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FEDERAL GOVERNMENT MUST CLARIFY FREEDOM OF SPEECH PROPOSALS

“The federal government must rule out further restrictions on freedom of speech,” says Simon Breheny, director of the Legal Rights Project at free market think tank the Institute of Public Affairs.

Prime Minister Tony Abbott yesterday delivered a national security update at the Australian Federal Police headquarters in Canberra. In the statement, the prime minister proposed “stronger prohibitions on vilifying, intimidating or inciting hatred.”

“The prime minister’s statement raises concerns about what this might mean for freedom of speech. If the proposal is to replicate section 18C of the *Racial Discrimination Act 1975* in the criminal law, these new laws could be used to send people to jail for expressing an opinion,” says Mr Breheny.

“We need freedom of speech to fight Islamist terror. Australians must be free to engage in a vital debate about the threats we face without laws restricting freedom of speech.”

“The federal government should be seeking to repeal laws that restrict free speech, such as section 18C of the *Racial Discrimination Act 1975*. Laws that restrict free speech send a signal that it is acceptable to silence anyone who disagrees with you. In the face of violence and threats of violence, the government must send a strong signal that it is never acceptable to shut down public debate,” says Mr Breheny.

Section 18C of the *Racial Discrimination Act 1975* currently makes it unlawful to “offend, insult, humiliate or intimidate” a person on the grounds of “race, colour or national or ethnic origin.” This provision was used against News Corp Australia journalist Andrew Bolt for two articles he had published in 2009.

“These new laws proposed by the Prime Minister could be used to send Andrew Bolt, or anyone who said what Andrew Bolt said, to jail. That is completely unacceptable in a free society,” says Mr Breheny.

“The federal government should also support South Australian Family First Senator Bob Day’s *Racial Discrimination Amendment Bill 2014*. Senator Day’s private members’ bill seeks to amend section 18C by removing the words ‘offend’ and ‘insult’ from the law,” says Mr Breheny.

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