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I am pleased indeed to be invited to be part of this annual meeting for the NEMBC. It is inspiring that you provide radio programs for about 100 languages and many of which are represented here today. Through your voluntary work, and I know that most of you are working voluntarily, in creating and presenting ethnic and cultural programs throughout Australia. I think you play a very important role in promoting the cohesion and harmony in our Multicultural society.

But I did particularly want to thank you on the basis of my former position as President of the Australian Human Rights Commission because the multicultural community was particularly vocal and effective in supporting the work of the Commission - whether it was deaths in custody, domestic violence, the suspension of the Racial Discrimination Act in the NT - an extraordinary act, protecting Section 18c and, of course, speaking up on the citizenship issues and changes that have been proposed.

Congratulations also to the Council for winning the Australian Human Rights Award for the "Racism stops with me" campaign. As you know, at least as well as I do, racial and religious prejudice diminishes us as a nation and impedes our growth in the future. So I was very pleased indeed that the leader to be recognised in promoting that "racism. It stops with me" program has in fact been the NEMBC. It's a great privilege to be able to work with you.

Of course in beginning any presentation by recognising over a ½ million Australians who are Aboriginal and Torres Strait Islanders is a salient reminder of the points that have already been made this morning. For in common with many parts of the world, in Australia we live in a complex of heritages of over 270 different racial and religious groups. As the Senator Mitch Fifield has pointed out, the ABS in a national census found that 1 in 4 of us was born overseas and about 49% of Australians have at least one overseas born parent. I expect the number would be a great deal higher if we were to go to grandparents who were often, as we now know, recognised as creating the right of citizenship. It's been ironic that in the current political debacle concerns regarding the failure of so many of our elected politicians have been that they have not met the Constitutional requirements that they hold only Australian nationality. And in this respect, the Constitution no longer reflects the very high probability of dual nationality of so many Australians.

Well the topic of today's meeting "Your Voice, Your Action and Your Change" is a very wide one. And it suggests that advocacy is needed through the media to achieve action and change. And the change I would like to see, in particular, is that the demographic realities of Australia are reflected in mainstream broadcasting.

It has become important that mainstream media more accurately reflect the diverse groups in Australia including migration groups across the decades - the English, Irish, Jews, Italians, Greeks, Vietnamese, Pacific Islanders, the Chinese and more recent asylum seekers and refugees from Somalia, Sudan, Afghanistan and Iraq. Members of the LGBTI community, religious groups – the fastest growing of which is in fact the Buddhists, the Muslims, Hindus, Christians - and, of course, our own Indigenous peoples.

All these groups bring rich cultural diversity to the mono culture to which I arrived as a 10 pound pommie migrant as a 13 year old dragged away from my home in London in 1958. What an extraordinary change there has been in Australia over those years and how greatly enriched we have been by it. But the failure to reflect that cultural diversity in our community is a serious problem because the media, especially social media, has become the vehicle for so much of our political discourse.

Well today, if I may, I would like to discuss just one aspect of this very large topic and one that we are only just starting to get some sense of and that is the idea of post-truth and false news. My thesis is that it has been increasingly difficult to counter misinformation, spin or irrelevant diversions, for example, the religious freedoms issues in relation to marriage equality. Simply to assert that something is true is enough

for some people to create an appearance of truth that is accepted. If we begin with the definition, and I was surprised when I first started looking at this area, this phenomenon of post-truth, it is of course the Oxford dictionary's word of the year for last year. I was unaware until then how much research has really been done on this topic. But basically it is defined by the scholars as very different from the lies, spin and falsehood that, of course, are as old as mankind. The essence of post-truth is not so much the mendacity itself but the public's response to it. There is a growing primacy of the emotional preference over facts and evidence. Truth is losing its value in a political culture in which public opinion and media stories have become almost entirely disconnected from the substance of legislation and policy.

The tragedy is that the culture of post-truth has enabled Governments and Parliaments to reject evidence based reports by credible agencies or by experts in favour of populist decision making that denies the truth and responds to fear especially the fear terrorism and conflict.

