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## **IPA CONDEMNS ATTACK ON RIGHT TO SILENCE**

“Moves by the New South Wales government to remove the right to silence in the state are an outrageous attack on fundamental legal rights,” said Simon Breheny, director of the Legal Rights Project at free market think tank the Institute of Public Affairs.

Last night, the *Evidence Amendment (Evidence of Silence) Bill 2013* passed the Legislative Council with the support of the Shooters and Fishers Party. The bill allows “unfavourable inferences” to be drawn by a jury where a defendant fails or refuses to answer questions when interviewed by police, and then later relies on information that was not produced during questioning.

“The right to silence is a key pillar of our legal system, developed over more than 400 years of English common law. Removing it undermines procedural fairness and creates an unjust legal system. The freedom to remain silent is a vital safeguard against state tyranny and it should never be removed.

“Judges can already instruct juries to draw adverse inferences in certain cases where defendants fail to assist police investigations, so there is no justification for any erosion of the right to silence.

“Fundamental legal rights must not be tampered with.

“The New South Wales government should recognise their mistake and reverse what they have done.

“This is just the latest attempt by Australian governments of all political stripes to remove basic legal rights, such as the right to silence, the presumption of innocence and the privilege against self-incrimination,” said Mr Breheny.

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