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FREE SPEECH UNDER ATTACK IN TASMANIA

Freedom of speech is under attack after the Tasmanian Anti-Discrimination Commission's decision to hear the case against Archbishop Porteous.

Tasmania's Anti-Discrimination Commission has decided the Catholic Church has a case to answer in response to a complaint made by Greens candidate Martine Delaney this year. Delaney complains that a booklet outlining Catholic teachings on marriage, which was distributed to parents of Catholic high school students throughout Australia, is offensive and therefore breaches Tasmania's anti-discrimination laws.

"The complaint against Archbishop Porteous ought to have been dismissed," says Simon Breheny, Director of the Legal Rights Project at free market think tank the Institute of Public Affairs.

"The booklet produced by the Australian Catholic Bishop's Conference carefully outlines the Catholic position on marriage. The booklet was distributed to parents of students at Catholic schools. The booklet is a reasonable statement of Catholic teaching couched in a measured tone."

"If the Catholic Church cannot distribute a booklet on Catholic teaching to Catholics, who can it distribute them to?"

"This case highlights the attack on free speech represented by anti-discrimination law. It should never be a crime to offend a person."

"The position outlined by the Catholic Bishop's Conference is the position that had been taken by every leader of the two major political parties right up until last year – and it is now potentially illegal," says Mr Breheny.

The decision not to dismiss the complaint is relevant in the context of the upcoming plebiscite on the redefinition of marriage.

"The legitimacy of the result in the upcoming plebiscite depends upon the existence of a free and open debate. Both sides must have the opportunity to present a case to the Australian people," says Mr Breheny.

"This is why both supporters and opponents of same sex marriage ought to be concerned about the complaint against the Australian Catholic Bishop's Conference," says Mr Breheny.

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