantly from other countries. Chinese investment is high profile and it tends to be focused at the middle and upper end of the market, not at the lower end of the market where first home owners and young people are trying to buy in. So we do need to do a lot more about housing affordability but simply saying let's stop anybody from overseas buying a house in Australia really is not the answer at all.

TONY JONES: George Brandis, do you have a view on this?

GEORGE BRANDIS: Well, I'm always uncomfortable with the idea of picking on one racial group and saying, well, they're the problem. But unlike others, going back to our earlier discussion, I wouldn't suggest that your questioner should be dragged off to the Human Rights Commission or the Federal Court under section 18C because Chinese property investors might have found his question offensive or insulting, and I think that's a very good illustration of the fact that the way to...

TONY JONES: George, if Chinese property developers now withdraw from public life...

GEORGE BRANDIS: I don't think that's likely.

TONY JONES: ..because of the depth of the offence, you might have an argument. Let's move on. Our next question comes from Preston Peachey.

INDIGENOUS QUALITY OF LIFE 00:35:28

PRESTON PEACHEY: In 2001, Larissa Behrendt said, "Over 35 years after the 1967 constitutional amendment, Indigenous people are still the most socioeconomically disadvantaged within Australian society and are still vulnerable to systemic discriminatory practices." Is constitutional recognition of Indigenous people another gesture that offers no real benefit to approximately 2.5% of the national populace that are the most socio-economically disadvantaged? How does constitutional recognition improve people's quality of life?

TONY JONES: Marcia Langton?

MARCIA LANGTON: Preston, I believe your name is, there is a great deal of evidence that shows that racial abuse and vilification has deleterious health effects. You should read the work of Yin Paradies and other scholars on this. And the exclusion of Aboriginal people from the Constitution from 1901 until the referendum of 1967 was one of those trajectories in Australian history that amounted to sustained racial vilification of Aboriginal people for that period of time and, arguably, fed into the racism that was practiced everywhere in society and excluded Aboriginal people from housing, from the economy,

from schools, from universities, thus leading to more and more disadvantage. I'm firmly of the view that the right kind of referendum question that recognises the First People's and prevents the Commonwealth from discriminating against us would do a great deal to improve the lives of Indigenous Australians. It would not be a silver bullet. It would not happen immediately but it would happen over time, just as the 1967 referendum, the act of reconciliation, the apology and so many other events in our history have had a wonderful effect in healing the nation on our side, and on the non-Indigenous side, overcoming racism and making the lives of Indigenous Australians slowly, step by step, a little better.

TONY JONES: Marcia, what Greg Craven calls the con-cons, the constitutional conservatives, could apparently kill the referendum stone dead. That's Greg Craven's analysis. One of the issues is the Commonwealth races power to make laws based on people's race and there are fears that whatever they're replaced with could end up being a kind of quasi bill of rights. That seems to be an emerging argument from these con-cons. What do you say to that?

MARCIA LANGTON: I've listened to all those arguments, of course not directly from Professor Craven, and I would love to hear him speak publicly on the issue so that I can fully apprehend his arguments. I can see part of the argument. The part of the argument that I understand...

TONY JONES: I think he favours a change, by the way.

MARCIA LANGTON: Yes. Yes.

TONY JONES: But he is just warning that there are these problems.

MARCIA LANGTON: That's right. Well, there are some technical issues and I am not a constitutional lawyer and he is one of Australia's greats, so I'm not going to have an argument with him. But just to say that there is a problem with, say, for instance, removing the race power and the, you know, how does the Parliament have the power to make laws for any - the people of any race. It would invalidate that so there are consequences of removing the race power. And so, therefore, that Parliament - that provision that provides for the Parliament to make laws for the people of any race would have to be replaced. And, of course, I was a member of the expert panel. Our proposition was that it be replaced with - that section 51(26) be replaced with a provision that has a short preamble, so it's not a preamble to the Constitution, and a statement of recognition and then perhaps, you know, if Professor Craven has a strong argument for protecting the right of Indigenous people to be treated like all other citizens are, he perhaps has a better way of doing it, a less wordy way of doing it, and I think a lot of people would be very interested in hearing what he has to say.

TONY JONES: Let's actually hear from...

MARCIA LANGTON: I can't be conclusive about it.

TONY JONES: Yeah.

MARCIA LANGTON: But I stand by the expert panel's report in its intention. It was not intended as a bill of rights but really our section 51(26) proposition is an answer to that technical problem.

TONY JONES: Let's hear from the Attorney-General. You will have to struggle with this, these opposition movements, if you like, to any change, but I think you would like to see change. Is that right?

GEORGE BRANDIS: Well, it's certainly one of the Government's policies and it's a bipartisan endeavour, this...

CHRIS BOWEN: Yes.

GEORGE BRANDIS: ..to make appropriate recognition of Indigenous people in the constitution and, sir, I detected in

your questions a little scepticism. Can I just make the point to you that I think in this area of policy outcomes, or course, are important. Symbolism is also important and I think sometimes people from both sides of politics have got it wrong because they have stressed the symbolism at the expense of the practical outcomes, or they have concentrated only on the practical outcomes and ignored the power of symbolism. So I think we need both.

TONY JONES: Do you see a way of dealing with the objections of these conservatives?

GEORGE BRANDIS: Yes, I do and I, by the way, share Greg Craven's view that this will be won or lost depending on whether conservative Australians, who are just as entitled to their views as every other Australian, are sufficiently reassured that this doesn't constitute the sort of radical change to the constitution that they would never be prepared to embrace. And the answer is, I think myself and I've said this often, that only a minimalist proposal is likely to give conservative people that level of assurance and, therefore, a minimalist proposal is the proposal that I would like to see the Government go forward. Now, as to the - and might I remind you, Professor Langton, your expert panel actually said that no referendum question should, in fact, be put unless there was a sufficient degree of assurance that it was likely to succeed. So that's my answer to your question. As to the actual words, they are being developed by a parliamentary committee chaired by Ken Wyatt, the first Indigenous member of the House of Representatives and conducted in a bipartisan fashion at the moment.

TONY JONES: So you are confident, incidentally, that this will be prepared in time for the next election?

GEORGE BRANDIS: The Prime Minister wants the draft words settled upon before the end of this year.

TONY JONES: Lisa Wilkinson?

LISA WILKINSON: The fact that Indigenous Australia is not represented in the Constitution at the moment takes my breath away. But it also takes my breath away that it was only 1967 that Aborigines got the vote. So we have a lot of making up to do and the sooner that happens, the more comfortable I would be.

TONY JONES: We've got another question. Sorry. All right. We've got another question. It comes from Ray Casey.

WHY RECOGNISE INDIGENOUS PEOPLE? 00:43:24

RAY CASEY: Great tracks of Australian land has been transferred over to Indigenous people completely out of proportion to their numbers in Australia - and we're all Australians - and you talk about discrimination, I see this as reverse discrimination. So, why are politicians so pushing for this sort of handing everything back to Aborigines when really we're all here, we're all Australians?

TONY JONES: Marcia Langton?

MARCIA LANGTON: Well, I don't think that your facts are right, sir, and certainly not correct for New South Wales. Everything hasn't been handed back to the Aborigines of New South Wales, more is the pity. But, so, I don't know what place in Australia you're talking about, other than some parts of Northern Australia where Aboriginal people are still in the majority.

TONY JONES: Does the nature of the question, does that sort of indicate to you that there still is significant opposition out there based on...

MARCIA LANGTON: Well, there is an enormous mythology and we all know what it consists of. We heard it with, you know, Pauline Hanson and we've heard it many times on radio. You only have to open up Facebook to see it. Aborigines get

everything. They don't work. They all get drunk. They don't contribute to society. They didn't fight in the wars. Might I say that next year I hope that that furphy doesn't get up because there were Aborigines that fought in every war from the Boer War onwards and I don't want to hear it next year.

GEORGE BRANDIS: Well, I don't think the gentleman is saying that.

MARCIA LANGTON: No. Well, I'm just saying, you know, there are just so many mythologies about Aborigines and they come from people who have never met Aborigines, never read anything. I don't know where they hear all this stuff from. There must be special clubs that I'm not a member of and I just wish it would stop.

TONY JONES: So do you want to get back in, sir? Okay.

MARCIA LANGTON: I just wish it would stop. I just wish it would stop and that people would actually rely on facts instead of repeating something they heard from somebody who heard it from somebody, who heard it from somebody.

RAY CASEY: Is Maboism part of that, is it, the handing over of land back to Indigenous Australians?

GEORGE BRANDIS: Well, that was - can I comment on this?

TONY JONES: Yes, you can. Go on.

GEORGE BRANDIS: Those Mabo and Wik were the two decisions of the High Court that acknowledged that there was a species of land title, native title, which in certain circumstances could continue, notwithstanding white settlement in Australia, and that's the law of the land, as settled by the High Court. So it's not as if this land is being given away to people who don't have a claim to it. There is a national native title tribunal, which has been set up, really in effect, to give effect to those decisions of the High Court.

