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COALITION MUST DELIVER ON FREE SPEECH PROMISE

“The Abbott government must rule out introducing any new laws that would restrict freedom of speech,” said Simon Breheny, director of the Legal Rights Project at free market think tank the Institute of Public Affairs.

Mr Breheny’s comments follow recent media reports where Commonwealth Attorney-General George Brandis suggested the Abbott government is considering the introduction of a new criminal law of incitement to racial hatred.

The new law would expand the scope of the existing section 80.2A of the *Commonwealth Criminal Code* which establishes a crime of incitement to violence on the basis of race, religion, nationality or ethnic origin or political opinion.

“The establishment of a crime for incitement to racial hatred would be a dangerous restriction on freedom of speech. If it had been in place in 2011, Andrew Bolt could have been sent to jail,” said Mr Breheny.

This proposal is part of the Coalition’s response to section 18C of the *Racial Discrimination Act*. Section 18C was the law used to take *Herald Sun* journalist Andrew Bolt to court in 2011 over two articles he had written on a matter of public policy in 2009. The provision makes it unlawful to “offend, insult, humiliate or intimidate” a person because of race, nationality or ethnicity.

“Section 18C is a significant limitation on freedom of speech. The Coalition acknowledged the negative impact this law has on free speech while in opposition, and on several occasions promised to repeal it,” said Mr Breheny.

“Now the Coalition has won government it must act on its election commitment. But recent media reports have suggested the government is planning to only remove the words “offend” and “insult” from the provision. Merely amending section 18C would fail to restore free speech in Australia,” said Mr Breheny.

“The Coalition must deliver on its free speech promise. It must repeal section 18C and it must not pass any new laws that restrict freedom of speech,” said Mr Breheny.

Mr Breheny has written an article which appears in *The Australian* today explaining the free speech implications of the proposals under consideration by the Abbott government.

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