

PO Box A147
Sydney South
NSW 1235
DX 585 Sydney
alhr@alhr.asn.au
www.alhr.asn.au



For Immediate Release 8 February 2018

Proposed Turnbull Government Legislation Slammed for Diminishing Australia's Democracy. Leading human rights experts say measures will severely restrict freedom of speech and political communication.

Australian Lawyers for Human Rights (ALHR) has slammed the provisions of the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017* and the *Foreign Influence Transparency Scheme Bill 2017*. ALHR is concerned that the Bills far exceed their stated aims of supporting the integrity and fairness of elections, and of identifying foreign influence in Australian politics.

ALHR Vice President Kerry Weste said, "ALHR has serious concerns that these Bills will unreasonably and disproportionately violate the fundamental universal human rights to freedom of speech and freedom of expression, and will diminish, not enhance, the constitutional right to free political communication in Australia."

"In their current forms the Bills unreasonably restrict and chill the speech of charities and not-for-profit NGOs, capturing even speech that is not related to election campaigns nor directed by foreign interests, while restricting business comparatively lightly and providing exemptions for some types of media activity."

"This approach is illogical as business and media operations are likely to have a much greater ability to affect public perceptions and hence voting patterns than charities and NGOs."

"The Electoral Funding Bill's own explanatory memorandum acknowledges that the measures proposed potentially violate Australia's international legal obligations under the *International Covenant on Civil and Political Rights (ICCPR)* including: the right of citizens to take part in public affairs and elections; the right to freedom of opinion and expression; the prohibition on interference with privacy and attacks on reputation; and the right to freedom of association with others".

ALHR is concerned that the Bills will severely impact on the ability of non-government associations, from major charities to small volunteer groups, to participate in political discourse, while leaving major businesses relatively untouched. Weste says, "This outcome ensures that the voices of the 'haves' dominate our democracy, while those who attempt to speak on behalf of the 'have nots' will be so limited and restricted that their voices will not be heard."

"Political comment aimed at making a better nation is a fundamental underpinning of any democracy. Public participation in our political system is an indispensable part of Australian democracy. ALHR fears that the Bills as presently drafted are so excessive in their scope and in the penalties imposed as to have a severely chilling effect upon free speech, and particularly constitutionally-protected free political speech. They diminish our democracy and provide neither a proportionate, necessary or reasonable response to the perceived harms the Government is saying it seeks to address."

Media Contact: To arrange an interview with ALHR please contact Matt Mitchell on 0431 980 365 or media@alhr.org.au

ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.