TONY JONES: And Malcolm Fraser's Aboriginal Land Rights Act, in fact.

GEORGE BRANDIS: Indeed. So, but that predated at least Wik, and Mabo, too, I think. But the point is that this is the law of the land. It's not Indigenous people's law. It's not Indigenous people taking other people's land. This is a Federal tribunal applying the law settled by the High Court where there is a claim and where there is a claim, then if the claim can be made out and the legal principles properly applied, then the claimants are entitled to the order.

TONY JONES: Okay. I just want to hear from...

MARCIA LANGTON: But could I also say that native title cannot interfere with anybody else's title and the majority of cases have lost before the courts. So...

CHRIS BOWEN: Which is fair enough.

MARCIA LANGTON: So no white person has ever lost a title and had their title taken away from them and given to an Aboriginal person. That is simply not the case. I know that's popular in some circles to say, but it is not true.

RAY CASEY: So you're saying it's not the Crown Land Act.

TONY JONES: Okay. Chris Bowen, we will just bring you in. Thank you.

RAY CASEY: I wasn't sure there'd be an opportunity tonight to say I agree with Marcia and George, but I just said it because it is very hard to get native title approved in Australia. It is, as George said, been set up through successive High Court decisions and then a tribunal, much negotiation through the Parliament, and it is right to say that there were owners of Australia before 1788 and that can be reflected in law.

TONY JONES: So quickly go back to the first question, which is about the Constitution and the bipartisan nature of that.

CHRIS BOWEN: Yeah. Well, we do - it is bipartisan and it is not a choice between symbolic reconciliation and real

improvements to living standards. That's not a choice. We can do both and it is not right that our most important document, our Constitution, does not reflect the fact that we have the longest unbroken link of human civilisation, which is a great honour for Australia. And it's worse than that. It's worse than that. Section 25 of the Constitution says people can be banned from the vote because of their race. In 2014, the Constitution still says that. We can't abide by that.

MARCIA LANGTON: And that's the very great risk, you see, in this debate. So I hope that Australians come to understand what this debate is about. It is a very tricky thing to change the Constitution. I'm fully aware of what our expert panel report says and I hope that the wrong question is not put to the Australian people and...

GEORGE BRANDIS: Well, that's not right. That's absolutely not right.

TONY JONES: I'm sorry, I'm just going to interrupt you both because we had at least one questioner who has had his hand up for a while from the audience. Go ahead, yes.

AUDIENCE MEMBER: This is directed to Mr Chris Bowen. This is just about another group in society whose quality of life is significantly below the average and that is of refugees. I would like to ask, you were the Minister for Immigration in 2012 when the PNG Solution was made. I would like to ask you how can you...

TONY JONES: Can I just - I am sorry. I am going to interrupt you there because you know the general rule is that we stick to the subject we are talking about and whilst I understand the comment you are making, we will leave that as a comment. We'll move to our next question.

CHRIS BOWEN: I was happy to deal with it but (indistinct)...

AUDIENCE MEMBER: (Indistinct).

TONY JONES: Well, we have dealt with this subject week after week, I must say.

GEORGE BRANDIS: Can I just add one comment to what Professor Langton said? Don't forget, though, that the 1967 referendum was passed with about 91% of the vote. So if the goodwill is there and it is bipartisan and the proponents of the referendum don't over-reach, then this can be done.

CHRIS BOWEN: I agree.

TONY JONES: Okay.

MARCIA LANGTON: And I would like to say that I remember the Republican referendum. Now, I'm a...

GEORGE BRANDIS: That was a bad idea.

MARCIA LANGTON: Well, I'm a republican and I did not vote for that proposition because the wrong question was put to Australians., Because if you remember the time, it was very likely if the proposition that was the question put by the Government had succeeded, it was very likely that Pauline Hanson would be our Head of State because one in four Australians were voting for her at the time. So, now I want you to be - consider the question that is put to you. If it is the wrong question, I think it would be a very grave mistake for there to be a referendum because if we all have to vote against it because it's the wrong question, like the Republican question was, we will wake up the day after the referendum and we will have effectively voted for the race power in our Constitution, which marks our Constitution as one of the racist constitutions on the planet.

TONY JONES: Have you got the right question off the top of your head?

MARCIA LANGTON: There is a question recommended in the expert panel report and that matter has been put, as Senator Brandis has pointed out, to the joint committee chaired by Ken Wyatt, the Member of the House of Representatives from

Western Australia, and co-chaired by Nova Peris from the Northern Territory. So we'll wait to see what that committee says. But also the Act of Recognition says there ought to be a review and it actually says those who do the reviewing, so I hope that there will be a panel of reviewers, and so there is quite a ways to go yet in the process and I'm very hopeful that these very complicated matters can be resolved so that we have a good question that resolves this very difficult problem both recognising Indigenous people and ensuring that when we're not targeted for discrimination by the Constitution as it presently stands.

TONY JONES: All right. We've got time for a final question which is sort of on free speech issues. It is a video from Daryl Toohey in Darlinghurst, New South Wales.

CHRIS KENNY, TONY ABBOTT & CHASER 00:52:48

DARYL TOOHEY: My question is to George Brandis. Given your Government wants to unwind the anti-vilification laws, isn't Tony Abbott being a complete hypocrite for criticising the ABC's Chaser program for defending itself against Chris Kenny. After all, isn't this what the Abbott Government wants: American-style, dog eat dog, freedom of speech laws and shouldn't Chris Kenny just man up. Thank you.

SHARRI MARKSON: Oh, honestly.

TONY JONES: George Brandis?

GEORGE BRANDIS: Well, first of all we're not unwinding the racial vilification laws. We're taking the anti-free speech elements out of them so let's just get that straight to start with.

TONY JONES: One thing we also have to get straight is that we can't obviously pre-judge the defamation trial that is going.

GEORGE BRANDIS: We can't, but I do agree, as a lawyer, I do agree with the Prime Minister's view that rather than fight this defamation case with taxpayers' money, why wouldn't the ABC just apologise? Mr Kenny, as I understand it, has said that that's all he wants. I didn't see the skit but I've seen reports of it and I saw it...

TONY JONES: I don't actually believe that is all he wants, not according to Media Watch this evening anyway.

GEORGE BRANDIS: Well, I understand from his column that he has actually said that's all he wants. Why wouldn't you - it was an extremely...

SHARRI MARKSON: Well, it's all he wanted originally.

GEORGE BRANDIS: It was an...

SHARRI MARKSON: It all he was after originally was an apology, but now that the ABC refused to apologise and it's gone on for such a long time and it was so deeply offensive to his family, his lovely wife Sunita -she's a wonderful woman - I think after it's gone on for this amount of time - I mean you'd have to speak to him...

TONY JONES: Well, not all members of the family, it should be noted.

GEORGE BRANDIS: Well, your point...

SHARRI MARKSON: No. Well, not all members.

GEORGE BRANDIS: Your point only makes the ABC's attitude worse. I mean if that's the case...

TONY JONES: Okay, Attorney-General, can I just impose a question here...

GEORGE BRANDIS: Yes.

TONY JONES: ..and that is the Prime Minister's stated opinion is that the case is indefensible. Doesn't that have an effect on what a jury right think?

GEORGE BRANDIS: I wouldn't think so.

TONY JONES: So you...

LISA WILKINSON: The highest office in the land has...

GEORGE BRANDIS: I wouldn't think so. I mean, I think the Prime Minister is entitled to his opinion.

TONY JONES: Do you think it's coming very close to contempt though?

GEORGE BRANDIS: No, I don't. No, I don't. That's a comment from a person who has never been a legal practitioner. He is a political leader. He's entitled to comment on the controversies of the day.

TONY JONES: Will a jury be instructed to ignore comments from the Prime Minister? Will, in fact, the judge be forced...

GEORGE BRANDIS: I don't...

TONY JONES: .. to ask the jury to ignore comments from the Prime Minister...

GEORGE BRANDIS: I wouldn't anticipate...

TONY JONES: ..saying the case that is being made here is indefensible?

GEORGE BRANDIS: I wouldn't anticipate the Prime Minister's comments would be put into evidence before the jury anyway. But to the extent to which there was - this is a public controversy now. So to the extent to which there is, you know, background commentary about the case, including the remark the Prime Minister made, routinely the judge would say to the jurors, you should disregard everything you've read about this case in the newspapers or heard on the radio or on the television.

LISA WILKINSON: But wouldn't the jury have already heard that comment? I mean it's one thing to disregard but when the highest office in the land says, "This is indefensible..."

GEORGE BRANDIS: Well, Lisa, with your background in the media you would know as well as I do that all high-profile cases are a legitimate matter of commentary in the media and there is a routine direction that judges give to jurors to say, "Well, you may have heard these things but your job is to decide this case according to the evidence that you've heard in this courtroom and not otherwise."