But let's look at some examples and one that is really quite a dated one but which was nonetheless important because of when it arose historically and what has happened since was the statement by Howard Government representatives, ministers that asylum seekers – mostly Muslim of course – were throwing their children overboard in order to ensure that Border Security Officers rescued them. This was subsequently proven in a Senate enquiry to be entirely without any basis. In fact, it was entirely false. But the critical point is that the damage was done and the political advantage was gained and I'm reliably, I think, informed that the Howard Government won an election subsequent to that event. At least, in part, on the basis on this allegation and it began the following 15 or 16 years of politics based on fear.

And if you think about the year 2001 a lot of things happened, not just the children overboard mis-statement – to put it gently. But within a few months we had that humanitarian Captain of the Tampa sail the ship into the territorial waters of Victoria, the judgement of Justice North recognising the claims as asylum seekers and the actions of the Government to eject them and to refuse entry into Australia. But a few weeks after that something even more monumental happened and that was the terrorist attacks on the Twin Towers and the Pentagon in September in 2001. So it's a monumental year in which we saw an increasing conflation of asylum seekers, with a fear of Islam, with terrorism and with a need to protect borders and adopt the slogans and policies that you're so familiar with.

So that was perhaps, if one is ever to put a line in the sand historically, perhaps that's one area where we can say the rise of Islamophobia, the use of the media to distract and in fact to use false statements in order to create fear and to build on policies that were to follow.

But another example, of course, was the "Save the Children" allegations. That this remarkable global organisation was denigrated again at the Ministerial level of Government with false statements that they were encouraging detainees on Manus and Nauru to commit suicide or to self-harm or to act contrary to Government policy. Now again an enquiry was taken place and again in a democratic system within the parliamentary process so we have to be somewhat proud of that but nonetheless found that again there was no evidence whatsoever to suggest that employees of Save the Children had done any of the things with which they were accused.

Perhaps the more recent and more notorious example is the statement by the White House Press Secretary, Sean Spicer, at the Inauguration of President Trump. He said that the attendance was the largest ever in the entire history of American politics possibly even of the Universe and it was objectively, clearly wrong. It could not be sustained on any analysis. The answer of course was given by Kellyanne Conway and she said "Well your saying it's a falsehood but Sean Spicer simply gave alternative facts to that." Now there is no such thing as an alternative fact. There might be additional information that would qualify and moderate your judgement but there is no such thing as an alternative fact.

This is what is so fascinating that in the generation that I grew up in, and I am sure many of you did as well from my University in the 60's, the emphasis was always on facts, on evidence, listening to experts, listening to balanced and fair reports and acknowledging enquiries that were conducted through

Parliamentary Committees or by reputable Government agencies or non-Governmental agencies that were producing factual information. This was really the new standard for the 60s, 70s and 80s. But now we are finding increasingly that Governments will ignore reports – and of course the Climate Change issue would be the one that perhaps first comes to mind but there are many others where increasingly facts and evidence simply don't matter. And indeed there is growing research now that facts don't matter to a person who already has a subjective view or prejudice. No research or data will alter the subjective mindset and indeed the checking fact sites they're fascinating. I often look at the fact check sites – they're a little bit boring sometimes because they are so accurate and what matters is often the slogan. The quick slogan that the media is of course very likely to reproduce.

So we end up with this rather Orwellian situation where, as you might recall in "1984", the party oligarch says "reality is not external, reality exists in the human mind and nowhere else. Whatever the party holds to be truth is truth." That is really a matter so some concern. But let's also look at what some of the approaches to these issues of truth are and one is by Senator Mitch Fifield who you might or might not know, 2 weeks ago introduced this piece of legislation into Parliament in Canberra. I suspect that 99.9% of Australians are obviously unaware of this Bill. But it was introduced and it's the ABC Fair and Balanced Bill.

