

11 December 2012

Coalition Members of Parliament, Senators  
First Name, Surname  
Electorate  
Address

Dear

### **Human Rights and Anti-Discrimination Bill 2012**

I am writing to express my very great concern at the failure of the federal Coalition to announce their outright opposition to the government's exposure draft of the *Human Rights and Anti-Discrimination Bill 2012*.

IPA research reveals that the draft legislation is an outrageous attack on the fundamental liberty of freedom of speech. The draft legislation proposes to make it unlawful to offend or insult another person on nearly twenty different grounds, including "political opinion".

The proposed law is extraordinary and has no place in a free country.

The day after the draft legislation was released Simon Breheny, the Director of the Legal Rights Project at the Institute of Public Affairs, sent you and every member of parliament an email drawing your attention to the dangerous provisions in the legislation and urging you to reject it. I have enclosed a copy of his email with this letter.

It is alarming that the Coalition has to date failed to announce its opposition to the frightening restrictions on freedom of speech contained in the legislation.

The silence of the Coalition since the draft legislation was released stands in stark contrast to the strident defence of our liberties made yesterday by the former political staffer to Gough Whitlam and Chairman of the Australian Broadcasting Corporation, James Spigelman. Even federal ALP backbencher Kelvin Thomson has been more vocal than the Coalition on the threat to freedom of speech posed by the draft legislation.

IPA members from around the country have inundated me with phone calls, emails, and letters about the draft legislation. Every one of them has asked the same question: where is the Coalition on this issue? I wish I had something positive to tell them.

IPA members tell me that they have been informed by Coalition MPs that the Coalition is waiting for the report of the Senate Legal and Constitutional Committee due in February next year before determining its position on the draft legislation. Frankly, that's just not good enough.

Freedom of speech is core to the philosophies of liberalism and conservatism. Such attacks on freedom of speech must be opposed outright and immediately.

Yours sincerely



John Roskam  
**Executive Director – Institute of Public Affairs**

**From:** Simon Breheny [mailto:sbreheny@ipa.org.au]  
**Sent:** Wednesday, 21 November 2012 5:04 PM  
**To:**  
**Subject:** Human Rights and Anti-Discrimination Bill 2012

Yesterday the Attorney-General, Nicola Roxon, released the draft legislation which consolidates federal anti-discrimination legislation into one piece of legislation, the *Human Rights and Anti-Discrimination Bill 2012*.

The IPA is very concerned that this legislation breaches fundamental freedoms. Yesterday we issued a media release outlining our concerns about the reversal of the onus of proof contained in the bill. You can read that media release [here](#).

Today we discovered another aspect of the bill which is even more concerning. The draft legislation also significantly expands the grounds on which individuals can claim to be discriminated against. For the first time ever, discrimination on the basis of "political opinions" will be unlawful. You can see the expanded list of grounds for discrimination in Section 17 of the bill [here](#).

Further, the bill defines discrimination to be any "conduct that offends, insults or intimidates" another person (see Section 19 [here](#)). That means that expressing an opinion that offends someone else's political opinions is now grounds for discrimination.

This is a potentially extremely serious curtailment of freedom of speech. The IPA urges all members of parliament to oppose these changes. You can read our full media release on the matter [here](#).

If you would like to discuss these issues any further, please do not hesitate to contact me.

Regards,

Simon

**Simon Breheny**  
**Director, Legal Rights Project**

**Institute of Public Affairs**

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