

Australia's Most Dangerous Assumption - That You're Still Free to Speak.

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Senator Babet

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Freedom of speech isn't protected in our Constitution - and it's disappearing faster than you think.

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- I've introduced the *Constitution Alteration (Right to Free Speech) 2025* to enshrine freedom of speech and freedom of the press in Australia's Constitution.
- Australians *assume* they already have free speech, they don't. That assumption is now dangerously wrong.
- State and federal laws increasingly punish Australians for saying what they honestly believe, even simple biological truths.
- Without freedom of speech, there is no freedom of thought. The right to speak your mind is the foundation of every other liberty.
- My Bill will give Australians the chance to vote in a referendum and decide, once and for all, whether we still believe in the right to speak freely in our own country.



I have introduced the *Constitution Alteration (Right to Free Speech) 2025*, the purpose of which is to enshrine freedom of speech within the Australian Constitution.

The proposed alteration will insert a new Chapter IIIA and section 80A in the *Commonwealth of Australia Constitution Act 1900*. The new section will provide that the Commonwealth or a State must not make any law that limits the freedom of speech, including freedom of the press and other media.

This Bill is urgently needed and will provide protection of a right that Australians assume they already have. That assumption is increasingly dangerous.

While freedom of speech in this country is generally assumed, it is not guaranteed. Indeed, it is under perilous threat right now.

Over the past decade the right of Australians to say what they think has increasingly come under attack.

While Australian Parliaments have made no effort to protect speech, they have passed laws – at state and federal level – to restrict freedom of speech.

We are now at a point in this country where it is dangerous to openly say things that most people privately believe.

It's a brave person, for example, who opines in public that men cannot become women.



Is that really the kind of country we want to live in? A country in which stating simple biological truths puts a person in danger of being dragged before a tribunal to be interrogated for their words.

It is time to provide a constitutional right for all Australians to say what they truly think.

The Western world became prosperous by allowing, rather than censoring debate.

Free speech is not a thing to be feared. It's a thing which should be embraced.

Free speech is not something to protect people from, it's something to be encouraged.

The Enlightenment was built on the ability of people to say what they honestly thought, even if it went against established norms.

Indeed, it was the ability to challenge norms that made progress possible.

But we now risk going backwards into a new Dark Age of restricted speech, where certain ideas – held sacrosanct by those in power – are beyond challenging. This bodes well for nobody.

Without speech there is no expression of thought, it is no exaggeration to say that if people are not able to speak freely then they are not able to think clearly.

And that is the key issue here. Freedom of thought supposes freedom of speech. The two are indelibly linked.

What good are all the other freedoms if people are not free to think independently of the state and to express those thoughts?

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Australia lacks, at a national level, entrenched protections of freedom of speech. Our role as elected representatives should be to provide and sustain that right.

This Bill, if successful, will give the Australian people the power to vote in a referendum and determine just how important freedom of speech is to them.

I believe the people will vote overwhelmingly in favour of free speech, because Australians may disagree on many issues, but we believe in a fair go and the right of everyone to voice their opinion without fear or favour.

Our proposed alteration to the Constitution will protect freedom of expression along similar lines to the *First Amendment of the Constitution of the United States of America* which provides that the Congress 'shall make no law ... abridging the freedom of speech, or of the press'.

The Australian Constitution already provides some express protection against legislative action by the Commonwealth. Section 116 says that the Parliament 'shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion'.

In a similar way, our proposed protection for freedom of speech would reflect the assumption of all Australians that people have the right to express their thoughts with confidence and without fear of censure.

Moreover, it would put a brake on efforts to suppress freedom of speech that are, shockingly, becoming more and more common around the Western world including here in Australia.

There shouldn't be a single Senator in this chamber who would say they were against freedom of speech.

There shouldn't be a single Senator in this chamber who would say to their constituents, I want to make it more difficult for you and your family to express your opinions.

We came to Canberra not to oppress our constituents but to defend and ensure their freedoms. This bill does that. And it is long overdue.

I commend this Bill to the Senate.

Senator Ralph Babet, Senator for Victoria, United Australia Party.