It was directed then at the ABC, not at other sources of media, at the ABC with provisions which would require it to be fair and balanced. It's already in the ABC Charter but nonetheless here we have a piece of legislation to cement it at the Federal level. Now the Minister said "who could possibly object to fairness and balance? It seems motherhood. It seems obvious. Why would you object?" The Bill failed and it failed in part because it raises the question "should we give equal time and weight to ignorance?"

I can say from my personal experience and, many of you may be well aware of this as broadcasters, that there is a growing tendency when interviewing someone to repeat the contrary position at length and then ask the person to be interviewed to defend that position or to speak against it. But what you've done very often in this is to give oxygen, to give air and an apparent credibility to an entirely false position and it's what's described by the researchers as false equivalences. You put one thing against another which do not have a fair position.

So I suggest that fairness and balance is not really the issue. The issue for us for the future is the truth. How do you get to the facts, to the evidence, the expert evidence and respect that? It is not about equality and certainly not equivalent with a biased or an ignorant position. We have, I think, to call this out.

I thought I might, in raising this phenomenon of post truth, to say "well why do we have it"? You, I'm sure, have some very important views about that. Facts tend to be negative or unpatriotic in a utopian positive campaign. There is an overload of information. With silos of information, so that readers are curiously, despite the vast array of information now available, are curiously siloed into more narrow views that mirror their own. We walk in halls of mirrors. We go to the social media that actually reflect our own views and this compounds the problem that facts actually don't matter.

Years ago, when all that was available were the newspapers, you could at least be exposed to different points of view in those newspapers. These days, I think, young people hardly ever pick up a newspaper. Many people now, as we know, are not buying them. Reputable and very professional journalists are losing their jobs and we are increasingly going to the social welfare sites that reflect the views that we already have – right or wrong, fair or unfair.

We also have an interesting phenomenon of not going to primary sources anymore. How many journalists check Hansard to see if the Minister actually said "x or y" or look at the context in which it happens? They repeat each other's scoops because they are not able now, with time, to research a matter properly. There are exceptions of course, thank goodness.

But that leads to a level of swirling around the same information that is often wrong or misplaced or out of context. Parliamentary processes are breaking down where Parliamentary committee reports, even though embarked upon in good faith, are completely ignored on the Houses of Parliament.

So what can be done? What can we do about it?

1. To look at Media in reflecting diversity.

One area that I most particularly wanted to raise was the extent to which the media is responsible for misleading representations of racism and promoting cultural dysfunction and harmony and I just thought we just remind ourselves of some of the cartoons that have been so powerful over the last 10 years or so. Remember this one from Denmark that depicts, presumably, somebody of the Islamic faith where the turban is a bomb. So there is a direct and clear connection in the public mind. These images have a far bigger impact on what people think than the considered articles, the fact checks, the balanced and fair views to the extent that they're there. This is what has the impact.

So that when Pauline Hanson walks into the Houses of Parliament, that important body for our democratic system, wearing the burqa, the public will remember that picture for a very long time to come. One might also recall others from my generation at University was very much the 12 year old girl running down the streets in Vietnam with Napalm burns. That was an iconic, one of the words overused, that was the picture that made everybody think. 4 years ago it was the crumpled body of a 4 year old boy on a Turkish beach having drowned. All you need is that image.

Much more recently, and relating again to the work of the Commission, was of a young indigenous boy strapped to a steel restraint with a hood over him held in isolation in Don Dale Juvenile Detention Centre for 23 years out of 24. The Human Rights Commission had reported on this matter 2 years before to Parliament, fully printed and tabled report, not a single parliamentarian responded to it.

Now that's fine, that's the reality of the world we work in and I'm not here to complain about that. But what I am saying is that relatively expert fact-based reports go un-remarked. What had the impact was the iconic image, the image released on CCTV footage on the Four Corners television program that led to the Royal Commission that has now reported and required that the Centre be closed.

