

## Australia 2020 Summit

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Submission 8479 : Sydney PEN Centre

### **8. Towards a creative Australia: the future of the arts, film and design**

Sydney PEN, an affiliate of International PEN, is an association of writers devoted to freedom of expression in Australia and in the world.

1. Sydney PEN strongly encourages the reform of Australia's seditious laws. The laws unreasonably limit the international human right to freedom of expression by failing to clearly distinguish between legitimate free speech and conduct specifically calculated to incite violence or crime. Such laws have no place in a modern, self-respecting democracy which values free expression.

The laws are too broad and ambiguous, and risk criminalising and chilling literary expression. Given the metaphorical, generalised content of many textual forms, unclear rules may encourage self-censorship among artists for fear of harsh interpretations of their work. Indeed this is already occurring, as evidenced by the SBS inclusion of a seditious clause in its standard TV licensing agreement.

The narrow construction of the 'good faith' defence, the placing of the burden of proof on the artist and the failure to expressly protect academic or scientific discussion does not provide sufficient protection for writers. At the least the laws require redefinition to clarify their meaning and minimise artist self-censorship.

Sydney PEN encourages the Government to reform the seditious laws in line with the ALRC's recommendations. The role of Australia's creative arts community in facilitating the exchange of ideas is indicative of a healthy democracy and should not be unjustifiably constrained.

2. Sydney PEN urges the repeal of the Classification (Publications, Films and Computer Games) Amendment (Terrorist Material) Act 2007. The Act introduces a number of ambiguities into classification law and the Act exposes an unjustified range of texts to censorship.

Whilst under international law freedom of expression may be limited to protect national security, this may only be justified if there is a definite causal link between the banned materials and a likelihood of terrorist acts. By banning materials which generally 'indirectly' incite or directly 'praise' terrorism in a general sense, the Act impinges disproportionately on freedom of expression.

Such vague provisions also introduce a wide degree of subjectivity into decision making which could lead to unpredictable conclusions about individual texts, increasing artistic and academic uncertainty about their rights. The notion that scholars must apply for special exemption to access banned texts also limits our academic ability to understand terrorism.

Classification law is an ill-suited medium for combating the incitement of terrorism. Bans on such materials risk increasing their influence among disaffected groups. The amendments should be repealed in favour of socio-political anti-terrorism strategies.

3. Sydney PEN urges the Government to revive the Australia Council's Translation grants program, perhaps based on the American Arts Endowment model of 6 and 12 month grants to enable translators to work full-time on a project.

Promotion of translation will make more texts available for Australian viewing, facilitating Australia's cultural and linguistic education. Translation also has significant potential to open up new markets for Australian authors and facilitate the spread of knowledge about Australia overseas.