LISA WILKINSON: Sure.

TONY JONES: Okay. Let's hear from our other panellists now. Sharri, you are still on fire there, I think.

SHARRI MARKSON: Look, I think if you asked any reasonable person should the ABC waste taxpayers' funds defending this highly offensive image and words, that was clearly in poor taste, the average person would say, "It is a waste of money." And can I tell you that in the pre-trial court hearing last week, the ABC had a legal team of nine...

GEORGE BRANDIS: What?

SHARRI MARKSON: ..nine people to defend - to attempt to defend this horrific and insulting image. I completely agree with the Prime Minister. I think he is spot-on. It is a waste of taxpayers' funds. I apologise because I'm saying this in the ABC, but I agree with that.

TONY JONES: No need to apologise. You're entitled to your opinion. Chris Bowen?

CHRIS BOWEN: Look, I didn't see the Chaser skit either. I've seen it since. I've seen the reporting of it since and it's juvenile, offensive, crass, undergraduate. You take your pick.

SHARRI MARKSON: Not even funny.

CHRIS BOWEN: Not even funny and highly insulting to Chris Kenny and should not have been aired on any test of good taste, frankly. How the ABC wants to handle that, though, is, I think, a matter for the independent ABC. I'm not aware of their strategy, their reasons and I'm not going to second guess that but I didn't think there was any place for it in any sensible discussion and I think Chris Kenny had every right to be insulted by it.

TONY JONES: Marcia, do you have any opinion on this at all?

MARCIA LANGTON: I think the ABC should apologise and not waste taxpayers' money.

TONY JONES: Well, I think that's probably all we have time for tonight.

GEORGE BRANDIS: Unanimity. Unanimity at last.

TONY JONES: Well, I'm not going to apologise straight here. Please thank our panel: Lisa Wilkinson, George Brandis, Marcia

Langton, Sharri Markson and Chris Bowen. Thank you very much. Now, next Monday we'll be joined by political activist and musician, Billy Bragg; Christian intellectual Miroslav Volf; comedian and Editor-in-Chief of The Hoopla Wendy Harmer; Assistant Education Minister Sussan Ley; and Shadow Environment Minister Mark Butler. Until next week's Q&A, goodnight.

<http://www.abc.net.au/tv/qanda/txt/s3946770.htm>

Chris Kenny Up A Dog

Published on Sep 14, 2013

Properly edited version of Chris Kenny's 5 min rant about the Chaser guys showing him 'up a dog' on the ABC's The Hamster Decides

<http://www.youtube.com/watch?v=3v4ww0PVcs0>

Paul Murray Live - Chris Kenny v Mark Latham

Published on Nov 12, 2012

Paul is joined by former Labor leader Mark Latham and Saturday Agenda host Chris Kenny for a heated discussion on the allegations against the PM from her time as a lawyer.

<http://www.youtube.com/watch?v=ktHqpt5IWho>

MEDIA WATCH DOESN'T GET THE JOKE

Chris Kenny: They need to actually start to question the billion, \$1.1 billion they throw to the ABC for instance.

Andrew Hansen: I agree. They've just got to cut ABC funding. I mean this, this is a network that broadcasts images of Chris Kenny strangling a dog while having sex with it.

Chas Licciardello: Disgusting. Worse still, worse still, they then handed him over to Channel 9 to feed him to the sharks. ABC what a terrible network.

— *ABC1, The Hamster Decides, 11th September, 2013*

Hello, I'm Paul Barry, welcome to Media Watch.

And as you roar with laughter or reel with shock let me say it's not normally my job to get stuck into comedy programs. But after weeks of tackling the Tele for putting Kevin Rudd on the front page in a Nazi uniform, we could hardly ignore the Hamster Decides' portrayal of the Australian newspaper's Chris Kenny as a sexual pervert...

No doubt the Chaser team's defence is that it's satire.

But I can see nothing satirical or clever in the suggestion that Kenny—who is one of the ABC's noisiest critics—has sex with animals.

And needless to say Chris Kenny did not find it funny either.

Chris Kenny: A picture of me there's no polite way to say it, of me, a doctored picture, something fabricated, of me up a dog. Literally up a dog ...

My sister and her children, they saw it, and my kids now when they want to Google my name, they'll see it in the future. It's just a nice little slap down from the ABC because I dared to challenge the ABC – on behalf of taxpayers. I, like you, pay for it.

— *Sky News, Friday night Live, 13th September, 2013*

Now remarkably, the ABC has not been flooded with complaints.

But one angry viewer did write to Media Watch to say he found it "disgusting" and "defamatory"...

I am reliably informed that the word "dogf...er" went unedited to air.

I am astonished the ABC would allow broadcast of this kind of trash - and thus tacitly endorse it.

— *Email to Media Watch, 13th September, 2013*

So why did the ABC let it go to air?

And why did they not refer it up the management chain?

The ABC's Head of Entertainment [told us](#)

While strong in nature, the segment was consistent with the humour from the Chaser Team and in line with the target audience of The Hamster Decides. The graphic was clearly fake and absurd.

— *Jennifer Collins, Head of Entertainment, ABC Television, Response to Media Watch questions, 16th September, 2013*
Ms Collins added that it was satirical and boundary pushing. Really?

And what about the Chaser Team themselves?

[This was their response](#) to our questions.

Dear Comedia Watch, the image you've asked about was a joke about an inappropriate way to respond to calls for ABC funding cuts. There's no more background to it than that. All the information required to get the joke was included in the show. An image of Paul Barry like the one behind the text could have been used if he'd made similar comments. But as with all jokes not everyone will find it funny.

— *The Hamster Decides Team, Response to Media Watch Questions, 16th September, 2013*

Of course I am not going to sue. But what would happen if Chris Kenny decided to do so?

Last week the NSW Supreme Court told Greens Senator Sarah Hanson-Young that she could sue *Zoo* magazine over this picture from last July which photo-shopped her head onto a bikini model.

It's far less offensive than the Kenny picture. Yet Justice Lucy McCallum [told the court](#)

"I do not have any difficulty accepting that the article is denigrating and capable of holding [Hanson-Young] up to public ridicule," ...

— *The Age, 11th September, 2013*

I hate to think what she might say about the dog picture.

Update: ABC Audience and Consumer Affairs was satisfied the Hamster Wheel broadcast was in keeping with the ABC's editorial standards for harm and offence.
[Read the full response sent to a viewer](#)

YOUR COMMENTS

Michael Webster: 08 Mar 2014 2:07:47pm

The mockup of Sarah Hansen-Young is clearly offensive, but very different from the Chaser's portrayal of Chris Kenny.

The Hansen-Young pictured appeared in a magazine that sexually objectifies women (not something I'm necessarily opposed to), and placing the doctored image in that context clearly seeks to diminish her value as a competent politician and impute she's some kind of bimbo.

The Chris Kenny picture is completely different in two ways. Firstly, it is extremely obvious that it was faked, and it appeared in a comedy/satirical context where similar license is taken with all of their comments and portrayals. There is no imputation that Kenny actually has sex with dogs.

What is far more offensive is Kenny's faux outrage over the depiction. He's obviously pleased as punch about it, because he's been able to use it to further the anti-ABC agenda of Murdoch and the Australian.

If he's truly worried about his reputation, and how his children see him, he should quit working for a man whose papers routinely lie, and hack the phones of murdered children. Having sex with dogs would be far less embarrassing to a decent human being, than prostituting yourself for Murdoch and spreading his vile misinformation.

Sarah Hanson-Young sues magazine over photoshopped bikini pictures

AAP | September 11, 2013

Australian Greens senator Sarah Hanson-Young says ZOO magazine made her look incompetent and immature when they photoshopped her head onto the body of a lingerie clad model.

Senator Hanson-Young is suing the magazine on several grounds over the photo and article entitled "ZOO's Asylum Seeker Bikini Plan", published in July 2012, a week after her emotional address in the Senate about Australia's humanitarian intake of asylum-seekers.

But NSW Supreme Court Justice Lucy McCallum on Wednesday struck out several of her arguments, saying she did not believe the photo made the senator look incompetent or immature.

Justice McCallum, however, granted Senator Hanson-Young leave to argue her case in front of a jury at a later date.

The magazine had said it would "house the next boatload of asylum seekers in the ZOO office", if the Greens' immigration spokeswoman would agree to a "tasteful" bikini or lingerie photo shoot.

Senator Hanson-Young claims the magazine gave rise to several imputations, including that she is "not a politician to be taken seriously" and that her pro-asylum seeker stance is "ridiculous".



Offered a lingerie shoot: Senator Sarah Hanson-Young. Photo: Andrew Meares

The senator also claims the article suggested she was not competent to make a serious contribution to the political debate on asylum seekers because she is "too emotional" and "too immature".

Bauer Media, which owns ZOO magazine, claimed the article was plainly intended as a joke and only a "strained, forced or unnatural reading" of it would cause a reader not to take Senator Hanson-Young seriously.