And we have endless cartoons. "We've avenged the prophet Mohamed" and "We shall avenge Charlie Hebdo" – we all remember that incident. This one particularly difficult cartoon with Tony Jones - funny at one level but again feeding into this conflation of those of the Islamic faith with fear of terrorism and fear of horrific penalties against those they disapprove.

And this one of course again about Indigenous Australians failing allegedly to care for their children. The factual evidence is that those people who most frequently do not pay child support care are white Anglo men. So you get this kind of thing and you get the images that are so enormously powerful.

I thought I would finish with one about me. This was 18c. Section 18c, here I'm a jackbooted, neo-fascist along with my esteemed colleague, Dr Soutphommosane, a Chinese born in France of Burmese extraction and the two of us here are demanding to know who has been stereotyped and who speaks English. Well, this is fine. Sometimes it's amusing. We took it all in good part. I've got lots of cartoons now to tell my grandchildren about when I've got time to explain to them. All a part of the exercise of freedom of speech but when does it go too far? What are the limits on freedom of speech?

Perhaps I'll move to Section 18c of the Racial Discrimination Act because it's a very important issue. It's true that the evolution of digital technology and the growth of social media have brought us close together in providing unprecedented access to information. But we are still learning how to manage the volume and variety to unfiltered information and ideas. We've yet to set agreed limits to the exercise of freedom of speech and this in turn affects the way we understand our laws.

You'll recall that Section 18c of the Racial Discrimination Act, it is a civil law prohibition. It is not a criminal offence. A civil law prohibition on any act or language that offends, insults, humiliates and intimidates a person in the public arena because of their race, national origin or ethnicity. I'm sure you are all well aware that it has been in place for 20 years and there was then an unprecedented attack on this provision by the former Prime Minister, Mr Abbott and the Attorney General and again by the new Prime Minister, Mr Turnbull and again the same Attorney General.

As Tony Burke has quite correctly pointed out this was in fact contrary to any sense of a mandate from the elected peoples that they could go back again to try to reform or repeal Section 18c. There was an unprecedented attack on this provision by the media, through print, radio shock jocks and commentary mostly ignoring the critical 18D which is virtually the only legislative provision we have to protect the right to freedom of speech apart from the general common law. We do not have a right to freedom of speech in the Australian Constitution. All we have is an implied right that the High Court has found to the right to political communication because we are a representative democracy. So it is a fragile environment in which we try to protect these rights.

Of course the commentators argued, or many of them did, that the provision infringed the right to freedom of speech and the many segments of the media provided a great deal of misinformation about the way in which that provision operated. In fact it operates at a very high level and under the Federal Court and minor matters and minor insults are never the basis of a prosecution - there have only been about 4 or 5 successful prosecutions in the entire history of the provision.

But my key point is that despite the attack on this provision, the multicultural community rose up as one with great power and articulate advocacy to say "we need that provision". Now I have to say a story that I can admit to now after I am not in that position. But at that time, very much as a lawyer I was prepared to say "well in the interest of compromise, we could amend 18c to reflect the jurisprudence of the Federal Court", in other words, you could add the word "serious insult and offence" or you could mirror the language of the Federal Court in saying "no mere insult will be sufficient" - you could have done that. In a sensible debate across the community with sensible political leadership on this issue we could have amended it to reflect those provisions of the Court.

But I remember very well one day, the peak bodies of all the Multicultural ethnic groups in Australia came to the Australian High Commission and said we really want you to stand firm on no change to that provision not because we necessarily disagree with your view that the Federal Court Law and jurisprudence could be reflected in the legislation but because we know that if you give anything on this they'll take a mile. And when you looked at the exposure drafts and so on for change, that was exactly what was proposed. So I will always remember in our meeting room about 20 members of different racial, religious and cultural groups across Australia were as one in that room in saying we must stand firm to protect that provision because it's an appropriate, reasonable and proportionate restriction on the right to freedom of speech and that was successful. So if today's meeting is about advocacy for change, I think you can be aware that you do have a very significant credibility and power within the Australian community and it's one that responsibly used, can be very effective. You are respected group within the Australian community outside the multicultural environment.

