

PO Box A147  
Sydney South  
NSW 1235  
DX 585 Sydney  
[alhr@alhr.asn.au](mailto:alhr@alhr.asn.au)  
[www.alhr.asn.au](http://www.alhr.asn.au)



## **For Immediate Release 28 June 2018**

**One rule for them and another for us!** Leading human rights experts say Bills, even as amended, will severely restrict freedom of speech and political communication

Australian Lawyers for Human Rights (ALHR) has expressed disappointment in the passing through the House of Representatives of the [National Security Legislation Amendment \(Espionage and Foreign Interference\) Bill 2017](#) and the [Foreign Influence Transparency Scheme Bill 2017](#) - particularly because the latter as amended now provides a blanket exemption for sitting federal politicians and holders of statutory offices (s 25A).

“The fact that federal and state politicians are not prepared to comply with this legislation sends a clear message,” says ALHR President Kerry Weste, “ that the fears many human rights and charitable organisations have expressed are valid and are shared by parliamentarians: that the legislation is too widely drafted, too severe in its penalties and too vague in its scope. But instead of correcting the legislation to address these crucial issues, federal politicians have given themselves a ‘get out of jail free’ card while potentially criminalising normal and otherwise entirely legal behaviour by the rest of society.”

“The government might say that it will introduce a separate scheme for regulating the behaviour of politicians in relation to foreign matters and persons but it is clear” says Ms Weste “that this legislation is too draconian to be acceptable to politicians. Why then,” she asks “should it be applied to the rest of us?”

“While ALHR welcomes the limited exemptions for charitable and artistic collaboration with foreign parties, and the carving out of normal communications with friends and family who are not Australian citizens which was originally of such concern, it appears there will be no exemptions for sporting or academic collaboration with foreign parties. 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 of Australian individuals and civil society organisations, business and journalists, and will severely chill the constitutional right to free political communication in Australia.”

“What is also particularly concerning is that under the National Security legislative amendments, the UN and its bodies are defined as ‘foreign principals’ so that sharing information with those bodies could be regarded as espionage if the information has the potential to ‘harm’ Australian national security interests – which are newly and very widely defined to include economic relations and international relations.”

“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 academic research, 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.”

For more information see: <https://alhr.org.au/foreign-influence-legislative-package/>

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