

Protecting People While Preserving Free Speech

A Cohesion-First Brief for Parliament (Debate-Ready)

Executive summary (read this first – 10 lines)

- Extremism is a **minority-tail risk** driven by predictable human behaviours, not by ordinary political speech.
 - **Free speech is democracy's early-warning system**: it keeps escalation visible so we can intervene *before* harm.
 - Laws that regulate **conduct** (threats, intimidation, harassment, incitement) reduce harm.
 - Laws that police **belief, offence, or slogans** create false cases, grievance narratives, and underground radicalisation.
 - Jewish Australians are best protected by **tight, behaviour-anchored thresholds** that stop dehumanisation and violence.
 - Over-broad fear tests and rushed processes **weaken cohesion** and raise public cost.
 - Symmetry, transparency, and reviewability preserve legitimacy across multicultural communities.
 - Aim to stop drift at **Stage 4-5** (moral exclusion → dehumanisation), not punish Stages 1-3.
 - Keep protest lawful and visible; **constrain intimidation**, not criticism.
 - This brief proposes **specific guardrails** to strengthen safety *and* liberty.
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1) Evidence base: the human behaviour engine (why this works)

Across cultures, humans form groups to meet needs for belonging, meaning, and status. Under pressure, groups move along a **predictable gradient**:

Healthy association → Ideological hardening → Threat framing → **Moral exclusion (4)** → Dehumanisation (5) → Justification of harm (6) → Violence (7)

Key finding: people rarely join groups to hate others; hatred is learned *after* belonging is secured. Policy succeeds when it **keeps groups observable** and interrupts drift at 4-5.

2) Applied analysis: medians vs minority tails

50th percentile (the median)

- Adults operate within Australian law, reputation, and workplace norms.
- Internal brakes (lawfulness, pluralism, accountability) keep behaviour at Stages 1-2.

90th percentile (minority tail)

- Drift occurs when **identity fusion + threat saturation + moral absolutism** converge.
 - Tail behaviour accelerates if speech is suppressed (diagnostic blindness) or enforcement looks unequal.
 - Tail behaviour stabilises when **conduct rules are clear, symmetric, and reviewable**.
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3) Australia's multicultural reality (acknowledged)

- People arrive with early social learning and trauma from other contexts.
 - As adults, most adapt to Australian civic norms when rules are **clear and legitimate**.
 - Cohesion depends less on belief alignment and more on **fair process** and **equal application**.
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4) What strengthens cohesion (do more of this)

- **Regulate conduct, not belief:** threats, intimidation, stalking, doxxing, targeted harassment, incitement.
- **Protect lawful protest and harsh political criticism;** it keeps escalation visible.
- **High thresholds:** intent + targeting + credible harm.
- **Symmetry** across groups; publish reasons.
- **Fast review/appeal;** sunset and audit clauses.

5) What weakens cohesion (avoid this)

- Low-threshold "fear" tests without intent/targeting.
 - Slogan or offence-based policing.
 - Executive powers without transparent criteria and review.
 - Rushed lawmaking that undermines legitimacy.
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6) Guardrails to include (amendment-ready)

1. **Intent & targeting:** require intent to threaten/harass *and* targeted conduct.
 2. **Political speech carve-out:** criticism of states, ideologies, or policies is lawful absent threats/harassment/incitement.
 3. **Accidental/non-directed exclusion:** mistakes, misdials, inadvertent transmission are not offences.
 4. **Public interest filter:** DPP consent for new speech offences.
 5. **Pattern threshold** (where feasible): repeated or targeted conduct over time.
 6. **Listing safeguards** (if applicable): published reasons, independent criteria, rapid judicial review, sunset.
 7. **Audit & review:** report false positives, discontinuances, community impact.
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7) Debate lines MPs can use verbatim

- "Free speech is not the threat; it's the **early-warning system** that lets us stop harm sooner."
 - "Protect people by regulating **conduct**, not by policing belief or offence."
 - "High thresholds protect Jewish Australians *better* by stopping false cases and grievance escalation."
 - "Symmetry and transparency are what keep multicultural trust."
 - "We should stop drift at moral exclusion and dehumanisation—**before** violence."
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8) Bottom line

A cohesion-first approach—tight thresholds, conduct-based offences, visible protest, and strong review—**reduces intimidation and violence** while preserving the democratic mechanisms that prevent extremism from taking hold.

(Prepared for rapid reference during debate.)