

Civil liberties under fire

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Editor



Attacks on individual freedom in Australia over the past few years have occurred in some unexpected places.

Take, for instance, the unprecedented assault on civil liberties we have seen in Australia in recent years.

Both the left and right of politics have in the past proudly trumpeted their commitment to civil liberties. In recent decades, the left has been particularly vocal.

Sure, state governments and oppositions have always engaged in a law and order auction around elections. But the policies which arise from this have generally just been a reasonable response to community concern about insufficient sentences for serious criminals, not a wholesale assault on individual freedoms.

And although new powers have been granted to governments around the world in the name of fighting terrorism following the September 11 2001 attacks, some changes in this area were warranted, particularly in the immediate aftermath.

But despite now more than ten years of increasing powers and resources for anti-terrorism agencies, the federal government is still seeking to expand them even further. And even more worryingly, the special powers that were to be granted solely for the purposes of stopping terrorism are now being called upon to fight much less serious threats.

The Gillard government's data-

retention proposal is a case in point. Security agencies like the Australian Federal Police and the Australian Security Intelligence Organisation (ASIO) want the federal government to require internet service providers to store all their customers' internet usage data for up to two years, just in case they need to search it in the future. On its own, that is a worrying proposal. But the idea that these powers should be also made available to the Australian Taxation Office, the Australian Securities and Investments Commission (ASIC) and the Australian Competition and Consumer Commission (ACCC) is terrifying.

And now, the practice of tampering with fundamental legal rights in the name of fighting terrorism—such as the burden of proof, whereby the accuser must prove the defendant has done the wrong thing, and not the other way around—is seeping into many other pieces of legislation. And it is being driven by the left, who were supposedly committed to civil liberties.

First in Labor's *Fair Work Act*, the burden of proof was reversed onto employers defending action from their employees. For example, if an employee alleges that they were wrongfully dismissed, it is now up to the employer to prove that this is not the case.

More recently, as part of the federal government's consolidation of anti-discrimination legislation, the burden of proof is to be reversed again. If passed, those who are accused of perpetrating discrimination will soon have to prove their innocence. According to Attorney-General Nicola Roxon and other supporters of the bill, this is about 'rebalancing' the system in

favour of people who have (allegedly) suffered discrimination.

And that's not even the worst part of the proposed law. It also creates new categories of discrimination (such as 'political opinions') and redefines discrimination to be anything which 'offends, insults or intimidates.' Under these laws, Australians could soon have to prove that something they said didn't offend someone else's political opinions. It's another massive curtailment of freedom of speech.

This certainly constitutes rebalancing—away from our most basic and fundamental freedoms. And it highlights the dangers of ever allowing governments to restrict our liberties, for any reason.

Of course, all the old threats to freedom have not disappeared.

There's much to worry about—but not much new—in the continued growth of taxes and government spending. Economic freedom has always been under assault, and always will be.

Both sides of politics have always had some sympathy for the Nanny State, so its continued pervasive influence does not come as a shock.

And environmentalism has long been an effective tool for the left to legitimise their desires for bigger government.

But few Australians would have expected that their most basic legal rights could ever be seriously threatened. Civil liberties like freedom of speech, the right to silence and the presumption of innocence were once taken for granted. Sadly, only now that they are being taken away have we realised that none of our freedoms are safe, and all of them must be fought for.

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