In her judgment, Justice McCallum found there was no imputation that Senator Hanson-Young was immature and emotional.

In her judgment, Justice McCallum found there was no imputation that Senator Hanson-Young was immature and emotional.

"However, I do not think it is capable of attributing incompetence or immaturity to her." The case will be heard at a later date. AAP

http://www.abc.net.au/mediawatch/transcripts/1333_age_shy.pdf

Journalist Chris Kenny takes legal action against ABC NICK LEYS, THE AUSTRALIAN, NOVEMBER 27, 2013 12:00AM

<http://www.theaustralian.com.au/media/broadcast/journalist-chris-kenny-takes-legal-action-against-abc/story-fna045qd-1226769071714#>

Dog act? Son defends Chaser skit mocking his father Josephine Tovey, September 18, 2013

<http://www.smh.com.au/entertainment/tv-and-radio/dog-act-son-defends-chaser-skit-mocking-his-father-20130918-2tz8y.html#ixzz2vkGSDAkW>

Blonde hair, blue eyes, athletic build... is Barbie really an Aryan fantasy?

ANNE BARROWCLOUGH, THE AUSTRALIAN, MARCH 08, 2014 12:00AM

ON a leaden autumn afternoon in Bavaria, southern Germany, an elderly man in a cream suit with a primrose-coloured cravat is eating egg and chips and peering intently at my face.

"I like your nose," says Rolf Hausser suddenly. "It reminds me of my Lilli's." Hausser's wife Lilli takes a sip of her lager but remains silent. We both know that her husband isn't talking with such affection about her but about another Lilli, whom he loved many decades ago and who was taken from him for a better, richer life in America.

Hausser sinks back into silence, then returns to the topic that has obsessed him for more than 40 years. "If it wasn't for me and for Lilli the world would never have had the Barbie doll,"

he says. His wife rubs his back comfortingly but Hausser can't be comforted and won't find peace until his death 10 years after this meeting.

Barbie has for more than five decades been the symbol of the all-American girl; blonde, blue-eyed, with an improbably perfect figure. Her one-dimensional biography has been so efficiently marketed that most people can claim to know at least part of the story: how Barbie was invented by Ruth Handler, co-founder of the US toy giant Mattel, who named her after her daughter Barbara and launched the revolutionary doll at the American International Toy Fair in 1959. An immediate hit, Barbie soon filled US toy stores and shot to the

top of the world's best-selling toys lists, where she has more or less stayed for over 50 years. It is a simple, easy-to-digest tale that is appealing and uncontroversial.



CREATORS: KURT (LEFT) AND ROLF HAUSSER. SOURCE: SUPPLIED

Except that it isn't quite accurate. Like the official histories of many stars, not all of Barbie's story is quite as it seems. Not only is she older than her official age by four years, but Barbie is not her original name. And she was not born in the US but in the Bavarian town of Neustadt bei Coburg. Nowhere on Barbie's personal website - or on that of Mattel - will you find the name Hausser, or the town Neustadt. It was Rolf Hausser and his brother Kurt who were the true geniuses behind Barbie; the men who produced a doll called Lilli that would go on to change her name and nationality and become the most famous doll in the world.

I first travelled to Neustadt in 1999, when Rolf Hausser was already 90 years old. He had spent much of the previous four decades riven with bitterness at being written out of Barbie's story and was keen to tell it to a wider audience than his fellow townspeople. "I was betrayed," he told me almost as soon as I entered the large home where he and his wife lived.

Tall and elegantly dressed, with a patrician face and eyes the colour of steel, he struck an imposing figure despite his great age. On the table, alongside cups of tea and pastries, he had arranged models and pictures of the doll that should have made his name: blonde, blue-eyed, pneumatic figurines you would swear, if you didn't know better, were early Barbies. We talked through the day and into the early evening as he described to me the tragedy that had befallen him after his Lilli doll was taken up by Mattel, turning the US company into a household name while his firm O&M Hausser disappeared.

But Barbie's secret story is not just a classic tale of the small-town toymaker versus ruthless corporate America. There is a darker side to her background, which I glimpsed that afternoon as Hausser swept away the pictures and models of his Lilli doll and, with great pride, brought out a pile of catalogues of the toys his firm had produced in the 1930s and 1940s, before Lilli had even been dreamed of. Alongside the farm animals, cowboys and Indians and German soldiers were other, more sinister toys: Nazi stormtroopers, black-shirted figurines, members of the Nazi elite and page after page of Adolf Hitler toys. Years later, I would find out that Rolf and Kurt had been members of the Nazi party, and that their company O&M Hausser was once dubbed "Hitler's toymakers".

It was what Rolf Hausser said next that would haunt me for years. "People see Barbie as the all-American girl, but to me she will always be a German *Maedchen*, the symbol of purity and light," he told me.

Later, as we drove away into the evening mist, my interpreter turned to me. "Purity and light," she said. "You know those are the words the Nazis used to describe the Aryan ideal?"

For years I have wondered about that comment and about its possible implication. Was the doll that is so inextricably linked

to American values really born out of the last vestiges of Nazism? Was Barbie really a Nazi?

Now, 14 years later, I am once more on a train from Nuremberg to Neustadt, this time to find the first chapter in Barbie's history, and the part the Nazis played in her story.

"Don't mention Nazis," Frank Altrichter advises when he picks me up from the train station at Neustadt. "People are still very sensitive about the war here." Altrichter, who has lived in Neustadt all his life, is an historian; thanks to him and librarian Isolde Kalter I am allowed rare entry into the state archives where we will find the Nazi trial papers of Kurt Hausser and those of a more sinister figure in their company. But all that will come later in the story.

Neustadt's interest is mainly in its past: its most recent past as a border town between East and West Germany; its middle-distance past of the 1930s and '40s, when it enjoyed the glory of being a Nazi stronghold; and its more distant past of the 19th century, when the town was at the heart of Germany's thriving toy industry.

During the late 19th and early 20th centuries Neustadt and its neighbouring town Sonneberg were relatively wealthy hubs. They manufactured the vast majority of Germany's toys, most of which were produced by women and children working from home. But by the early 1920s the toy industry was struggling and unemployment in Neustadt was running at record highs. As jobs became scarcer and poverty grew, the formerly left-leaning town began looking to the right for a saviour - and found it, eventually, in Adolf Hitler's newly formed National Socialists.

Within a few years Neustadt had become an enthusiastic National Socialist town; in 1927, Hitler held one of his early rallies here. The town would go on to host a satellite of the notorious Buchenwald concentration camp and residents' support for the far right would continue even after the war, when Neustadt sat just inside the American zone of divided Germany. This was the town in which the toymaking company O&M Hausser arrived, under Nazi management, in 1936. And where, 19 years later, a doll called Lilli was to be created.

On one level, Barbie's secret story is one of big business against small, of wealthy corporate America versus struggling postwar Germany. **But on a deeper level it is inextricably linked with the success of the Nazi economy and the compromises a Stuttgart toymaker had to make to survive the Third Reich.**

Lilli had two incarnations before she re-emerged as the all-American Barbie. In 1952 she appeared as a cartoon character for the daily German newspaper *Bild-Zeitung*. The paper's editor had asked his cartoonist, Reinhard Beuthin, to draw something to fill the space left by a story that had been dropped. At first Beuthin drew a cherub but was told: "Readers don't want to see pictures of babies." Keeping the cherub's innocent face, he set to work on the body, taking just one hour to come up with Lilli - a sexually provocative young woman with the face of an angel. Beuthin called her Lilli because that was the first name he could come up with (although the people of Neustadt have always preferred the more enticing, though inaccurate, story that she was named after Hausser's wife).

The Lilli cartoon was intended to be a one-off, but the next day Beuthin's mailbag was so full that the newspaper decided to continue with it and Lilli went on to become an institution. By 1955 she was so popular that Beuthin suggested the newspaper should make a Lilli doll. She would not be a children's toy but a figurine, an ornament that people, mainly young men, could hang in their cars. After 12 different

manufacturers failed to turn his cartoon character into the doll he'd envisaged he was on the point of giving up the search when he was told about Rolf Hausser.

Rolf and Kurt Hausser were important men in Neustadt; their company O&M Hausser, which sprawled over three large factory buildings, was second only in size to the giant Siemens factory that had arrived in Neustadt at around the same time they did, in the mid-1930s - and, like the Hausser firm, it had been brought to town by the Nazis.



Aryan look: the Lilli prototype Source: Supplied



Iconic: the Barbie doll. Picture. Nick Cubbin Source: Supplied

When Beuthin approached Rolf Hausser, the then 44-year-old was fascinated with the idea of making a doll in the shape of a mature woman. He put his chief designer, Max Weissbrodt, onto it and the company knew the blueprint was a success when Beuthin showed it to his children, who shouted delightedly: "There's our Lilli."

