



**RATIONALIST
SOCIETY OF
AUSTRALIA**

PATRONS
Hon. Michael Kirby AC CMG
Prof. the Hon. Gareth Evans AC QC
Dr Rodney Syme AM
Prof. Fiona Stanley AC

Senate Standing Legal and Constitutional Affairs Legislation Committee
*Inquiry into the Constitution Alteration (Freedom of Expression and Freedom
of the Press) 2019*

Submission

Dear Committee,

The Rationalist Society of Australia is Australia's oldest freethought group, promoting the use of evidence and reason in public policy since 1906. The RSA bases its policies on universal human values, shared by most religious and non-religious people. We support the democratic ideals of freedom of the individual, equality before the law, and a secular society that neither privileges nor discriminates against people because of their religion or belief.

The RSA supports the principle underlying this proposed alteration of the Constitution. Freedom of expression, subject to limitations that are reasonable and justifiable in an open, free and democratic society, is vital to democracy and freedom.

The proposal broadly reflects Article 19 of the International Covenant on Civil and Political Rights, which states:

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

The RSA recognises that the proposed alteration of the Constitution is unlikely to progress. If this Committee recommends that the proposed alteration of the Constitution not progress, the

RSA urges the Committee to turn its mind to other mechanisms for better protecting freedom of expression in Australia.

Such mechanisms might include making recommendations:

1. That the role and powers of the Senate Scrutiny of Bills Committee be expanded to enable the Committee:
 1. To require the personal attendance of a Minister to answer questions about the human rights impacts of government Bills.
 2. To undertake more detailed and extensive analyses of the human rights impacts of Bills by increasing the number of legally trained staff working for the Committee.
2. That an independent review be undertaken (perhaps by the Australian Human Rights Commission) of the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) and of the quality of statements of compatibility accompanying Bills and disallowable instruments.

We trust this submission is of assistance.

Yours faithfully,

Dr Meredith Doig OAM
President, Rationalist Society of Australia

21 August 2021