But of course, as all the statistics that we have been talking about this morning have said over and over again we are not a minority, the multicultural community is not a minority. It's actually a majority and that, if nothing else comes out of this constitutional situation, at least we have a growing understanding that those of different multicultural groups are now clearly a majority in Australia and we should be proud of it and speak up for it and get past this very unfortunate constitutional question.

One issue that I did want to raise was something that does concern me and it comes back to this problem of truth, was the reporting of the Scanlon report mapping social cohesion - I'm sure you'll be aware of this from last year. It was a very important report, very important to the work that you do and let's look at some of the basic facts.

84% of Australians agreed Multiculturalism is good for Australia. Well you would expect that if 50% of us have a multicultural background - so not entirely surprising.

71% found that diversity actually encourages migrants to be part of Australia, to integrate and positive responses were consistently high across the nation. Multiculturalism is a strong and approved brand and 75% favoured regulated but none the less humanitarian re-settlement of asylum seekers and refugees. 36% agreed to any tax support for cultural maintenance which is a pity and is possibly reflected by, with great respect, very poor budgetary commitments. \$12 million over 4 years is tiny and compare that to billions spent on Manus and Nauru maintaining these cruel and illegal and inhumane conditions.

\$12 million is nothing and I really am concerned about that tiny budget because I cannot see how we can ever really properly support culture and language and maintenance of language in Australia without higher educational and communications budgets and, I think if you are going to advocate for something, that too is something that needs to be talked about. To be grateful for one or two million a year is not appropriate.

The budget should be significantly higher and coming from an education sector as I did some years ago, I am very conscious of the fact that the edge Australia has always had competitively is education and yet the one thing that we are consistently let down is education and most particularly we are squandering the capacity of Australians to have their mother languages or languages from other countries. That's a huge competitive edge that we are literally letting go and I think we have to speak up much more loudly for language, for culture, for obviously for religious freedom within that mix of multiculturalism. ...

It is sad, from my point of view, that only 18% support eligibility for permanent residence for refugees. That has really been the core factual problem that has been so difficult for the Australian Human Rights Commission in speaking up for asylum seekers and refugees and indeed the future of those 100s of men still on Manus and 200 children continuing on Nauru, 40 of them in detention.

But let's look at what the media did and this is just a few:

*Racism reports have jumped - the poll finds.* Now did anything in that Scanlon report suggest that this is true? That racism has jumped?

*Political trust falls to a new low.*

*The majority do not want asylum seekers.* Well that was broadly true except it was qualified by the Humanitarian re-settlement

*Australians growing more negative about asylum seekers and immigration.* Well that did not really come out of the report but a much more nuanced one did.

Now the problem is how does a complex, factual expert report like the Scanlon report – which is nuanced and complex – how does that get reported in the media and to report that properly we need financial support for the journalists that are prepared to look at primary sources and prepared to analyse and think about what this really means. So I think that is a matter of some concern.

There is one last area that I wanted to mention in particular because I have recently been doing some work on this. Well there are two but I'll only mention one. One of them being of course, the failure of diversity within the mainstream media but I am sure you are all very well aware of that. There are some exceptions and the very odd exceptions are areas where in fact you might have, for example, a significant rise in the number of indigenous characters now in Australian television and visual programs but they are all concentrated, all 8 of them as it turns out, in support by the ABC's Indigenous Department, in *8MMM* Aboriginal radio, *Black Comedy*, *Gods of Wheat Street*, *Ready for this*, *The Straits* and two stories in the telemovie *Redfern Now*. In other words, you could improve the statistics but it's done in the very small concentration of programs funded by the ABC or SBS and that I won't go through that.

That is where the statistics are somewhat skewed. There are improvements. There are some marvellous new comedy programs, very funny ones *Family Law* and there is another one I wanted to mention, *Jonah from Tonga*, is rather wonderful because we have a Tongan in my family so we are very interested in that.