Lilli the doll went on the market in August 1955 and caused a sensation throughout Germany. Unlike other dolls, in Europe or anywhere else in the world, she was not a baby but a fully grown, modern young woman. The Haussers had given the doll flexible limbs - a radical advance in an age when the arms and legs of most dolls remained rigid. Rolf, an energetic perfectionist in charge of technical design at the factory, even ensured that Lilli could never suffer so much as a bad hair day with the design of her jaunty ponytail.

Lilli also had an impressive wardrobe of 100 different outfits, all made by Martha Maar, Lilli Hausser's mother, who owned the phenomenally successful doll's clothing company MMM. Thanks to MMM, Lilli also wore mini-skirts a decade before they came into fashion.

Germany's women had changed enormously in the decade since the war when, as "women of the rubble", they'd clung to survival in the ruins of bombed-out cities. Now they were ready to embrace life again and the Lilli doll, with her glamorous outfits, makeup and air of insouciance, became emblematic of the 1950s dawn of optimism and hope. "She was symbolic of the time," Hausser told me. "She was sexy, young, innocent, fresh ... and independent."

She began to sell widely around Germany before extending her range across Western Europe, the UK and, to a lesser extent, the US. But not everyone approved. Those Germans who had been shocked by the cartoon were appalled that such an immoral character had been turned into a doll - even if the doll was aimed at the adult market. Even Rolf's wife Lilli wasn't entirely in favour. "My mother thought the doll was too sexy to be sold to children," their daughter Sabine Hausser told me recently.

There were also dark rumours that the figurine had been modelled on a sex doll that Hitler had ordered to be distributed to his soldiers so they wouldn't be tempted by prostitutes and risk contracting STDs. That doll never got past the design stage but even today some perpetuate the myth that Lilli, and therefore Barbie, was a sinister incarnation of Hitler's sex toy.

But despite the controversy, orders were coming in from all over Europe and in 1956 a Lilli doll was sitting in a shop window in Lucerne, Switzerland, when Ruth and Elliot Handler passed by with their daughter Barbara and son Ken. The Handlers' company Mattel had begun in the 1940s making picture frames but Ruth had recently become intrigued with her daughter's fascination for paper dolls, those adult-looking paper figures with their array of clothes. So when Barbara, then 15, pointed out the doll, dressed in ski clothes and sitting on a rope swing, Handler immediately saw Lilli's potential. She bought the doll and took it back to the US, later sending two employees to Japan to find a manufacturer that could make a replica. By 1959 the doll had been reincarnated as Barbie. She became a hit in the US where, as she had in Germany, she symbolised the optimism of a new generation of sassy, independent girls.

The first the Haussers knew of the existence of a rival doll was when Rolf visited a toy shop in Nuremberg in 1963 and saw an array of Barbies. Convinced that they were illegal copies of his dolls, he questioned the shop owner about their provenance and was told they'd been imported from an outlet in Italy. "I was outraged," Hausser told me. "This was my Lilli with a different name. What had these people done? Had they stolen my doll?"

Ruth Handler, who died in 2002, never denied buying Lilli and taking her back to the US. Nor did she deny that Barbie was inspired by the German doll. But she always stressed that their similarities were only "approximate" and that she had asked her Japanese manufacturers to design "something like" Lilli.

However, Mattel did not strike a deal with the Haussers until 1964, when Barbie went on sale in Germany. The Haussers were first alerted to Barbie's arrival in their country by an ad in a German newspaper; shortly afterwards, at the 1964 toy fair in Nuremberg, they saw a large selection of Lilli's rival doll on the Mattel stand.

By then, Mattel was selling more than 350,000 Barbies a year in the US but the Hausser brothers still had no idea just what a phenomenon their doll had become until Kurt flew to New York to investigate. On his first foray around the shops of Manhattan he quickly realised that the brothers would not stand a chance if they took on Mattel. "Everywhere my father

looked - in the little toy shops, in the big department stores - they were all full of Barbies," Ingrid Berndt, Kurt's daughter, told me on my return visit to Neustadt. "He realised they wouldn't be able to fight. He had to return to Germany with the news that it was already too late for the company to do anything about it."

Rolf still hoped to sue Mattel in every European country where Barbie was being sold so that he could at least save his own corner of the market. But Kurt, who was the commercial head of the company, realised this would be futile. Instead, he suggested selling the doll's patent. In hindsight, this was a serious mistake. Soon after the toy fair, a delegation from Mattel invited Rolf Hausser to Frankfurt to negotiate the buying rights for Lilli. "I wanted one per cent of the sale profit, but they wanted me to sell all rights for a lump sum. At 5.30pm we were still arguing but the interpreter said that she had to go home, so we had to sign within 10 minutes," Hausser said.

In the end, he sold the world rights to Lilli for 69,500 deutschmarks - no small sum in 1964 (enough to buy a large family home) but a fraction of what O&M Hausser could have earned over the years had the company been able to stand firm against Mattel.

Rolf Hausser always claimed Mattel had cheated him out of what he believed were his rightful profits, and blamed the US firm for contributing to his company's collapse some years later. Mattel dismissed his complaints: after interviewing Hausser I contacted the company and was told by a spokesman that the matter had been settled to the satisfaction of all parties. Former O&M Hausser staff members I spoke with also refused to blame Mattel, suggesting it was the Hausser brothers' poor business sense that had more to do with their eventual bankruptcy.

Ingrid Berndt vividly remembers her uncle Rolf's bitterness and her father's depression at losing Lilli to Mattel. But she is pragmatic, pointing out that O&M Hausser didn't have the resources to make Lilli a great success. "My father was very sad that they lost the Lilli doll but that was business," she said. "Mattel had much bigger marketing power than we did and they had factories in countries with cheap labour forces. Here in Germany the wages and production costs were higher. Even if we had continued producing the doll it would never have been the success that Barbie is. We just didn't have the money."

French academic Marie-Francoise Hanquez- Maincent, a who wrote about Lilli in her book *Barbie, Poupee Totem* ["Symbolic doll"], believes that the reason behind the Hausser's failure to fight Mattel had more to do with the anti-German prejudice of the postwar years than a simple story of big versus small business.

Anti-German prejudice may or may not have been the reason behind the Hausser's failure to keep Lilli. But if Barbie's American fans had known about her real background - or understood that without the Nazis, she may never have come into existence at all - her life expectancy would almost certainly have been much shorter.

In the mid 1930s, O&M Hausser had faced a crisis when Otto Hausser - the brothers' father, who'd co-founded the company in 1912 - was arrested by the Nazis and imprisoned for being a Freemason. His conviction meant that he was ruled unfit to run a company and his place was taken by a dedicated Nazi and self-employed salesman called Eugen Habermaass. At his denazification trial after the war, a police report stated that Habermaass got the job at the company because of his "close relations" with the top ranks of the Nazi party. "Eugen

Habermaass did not have the qualifications to take the job at O&M Hausser," the report states. "He was a political appointment."

Rolf and Kurt, then young men, also joined the party despite - or perhaps because of - their father's arrest. At his own denazification trial, Kurt told the judge that, after Otto's imprisonment, he had no choice but to sign up to the National Socialist party. "I had to take the greatest caution," he pleaded.

Habermaass's arrival at the company coincided with a crisis in Neustadt's local economy. In 1935, more than 7500 of the town's 9000 residents were on welfare and Neustadt's mayor, Friedrich Schubart, another fanatical Nazi, began lobbying the National Socialists for help, writing to the Bavarian prime minister that without support "we may have to reckon with acts of desperation".

The Nazis were already moving successful businesses to struggling regions and Schubart's pleas came at just the right time. Neustadt would get two companies - the electronics giant Siemens and O&M Hausser, which until then had been based in Ludwigsburg, near Stuttgart. The Hausser had no desire to move from Ludwigsburg but they were given no choice. In 1935 the Nazi authorities told them that the army needed the company's buildings and they would have to leave. Letters held in Neustadt's archives, written between Habermaass and Mayor Schubart, reveal how the two men arranged for the company to move to Neustadt and take over a factory owned at the time by the Rosenthal porcelain company. Like the Hausser, the Rosenthals were given no option but to give up their building. In their case, they fell victim to the Nazis' brutal Aryanisation policy, in which Jewish-owned businesses were taken over by Aryan Germans, a fact Rolf Hausser seemed to have no concerns about when I spoke with him. Asked about the morality of taking over the Rosenthals' property, he was curt. "They were lucky they weren't killed," he replied.

Seventy years later Ingrid Berndt, like many others I spoke to, appeared uncomfortable discussing Habermaass's role in the company. "If Otto had been a Nazi sympathiser the company would not have been forced to move and Habermaass would not have been put in," she stressed.

The company continued to prosper during the war, expanding into the Czechoslovakian city of Brno where, under Kurt's management, it produced not toys but wooden shoe soles for Germany's concentration camp prisoners and slave labourers.

