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COMMONWEALTH GOVERNMENT'S SITE-BLOCKING BILL INFRINGES RULE OF LAW

"The government's proposed copyright legislation will impose an internet filter and breach the rule of law," says Simon Breheny, director of the Legal Rights Project at free market think tank the Institute of Public Affairs.

The Commonwealth government today introduced the *Copyright Amendment (Online Infringement) Bill 2015* into the parliament. The bill would allow copyright holders to apply to the courts for an injunction against ISPs hosting websites that host copyright infringing material.

"Our legal system is at its best when it upholds the rule of law. One important way of doing that is to appropriately assign responsibility when the law is broken. The government's proposal fails this basic test. Rather than holding copyright infringers liable, the government has designed a system that targets and penalises internet service providers," says Mr Breheny.

"This is like asking the police to arrest automotive manufacturers because they produced the car involved in a hit-and-run. It's an unfair allocation of responsibility."

"The Coalition rightly opposed the former government's plans to introduce an internet filter. It is disappointing that the current government is now proceeding with a similar regime."

"The *Copyright Amendment (Online Infringement) Bill 2015* continues a trend in Commonwealth laws that breach the rule of law," says Mr Breheny.

A recent report authored by the IPA's Simon Breheny and Morgan Begg found 262 Commonwealth laws that breached one of four fundamental legal rights: the presumption of innocence, the right to silence, the privilege against self-incrimination, and basic principles of natural justice. The report is entitled [*The state of fundamental legal rights in Australia: an audit of federal law*](#).

"The government should abandon its proposed regime for breaching the rule of law and freedom of speech," says Mr Breheny.

The IPA's Chris Berg and Simon Breheny made a submission to the Communications Department's Online Copyright Infringement Inquiry, which addressed the freedom of speech issues of the proposed site-blocking regime. You can find the IPA's submission here:

<https://ipa.org.au/publications/2277/submission-to-australian-government-online-copyright-infringement-discussion-paper>

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