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Monday, 14th January 2013

O'FARRELL GOVERNMENT INQUIRY INTO RACIAL VILIFICATION LAW THREATENS FREE SPEECH

“The O’Farrell government’s inquiry into racial vilification laws in New South Wales is completely unnecessary and threatens to undermine freedom of speech,” said Simon Breheny, Director of the Legal Rights Project at free market think tank the Institute of Public Affairs.

The inquiry will investigate, in particular, the effectiveness of section 20D of the *Anti-Discrimination Act 1977* (NSW), which creates the offence of serious racial vilification.

“Section 20D currently makes it an offence to threaten physical harm. This is appropriate but any restrictions that seek to go further risk undermining freedom of speech,” said Mr Breheny.

“We have seen the damaging results that anti-discrimination laws can have. Last year, Andrew Bolt was found to have breached section 18C of the Commonwealth *Racial Discrimination Act 1975* after publishing opinion pieces on public policy issues that we all should be free to debate. The Bolt case is a warning to any Australian government considering expanding anti-discrimination laws,” said Mr Breheny.

“The O’Farrell government’s concern that there have been no successful criminal prosecutions under section 20D is baffling. This does not indicate that the laws are ineffective – in fact, it may indicate that the law is working exactly as it was intended. The whole idea of holding an inquiry into a law that appears to have done its job is absurd,” said Mr Breheny.

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