Back in Neustadt the company, like others in the region, also took advantage of the foreign workers transported from occupied countries, mainly in Eastern Europe, to bolster the depleted workforce. (A Ukrainian worker recently made enquiries as to how he could claim compensation for his years as a forced labourer at O&M Hausser, but was told the company is now defunct.)

Would these facts justify calling the Hausser brothers Nazis or claiming that Barbie was a Nazi doll? Perhaps. But if the Hausser family had stood firm against the Nazi party, O&M Hausser probably would not have survived the war - and Lilli, and her clone Barbie, might never have been born.

The Hausser never recovered after selling Lilli's patent to Mattel. Through the 1950s the firm continued to prosper but by the 1960s their toys were beginning to look dated and the advent of cheap Playmobil toys in the 1970s sounded the death knell for the company's expensively produced, hand-painted figurines. The company was declared bankrupt in 1983

and Kurt died a few years later. "I think the bankruptcy killed him," Ingrid Berndt said. "It broke his heart."

Rolf continued to blame Mattel for the company's misfortune until his own death, wielding his bitterness like a weapon. Added to the brothers' sense of failure would have been the knowledge that, while their company sank into oblivion, Eugen Habermaass would enjoy great success, creating a toy company that would eventually become a household name. Habermaass' connection with O&M Hausser ended in 1938 when he left to set up his own toy firm in the town of Bad Rodach, 30km away. Berndt believes he used her family's company as a launch pad, taking the experience he'd gained there, along with some of O&M Hausser's design ideas, to help him on his way. He called his firm Haba and it would go on to become a major international producer of wooden toys which still supplies stores around the world, including in Australia, the US and the UK.

Nowhere on the Haba company's literature will you find a reference to its founder's Nazi past or his role in the company that fathered the Barbie doll. Habermaass died in 1955, leaving his wife and son to run the company. Kurt and Rolf, too, are long dead and their families have no interest in reviving Barbie's story. They would rather let her fade from their family's history as thoroughly as they have faded from hers.

<http://m.theaustralian.com.au/news/features/blonde-hair-blue-eyes-athletic-build-is-barbie-really-an-aryan-fantasy/story-e6frg8h6-1226843800706#>

Japan's 'Beethoven' Mamoru Samuragochi Sorry For Deception

BY ARATA YAMAMOTO AND HENRY AUSTIN

TOKYO -- A supposedly deaf composer once lauded as Japan's Beethoven apologized Friday after confessing that he could partially hear and that he did not write his music himself.

"It is indeed the case that I have deceived people and for that I am extremely sorry," Mamoru Samuragochi told a news conference in the Japanese capital, adding that he intends to live out the rest of his life repenting for his deception. The 50-year-old stunned the music world last month when he admitted he did not compose his own music.

A day later, Takashi Niigaki, a lecturer at a Tokyo music college, [admitted to writing Samuragochi's compositions](#). Shorn of his trademark shoulder hair and beard, the 50-year-old added that he was glad the truth had finally come out but said it was regrettable for classical music lovers. "It's true that I will have to take responsibility and apologize to a large number of people," Samuragochi said. "Regardless of that, I think that it's a good thing that this has come out into the open." He had feared the truth would come out one day, he said. "For classical music however and for those who love classical music, having them lose what they thought to be a rising hope, having them respond, 'What is this fake Samuragochi,' is something that is very regrettable," he added.

Although Samuragochi said he had returned his disability certificate that once classified him as having a severe hearing loss -- and admitted to regaining some of his hearing three years ago -- he maintained that he still cannot make out conversations and sentences. Today's questions from the media were translated to Samuragochi via a sign language interpreter.

<http://www.nbcnews.com/news/asia/japansbeethove-n-mamoru-samuragochi-sorry-deception-n46736>

Letter to:

Sara Bloomfield, Director United States Holocaust Memorial Museum

100 Raoul Wallenberg Place, SW, Washington, DC 20024-2126, Main telephone: 202.488.0400

TTY: 202.488.0406

12 March 2014

Ms. Bloomfield.

On the Website of the USHMM there is a page titled Voices on Anti-Semitism <http://tinyurl.com/kukxuny>. There I find a podcast where you make a number of interesting, morally valuable observations. On the question of "The power of hate" you say: "I think our Museum presents the Holocaust in a way that challenges people to confront human nature-the entire spectrum, from extraordinary evil that led to the mass murder of Jews to the extraordinary goodness of people who risked their lives, risked the lives of their families to save another human being"

With regard to "confronting human nature":

I believe you would acknowledge that you are aware of who Abraham Bomba was, that he is featured on your Website testifying on film to the fact that as a Sonderkommando he collaborated with Germans in the mass-murder of maybe a million Jews at Treblinka.

http://www.ushmm.org/wlc/en/media_oi.php?MediaId=1079

At the same time I find no suggestion at the USHMM that any effort has ever been made to confront the "human nature" of Mr. Bomba's behavior. In fact, on your Website he is treated with respect as if he were merely a victim, even perhaps something of a hero.

The Bomba testimony on film that the Museum has chosen to display includes this text: "Mr. Bomba was chosen to cut

women's hair before these women were to be gassed." At one place Bomba himself testifies:

"I knew them; I lived with them in my town. I lived with them in my street, and some of them were my close friends. And when they saw me, they started asking me, Abe this and Abe that- 'What's going to happen to us?' What could you tell them? What could you tell? . . . Can you imagine that you have to cut their hair and not to tell them a word because you were not allowed? If you say a word that they going to...uh...be gassed in five or seven minutes later, there would be a panic over there and they (the barbers) would be killed too"

In short, Mr. Bomba testifies on film that he collaborated with Germans in the mass murder of Jews at Treblinka. The Museum exploits his testimony to raise money for the Museum. But there is no evidence anywhere on the Museum's Website that anyone there has made any effort whatever to confront the "human nature" of Mr. Bomba. When a man confesses on film to collaborating with Germans in the extermination of thousands of Jewish children, do you not see something there, in the "human nature" of the man, that needs to be, if not confronted, at least addressed?

I may be mistaken, but one has the impression that you are being purposefully blind to the fact that Mr. Bomba's collaboration with Germans in the mass-gassings of Jews represents what we have been encouraged to consider as a war crime for which Germans and others have been tried,

convicted, and executed. Ms. Bloomberg: do you not think it time that someone at the United States Holocaust Memorial Museum confronts the "human nature" of such individuals as Abraham Bomba, their decisions to participate in the extermination of the Jews?

Why is it not time? What is it that is so very special about Abraham Bomba and his collaboration with Germans in the mass murder of Jews? To what purpose might his guilt be found acceptable, his testimony exploited, other than to raise funds for your Museum?

Looking forward to any thoughts you might want to share about the "human nature" of this particular collaborator, and the purpose of the Museum in collaborating with him.

Bradley R. Smith

Committee for Open Debate on the Holocaust

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San Ysidro, California 92143

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CODOH is copying this information to the USHMM and all similar centers and museums across the country. We are sending it to press, academics and student organizations nationwide. We are not waiting for individuals to come to our Website, but are reaching out to large audiences. This involves considerable expense. We do not dream of matching the yearly budget of the USHMM, which is some 50-million dollars, but we do need help. Your support is essential to this work. Thank you.

--Bradley

MORE CORRESPONDENCE

From: Paul V. Sheridan

<mailto:pvsheridan@wowway.com>

Sent: Friday, February 14, 2014 9:47 PM

To: oreilly@foxnews.com

Subject: Politics and the Olympics: Jesse Owens

The Fox News Sayan Bill O'Reilly Series – 1 O'Reilly:

It's clear that as [sayanim](http://sayanim.com) you are restricted in what you are allowed to think, and allowed to say, especially on-air. But you DO have the right to lie, and in this case you lied about what happened between Jesse Owens and the Third Reich at the 1936 Olympics in Berlin.

Your notion that Mr. Owens "humiliated the Third Reich" is utterly PREPOSTEROUS. The Germans loved Jesse, and in no way treated him with the bigotry that, as sayanim, you treat the German people. I quote from Jesse Owens personal diary:

"When I passed the Chancellor, he arose, waved at me and I waved back. I think the (news) writers showed bad taste in criticizing the man of the hour (Adolf Hitler) in Germany."

And tell your friend Berne Goldberg that IMPLICITLY shared the bigotry of this segment with you, that Mr. Jesse Owens qualified his 1936 Olympic experience further, stating:

"Hitler did not snub me, it was FDR who snubbed me. The president didn't even send me a telegram."

I look forward to you challenging the veracity of the above. In the meantime, you owe Jesse Owens and the German people an apology.

Paul Sheridan

Dearborn, Michigan, USA

313-277-5095

From: Samson Royle samroyle1997@hotmail.com

Sent: Wednesday, 12 March 2014 4:21 PM

To: toben@toben.biz

Subject: Questions on the Holocaust

Hi Mr Toben

Firstly i would like to commend you on your courageous efforts to spread the truth on the lies of WW2.