Terrific diversity in children's shows but the people who suffer most in terms of identity and reflection in the media are in fact those with disability. We found that over and over again in the Australian Human Rights Commission. On any issue you care to look at, the people most vulnerable were those with disabilities.

But the one I very quickly wanted to mention is the rise of Islamophobia. That is a matter of great concern and up to a point it has been anecdotal. We have all got stories about witnessing the demeaning in the public arena and marginalisation of Muslims and most particularly and very unusually women are at the forefront of this. Primarily because the hijab and the burqa are like a lightning rod for public abuse and, I'm sure we've all got our stories, in the supermarket, in the line-up, in the very frustrating airports, in public transport. At the Human Rights Commission we were getting more and more and more examples of this for the first time, I should say, with evidence because people were pulling out their phones and recording it. That meant for the first time the Commission was able, in its conciliation processes because we were not judges, we were not judicial and we are not judicial, but in conciliation it helped a lot to be able to say "you can't deny this happened, here's the film" and that made a huge difference.

But the key point I want to make is that it's largely anecdotal or from the Commission's point of view, it depended on the number of complaints people might choose to bring and that's probably a tiny tip of an iceberg but what we do have for the first time is some evidence - the Islamophobia Register . That register has now reported on 243 verified incidents and it's very interesting. 70% of Australians have very low levels of Islamophobic attitudes, 20% are pretty undecided and don't have a view one way or the other - that's always there in these statistics - but 10% are highly Islamophobic. That means that 1 in 10 Australians will have these unacceptable views promoted by the kinds of cartoons that that I have just been describing.

Now those figures are encouraging because they tell us that there is support for diversity and for religious and cultural differences in our modern cultural society but it is that 1 in 10, the 10%, that we have to be so careful about and the dismal part of my story is that it is very hard to change their minds once they have got that subjective view, all the evidence, all the Scanlon reports, all the Islamic registers in the world are not going to change and I think, in the end, we come to leadership. And that's where I really must stop.

I think that the issues that you are considering today are extremely important. The entire industry, I think, is in a state of flux. The workforce is less secure probably than at any time in its recent history. It's a harder challenge perhaps now to think about the future than in the past. I think we need to look at gender quotas, ethnic, racial and religious quotas in mainstream media. That is not a revolutionary idea. CBC has diversity enshrined in its Charter, the BBC has a specific fund to foster diverse talent, BBC's Channel Four docks the pays of Executives who did not research diversity targets in hiring practices and the US has diversity offices in the Film and TV industry whose sole job is to ensure hiring practices are diverse.

So there are things that we can do to ensure that our media reflects the extraordinary diversity in Australia today. But then we come back to my original point "how do we deal with post truth and false news?" In my job, I received the advice in the early days "Don't feed the fire, don't give it oxygen. Just let the story die. It's a 24 hour news cycle. You'll only make it worse if you push back or stand up against it."

I understand that and there may be times when that is wise advice but my view now, and it was in the last years of my time at the Commission, is that you must push back false news and false positions. One of the reasons for that, I am not very good at social media, but I started to check on the sites as to what was being said about asylum seekers or about deaths in custody, the out of home care phenomenon of 35,000 Aboriginal children. Out of home care, it's building a highway straight into the Don Dale Juvenile Detention Centres across the country and ultimately into prisons.

If I started to check those facts on social media, I found there was so much mis-information, a swamping of mis-information and very little calm, objective, fact based media stories that pushed back against that and you imagine that in 5 or 10 years from now, when someone wants to research this subject, they are going to say "well the overwhelming view is x". But it's wrong and it is not the truth and that is why now I suggest

to you that we need to speak the truth not deal with false equivalences. It's not about balance, it's about the truth and about the facts, to the extent that we can find the facts. Now I am not a philosopher and I am not Brian Cox sitting on another planet looking at relativity. We have some basic facts on the ground and you all know that and I think to the extent that we can find those facts then we should stand up for them, to speak up for them, to achieve your objective today of action and change.

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