

Features

High cost of battle for free speech

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LEADERS of government at every level have been shamed by human rights lawyer Geoffrey Robertson's analysis of Australia's place in the world of free speech: low, and sinking lower. Press freedom is more restrictive than in former Soviet countries such as Bulgaria; our relevance in terms of human rights and free speech has declined because of the failure of the Australian Parliament in the past 20 years to implement reforms; on the international scale Australia ranks 35th and 39th in the most recent studies; proposed legislation to outlaw secondary boycotts would empower the Australian Competition and Consumer Commission to sue media organisations that published or broadcast calls by boycott advocates. Specifically, Mr Robertson lamented the absence of an Australian bill of rights as a basis for decision-making on human rights issues.

The Hawke government toyed, unsuccessfully, with a modest proposal to incorporate selected rights in a referendum. A leading opponent was then- opposition leader John Howard. Australia remains the only democratic nation in the world that, in the absence of a bill of rights, relies on its elected politicians to protect these values.

But this does not prevent the states from introducing their own legislation. The prematurely disbanded Electoral and Administrative Review Commission in 1993 recommended a bill of rights, created first by legislation and then included in the Queensland Constitution. It took a parliamentary committee five years to produce a report rejecting the idea on the grounds that enforceable rights would mean the judiciary rather than the parliament would ultimately decide the validity of legislation and government action and, in effect, bring about a fundamental change to the system of government. But as a former EARC chairman pointed out, this argument ignores the fact a bill of rights would be written by the parliament.

Premier Peter Beattie was asked by former attorney-general Matt Foley at a Fitzgerald inquiry symposium in May whether a bill of rights was on the drawing board. He responded, cutely, that it was "not quite there" yet.

Mr Beattie has a habit of responding to questions about restrictions on the free flow of information under his administration by avoiding the central issue. Nowhere is this more evident than in the gradual abuse of Freedom of Information laws, introduced in 1991. After widespread condemnation for the practice of trucking documents through Cabinet by the trolley-load to provide them with the status of Cabinet exemption, it is now possible for a minister simply to certify that material is, or might be, for Cabinet's consideration -- and the inconvenience of the trolley is avoided.

Mr Beattie trundles out statistics he says show the Government has a good record in meeting FOI requests; but his statistics do not chronicle the systematic destruction of the original legislation -- changes Mr Beattie promised to rescind, but made matters worse. He now suggests he will reduce the 30-year Cabinet secrecy rule to seven years. We are waiting, just as we are waiting for government at all levels to embrace the public's right to know.

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