



HUMANIST SOCIETY OF VICTORIA Inc.

(Reg. No. A0020272M)

Affiliated with the Council of Australian Humanist Societies (CAHS)
and the International Humanist and Ethical Union (IHEU), London, UK

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15 December 2012.

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
legcon.sen@aph.gov.au

Dear Committee Secretary,

Re: Draft Human Rights and Anti-Discrimination Bill 2012

The Humanist Society of Victoria (HSV) is a secular organisation whose members foster an ethical, rational and responsible approach to life. HSV supports human rights, democratic processes, and a just and inclusive governance.

HSV seeks to alleviate suffering, to promote well-being and the circumstances where all individuals can attain their full potential. It engages in educational and charitable activities.

The views that follow have been formulated at specially convened group discussions to which all HSV members are invited. Further supportive evidence has been obtained from print publications, the Internet, the mass media and from individuals with relevant experience.

The President, Vice-president and Submissions Conveners of the HSV are authorised to present these views.

The Humanist Society of Victoria Inc. congratulates the Attorney-General and the Finance Minister on producing the draft Anti-Discrimination Bill, and we thank the Senate Legal and Constitutional Committee for the opportunity to contribute to this inquiry.

The Humanist Society of Victoria supports the Draft Human Rights and Anti-Discrimination Bill.

Our rationale is as follows:

1. We regard the Universal Declaration of Human Rights as a key document of civilised standards and we are proud of the large role our nation played in its writing;
2. Discrimination offends against democratic principles and defies efforts to foster a cohesive society with equal opportunities for all;
3. Religious organisations which are recipients of public funding should not depart in practice from accepted social norms regarding discrimination;
4. Research shows links between discrimination and poor health outcomes: increased rates of depression, substance abuse, self harm and suicide;
5. It is the duty of our legislators to protect all citizens equally from harm and danger.

We strongly support the main reforms of the draft legislation:

1. A single, national test for discrimination for all protected attributes;
2. The addition of sexual orientation and gender identity for much needed protection from endemic discrimination;
3. Inclusion of sexual harassment and discrimination in areas of public life;
4. Simplification of the complaint process to improve public access to justice.

We ask that the following amendments be made to the draft legislation in order further to clarify and expand its protections:

Page 34: Protected Attributes:

- (e) “gender identity” should be expanded to read “**gender or gender identity**”;
- (o) “religion” should be expanded to read “**religion or secular world-view**”;
- (s) an extra attribute should be added to include **transgendered or intersex identity**.

Pages 47 – 49: Religious exceptions:

Humanists respect the rights of people to practice both freedom of religion and freedom from religion. We respect the principle that congregations may seek protection in order to employ ministers or leaders who share and uphold their beliefs. However, religious freedom must not be used as a means to discriminate against others on attributes which otherwise would be protected, such as race, gender, marital status or sexual orientation, as this would violate Article 30 of the Universal Declaration of Human Rights.

Subdivision C, Sections 32 and 33 should be rewritten in order to grant religious organisations or individuals the right to an exception only when these are directly relevant and demonstrably necessary to the service or employment in question.

Yours sincerely,

Stephen Stuart
HSV President