

24 February 2017

NEW STUDY FINDS 307 BREACHES OF FUNDAMENTAL LEGAL RIGHTS IN FEDERAL LAWS

“The fundamental legal rights of all Australians are being persistently eroded under federal laws,” says Simon Breheny, Director of Policy at free-market think tank the Institute of Public Affairs.

The IPA’s report entitled *Legal Rights Audit 2016*, authored by Mr Breheny and IPA Research Fellow Morgan Begg, [was featured](#) in *The Australian* this morning. It revealed that the legal rights of the presumption of innocence, natural justice, the right to silence and the privilege against self-incrimination are breached by 307 separate provisions in Acts of federal Parliament.

“The presumption of innocence, natural justice, the right to silence and the privilege against self-incrimination are the backbone of hundreds of years of legal tradition. Without them, our legal system will not achieve just outcomes,” says Mr Breheny.

“The law exists to protect the individual liberties of Australians, not to violate them. If there was only one instance of these rights being breached it would be one instance too many, but there are 307.”

This research follows audits conducted by the IPA in 2014 and 2015, which found 262 and 290 breaches of fundamental legal rights, respectively.

In 2016, 21 provisions breaching legal rights were introduced in Acts of federal Parliament, while 4 such provisions were repealed.

“This increase in legal rights breaches proves that it is a systemic problem.”

“These findings are a huge blow to the idea that Australia’s legal system is built on the rule of law,” says Mr Breheny.

The IPA’s new report, *Legal Rights Audit 2016*, is available to download [here](#).

For media and comment: Simon Breheny, Director of Policy at the Institute of Public Affairs on 0400 967 382 or sbreheny@ipa.org.au

For media coordination: Evan Mulholland, Media and Communications Manager, on 0405 140 780, or at emulholland@ipa.org.au