I am a 16 year old student who lives on the Gold Coast and i wanted to ask you a few questions.

But firstly who i am and where i'm coming from.

As per the new school curriculum in 2013 (by way of early indoctrination) History became a compulsory subject in year 10 and the topic we had to learn about was the Holocaust. Last year for history we were presented with the task of analysing the short and long term effects of the Holocaust. Instead of bashing the Germans like most people and presenting no reason for the persecutions of the Jews in Germany.

I looked for a more holistic perspective and quite innocently stumbled upon speeches by both David Irving, and also David Coles documentary in Auschwitz. Both of whom you are most probably familiar. Consequently i was exposed to the forensic findings of Fred Leuchter, and the fact that the Allies lied about skin lampshades, shrunken heads and jewish soap, and thus my views on the Holocaust drastically changed.

Our school assignment was to create an Imovie documentary on the Holocaust (15-20mins long) and on the 2nd last day of term the entire day was designated for the entire class to watch these documentaries. I have uploaded my documentary to Youtube, you can watch it here if you want. It's woken a lot of people up.

<https://www.youtube.com/watch?v=zdlUHR80TKo>

We barely got 5 minuets into my documentary before it was turned off and i was sent to the principle, i got in heaps of trouble and then i was sent to the school psychiatrist under the pretext of supposedly being depressed and forming this opinion on the Holocaust due to my depression. This is obviously ridiculous as i was not depressed i just didn't conform with the official version of the Holocaust. After these occurrences i was propelled to investigate into WW2 and the Holocaust even more, i am currently writing a book called; "WW2 Before and Beyond" subtitle: "why Germany persecuted the Jews a history of Zionism". I have a part time job and all my money goes towards books for further research.

I have only recently seen some of your speeches and was unaware there were any active Holocaust revisionist in Australia. I was wondering if you could point me in the direction of some good books or information i could use in my book. I know that the Zionists have had the best part of a century to refine their WW2 Propaganda and have various excuses and explanations for things like the forensic reports.

Thanks for your time

Regards,

Sam

PROOF!

The official version of the Holocaust is a LIE

Published on Oct 10, 2013

The official version of the Holocaust is a LIE. The Jews are not as innocent as they are often perceived, they were expelled

from Germany due to their power grabbing, usury, influence peddling and demoralisation of the German people. Hitler's Germany was the 109th country to expel its Jewish population due to their behaviour. Adolf Hitler had NO policy to exterminate Jews, not one Jew died in a gas chamber and the figure of 6 million is an irresponsible exaggeration. Don't believe me? then watch the entirety of this video.

<https://www.youtube.com/watch?v=zdlUhr80TKon>

From: Fredrick Toben toben@toben.biz
Sent: Wednesday, 12 March 2014 9:23 PM
To: 'Samson Royle'
Subject: RE: Questions on the Holocaust

Dear Samson – thank you for your email, and I have noted its content and I have watched your video – and I wonder how anyone who produces such a video needs any more guidance for a future book.

Still, if you are serious, then may I suggest we meet sometime next month where we could discuss aspects that would make your quest a truly intellectual journey where bias and prejudice of subject matter have no home.

Please advise.

Fredrick Toben
toben@toben.biz

Ukrainian gold reserves loaded on an unidentified transport aircraft in Kiev's Borispol airport and flown to Uncle Sam's vault

BY [MARCUS BROOKS](#) on [MARCH 7, 2014](#) • (52)

According to the iskra-news.info last night, Ukrainian gold reserves (40 sealed boxes) were loaded on an unidentified transport aircraft in Kiev's Borispol airport. The board took off immediately.

A source in the Ukrainian government confirmed that the transfer of the gold reserves of Ukraine to the United States was ordered by the acting PM Arseny Yatsenyuk.

So my guess is, that is if indeed this report is true it either means the new ruling elite have stolen the gold bullion or perhaps there is a legitimate fear of the Russians taking

possession of this bullion, whatever the facts, it still looks very shady indeed.

Conclusion

Official narrative: gold bullion is going to USA (maybe to reassure the Germans their gold is in safe hands, after all the despite numerous requests from the German Govt The Feds have not given access for them to even view their Gold Bullion). Real narrative: probably to Switzerland where it is divided between Yulia Tymoshenko and her cronies.

<http://newswire-24.com/2014/03/07/4827/>

Race act's 18C brings law into disrepute

CHRIS MERRITT, [THE AUSTRALIAN](#), MARCH 07, 2014 12:00AM

It is already clear that George Brandis will be unable to keep everybody happy when it comes to fixing the abysmal mess that is formally known as Section 18C of the Racial Discrimination Act. A stoush is inevitable. Political capital will be eroded. Friends might well become enemies. That must be clear by now to the Attorney-General.

It must also be clear that there is no avoiding the coming blue. Once this provision was used against columnist Andrew Bolt, its reform became inevitable — not because Bolt's articles about light-skinned Aborigines were flawless (they were not), but because the judgment in the Bolt case revealed Section 18C to be an abomination.

Justice Mordecai Bromberg believed this provision required him to behave as if he were Bolt's editor, criticising his tone, his choice of words and — remarkably — chastising him for not including material the judge believed should have been included.

When it was all over, Bromberg believed he needed to abandon community standards and make a decision about Bolt's work by assessing it from the perspective of those who claimed he had caused them to feel offended, insulted, humiliated or intimidated.

That is the impact of the subjective test for liability that lies at the rotten heart of Section 18C.

If there ever was a statute that has brought the law into disrepute, this is it. There is no place in Australian law for such a one-sided procedure. Nor is there any place for a provision that imposes penalties on journalists for what they do not write. It belongs in North Korea.

Those who believe the government might be starting to wobble on this should think again. This was an election

promise, so the price of shelving reform — or introducing ineffective reform — is too great. It will be fixed.

So how should the eventual proposal be judged? There is more to this debate than the question of whether the government should eliminate all heads of liability or confine the changes to just two.

Removing only two heads of liability would not amount to a retreat. Nor would it be a compromise. Abbott and Brandis never made a clear promise to repeal all of 18C.

They promised to repeal it "in its current form". The last four words are frequently ignored by those on the Left who want to paint the government as lunatics, and those on the Right who want to portray anything less than a full repeal as illegitimate.

Those four words were wisely chosen. They have given Brandis scope to honestly negotiate with community groups who, understandably, are apprehensive.

It is already clear that the change will probably be accompanied by the creation of a criminal offence outlawing incitement to racial hatred. That fills a gap, elevates the seriousness of such conduct and tells the world that Australia views this as much more than a civil wrong.

If, as seems likely, this is accompanied by the abolition of civil liability for speech that merely offends and insults, Neil Brown QC is right when he argues it should be accompanied by the abolition of the subjective test for liability.

Whatever heads of liability remain, they will restrict freedom of speech on the subject of race. If such restrictions are to be accepted, the broad community must know that their standards — and not those of sub-groups — will be at the core of the law.

Such a move towards fairness and legal orthodoxy would go some way to easing the concerns of those still seething about what happened to Bolt.

<http://www.theaustralian.com.au/business/opinion/race-acts-18c-brings-law-into-disrepute/story-e6frg9uf-1226847346919#>

Free speech is a principle to be upheld consistently

THE AUSTRALIAN, MARCH 06, 2014 12:00AM

A FREE and robust exchange of ideas is essential to democracy, especially in academe where open-minded inquiry is paramount. There is no doubt, as visiting Hebrew University political scientist Dan Avnon said on Tuesday, that Sydney University academic Jake Lynch deserves a "red card" for refusing to sponsor him out of support for the nefarious Boycott, Divestment and Sanctions campaign against Israel.

Professor Lynch's stance has eroded the credibility of Sydney University's so-called Centre for Peace and Conflict Studies. Along with Australia's Jewish community, sensible people welcome Professor Avnon's Sir Zelman Cowen scholarship at Sydney University's Institute for Democracy and Human Rights. His civics curriculum for Israeli high school students from Jewish and Arab backgrounds, taught under the same roof, shows he has much to offer.

A vital principle - upholding the free exchange of views - lies at the heart of the row over Professor Lynch's objectionable behaviour. The same principle should also apply in the community, which is why supporters of the restrictive Section 18C of the Racial Discrimination Act, including the Australia/Israel & Jewish Affairs Council, would be wise to think again.

Chinese, Vietnamese, Lebanese and Islamic leaders have also called for the "Andrew Bolt" provisions of the act to be left in place. Recently, Attorney-General George Brandis said that after consulting stakeholders, the government would honour its promise to remove them because they unreasonably penalised freedom of speech. This is the right decision. Causing offence should not be a crime.

