

IPA MEDIA RELEASE

Institute of Public Affairs | Australia's leading free market think tank

Friday 5th December 2014

NEW STUDY FINDS 262 BREACHES OF FUNDAMENTAL LEGAL RIGHTS IN FEDERAL LAWS

“The fundamental legal rights of all Australians are being systematically eroded under federal laws,” says Simon Breheny, Director of the Legal Rights Project at free market think tank the Institute of Public Affairs.

A new IPA report entitled *The state of fundamental legal rights in Australia: an audit of federal law*, authored by Mr Breheny and IPA Researcher Morgan Begg, was featured in *The Australian* this morning. It has revealed that the legal rights of the presumption of innocence, natural justice, the right to silence and privilege against self incrimination are breached by 262 separate provisions in Acts of federal Parliament.

“This is a shockingly high number. The law exists to protect the individual liberties of Australians, not to violate them. If there was only one instance of these rights being breached it would be one instance too many, but there are 262,” says Mr Breheny.

“The presumption of innocence, natural justice, the right to silence and privilege against self incrimination are the backbone of hundreds of years of legal tradition. Without them, our legal system will not achieve just outcomes.”

The report found 48 breaches in federal Acts of the burden of proof, 92 breaches of natural justice, 14 breaches of the right to silence and 108 breaches of privilege against self-incrimination.

The report also found the legal rights of some groups within the community are breached more often than others. For example, a comparison between company directors and union officials is revealing. Of the total legal rights breaches discovered, 43 apply to company directors while just two apply to union officials, with a further 18 affecting both equally.

“Two things must now occur. First, all current provisions that breach fundamental legal rights must be repealed. Second, all politicians must commit to respect for the principles of the rule of law and refuse to pass any new laws that breach our fundamental legal rights,” says Mr Breheny.

“This is a systemic problem. These findings are a huge blow to the idea that Australia’s legal system is built on the rule of law.”

The IPA’s new report, *The state of fundamental legal rights in Australia: an audit of federal law*, is available to download [here](#).

For media and comment: Simon Breheny, Director of Legal Rights Project at the Institute of Public Affairs on 0400 967 382 or sbreheny@ipa.org.au

**Institute of Public Affairs, Level 2, 410 Collins St. Melbourne
ph: 03 9600 4744 fax: 03 9602 4989 www.ipa.org.au**