In 2011, the Federal Court ruled that News Limited columnist Andrew Bolt's commentary about light-skinned Aborigines seeking advantage based on their heritage amounted to unlawful racial vilification. The court found Bolt guilty because the complainants were likely to have been "offended, insulted, humiliated or intimidated". However provocative Bolt's words, causing offence is not vilification. And similar sentiments to Bolt's are not uncommon among indigenous people themselves.

Such legislative and judicial overkill, as Human Rights Commissioner Tim Wilson argues, has shut down public debate for no better reason than "someone's tone could be deemed inappropriate". It is understandable that community leaders support laws they believe protect their communities. The safety, opportunities and reputations of all Australians, however, are well protected by criminal, defamation and discrimination laws.

The concept of free speech has been grounded in Enlightenment principles for more than 300 years. It covers not only those with whom we agree, but those with whom we disagree, often vehemently. That is why *The Australian* has supported the rights of Holocaust denier David Irving and Dutch anti-Islam MP Geert Wilders to visit Australia, however offensive their messages.

Over time, strictures on free speech merely drive racism underground where it becomes more dangerous, away from public scrutiny. Free speech serves the interests of all, especially those at risk of racism. As champions of democracy, Jewish leaders who stood up for Professor Avnon's rights would take a valuable lead if they broadened their defence of free speech.

<http://www.theaustralian.com.au/opinion/editorials/free-speech-is-a-principle-to-be-upheld-consistently/story-e6frq71x-1226846377879>

AIJAC and *The Australian* March 10, 2014 by admin

The Australia/Israel and Jewish Affairs Council has responded to an editorial in *The Australian* supporting the repeal of Section 18C of the Race Discrimination Act.

Executive director of AIJAC Dr Colin Rubenstein sent the following letter to *The Australian*:

Your editorial (6/3) correctly states that, "A free and robust exchange of ideas is essential to democracy" and laudably chastises University of Sydney academic Jake Lynch for attempting to stifle any such exchange via his discriminatory boycotts of Israeli academics. However, its call for the Australia/Israel & Jewish Affairs Council to also abandon our support for section 18C of the Racial Discrimination Act was a complete non-sequiter.

18C poses no threat to the exchange of ideas in democracy. It makes no ideas unlawful - it is concerned only with conduct done because of someone's race which would cause them "serious and profound" emotional harm. It offers extremely robust defences in section 18D exempting all academic, artistic and scientific work, and any statement, publication or discussion done for any genuine purpose in the public interest. Your editorial's assertion that, "Causing offence should not be a crime" involves a complete misunderstanding of how this legislation actually works. 18C creates no criminal offences - its purpose is to give civil recourse to people when bigots diminish the quality of their lives through deliberate racial harassment and intimidation, primarily through conciliation.

If the *Australian* is genuinely concerned about laws which create a "crime" of causing offense, their ire would be better directed at the various state Summary Offences Acts, all of which criminalise "offensive language".

18C's impact should be seen as a whole over its 18 year history and the numerous cases in which it has been employed and not through the singular prism of the Bolt case. **The provision has been used effectively against some of the most toxic individuals in this country, and has thus repeatedly contributed constructively to social cohesion and harmony in Australia.** [Emph. added - ed. AI.] While we remain open to a review of the law and perhaps modest changes designed to enhance its effectiveness, 18C has been a lynch pin of Australia's successful multicultural project, and to remove it entirely is likely to give succour to racists and return victims of racial victimisation to a situation where they have no legal recourse.

The letter was edited.

<http://www.jwire.com.au/news/aijacandtheaustralian/41027>

Need to break through bureaucratic nightmare

Lateline, ABC TV, 12 March 2014

.... **TONY JONES:** Now a lot of people may argue that what we're about to talk about has nothing to do with any of that, but let me ask if they're right. With the time we've got left, you've directly advised the Prime Minister against repealing Section 18C of the Racial Discrimination Act. How did he respond, first of all?

WARREN MUNDINE: Well, I don't want to talk about private conversations with him, but he talked about the right of freedom of speech. Now, we all respect that and everyone knows me from my background, I respect freedom of speech and I'm quite happy for even racist - the most ardent racist to have their say. But the repeal of Section 18C will start causing problems for us. I find it amazing that there's such a united front against this and it's all based upon the Andrew Bolt case and we know that it was all based upon the Andrew Bolt case. And I went back to that case and had a good read of it, and I'll be quite frank, I think they're barking up the wrong tree on this. They need to sit down ...

TONY JONES: The Government, you mean?

WARREN MUNDINE: The Government is, that's right. So they need to sit down - and I know George Brandis, the Attorney-General, is quite a good lawyer, quite a sensible man and he - and sit down with the Chinese, the Jewish, the Muslim and other communities that are out there, the Aboriginal community as well, who saying repeal of Section 18C will be a disaster. We need to look at how - we're happy to sit down and talk about amendments and strengthening that section and hitting the right targets, but the abolition and repeal is - would be dangerous for us.

TONY JONES: Now you mentioned the Andrew Bolt case and the articles which you say you've re-read. Do you believe the Government would be going down this path at all were it not for the Andrew Bolt case?

WARREN MUNDINE: I have a sneaky suspicion of that, yes.

TONY JONES: Why do you think that?

WARREN MUNDINE: Well, we've only had one - there's one case seems to be the huge talk that's been around for quite a while. In actual fact the law's been there for over 15 years and we've got to deal with real - you know, racism does not exist in our society - should not exist in our society, I should say, and we can't go on in this way of accepting that. And I just find it - I looked at - I know Andrew Bolt, I know he's not a racist, I know he's an alright bloke. I just find it strange that he went down that path of talking about race.

TONY JONES: Well you say he's not a racist. Do you believe the offending articles - do you believe in the offending articles he's guilty of racial vilification?

WARREN MUNDINE: Well I'm not a lawyer. That's a judge's decision at the end of the day. But for me, it did offend me and I was actually pretty angry after reading it.

TONY JONES: But you couldn't argue that it's racial vilification? Perhaps it's just ...

WARREN MUNDINE: Oh, look, ...

TONY JONES: He would argue he's expressing his right to free speech, and indeed, that is the major argument now.

WARREN MUNDINE: Look, he may argue that case, but we have free speech in Australia and it's pretty wide free speech and we do also have some caveats on that free speech in regard to libel laws and so on. But when you look at what he's said, to me it was quite - a total misunderstanding of Aboriginal society, the Aboriginal kinship structure and how people see 'emself. I just find it - there are other ways he

could have put his story, he could have put his arguments. I just found it quite strange, the area that he went into.

TONY JONES: What do you say to the argument that in a country which has free speech underpinning all its media and what people say and write, that there is or should be encompassed in that the right to offend?

WARREN MUNDINE: Oh, I'd find that quite bizarre. The first rules you learn as a child is how you behave and how you be respectful and don't offend other people.

TONY JONES: Sure, but that's about manners, that's not written into law.

WARREN MUNDINE: I know it's not written into law. But when you talk about race and you look at the history of race, it's almost living in ignorance. We just fought a Second World War only 60 years ago which was about race, it was about religion, it was about Jewish people, it was about the Slavic people - it was about a wide range of people who were sent off to concentration camps and murdered. We've seen Rwanda, and that was about the issue of race. I find that some people seem to talk and chat in a vacuum. In actual fact, we don't; we have thousands of years of history in this area and we need to have that in the conversation as well.

TONY JONES: Now mentioned the other key bodies - the Jewish community, even the Chinese community - that seem to be lining up alongside you and others saying, "Do not repeal 18C of this act." How significant is it that these various groups are now coming to the fore?

WARREN MUNDINE: Oh, look, I'm not surprised they did because, to me, it was an ignorance, and I'm not going to use that word lightly. It was an ignorance that they thought that this was only about free speech - and I'm talking about the Government in this area. It is more than that. It is more than about free speech. And I'm not (coughs) - excuse me - I'm not surprised that there's strong support in non-repealing this section of the act has come out and it is people - and across political corridors - Liberals, Labor, Greens, even non-political people. It is across religion like Muslims and Christians and Jewish people. It is a real large cross-section of Australian society, and I think they need to listen to that and I think they need to take it onboard. And knowing the Attorney-General, people are quite happy to sit down and talk to him about amendments and tightening it up, but repeal would be, as I said, a disaster.

TONY JONES: How strong is your principle on this? I mean, would you find it impossible to continue in your role advising the Government if they did repeal 18C?

WARREN MUNDINE: No, I think - no, that would be silly. That would be very childish in fact. We've got large battles to fight in regard to Aboriginal people and for Australia as a nation. We saw the Closing the Gap figures and how - the long journey we have to have there and that long battle, and those things we need to have in place to win that battle by the end of this year, so I think it would be very immature and very stupid of me to do that.

TONY JONES: Warren Mundine, we thank you very much for coming in to talk to us. I'm sure many of your thoughts will echo through the next few days. Thank you very much for being here.

WARREN MUNDINE: OK. Thank you.

<http://www.abc.net.au/news/2014-03-12/need-to-break-through-bureaucratic-nightmare/5316970>