

11 December 2012

Dear Senate Committee

Inquiry: Exposure Draft of Human Rights and Anti-Discrimination Bill 2012

Thank you for the opportunity to comment on the draft.

The government is to be commended for taking steps to strengthen legislation which protects individuals and organisations from discrimination. However I am concerned that, as sometimes happens when laws are being considered to combat injustice, that what is proposed in the draft goes further than necessary and could inadvertently result in doing more harm than good.

I refer specifically to the idea that people who feel insulted or offended by words said to them or about them can seek legal redress for which the respondent bears the burden of proof that their action was neither insulting nor offensive. Surely insult and offence are very subjective words and I doubt the ability of any law maker to adequately define them to the point where people and organisations remain protected from vexatious (frivolous, time and money wasting) claims.

It is also concerning to note the potential for clashes between newly broadened rights to non-discrimination and those already existing which protect religious freedoms, encompassing freedom of speech and of association. Let me provide you with a hypothetical scenario to demonstrate the potential risk. If at a public meeting a Church Pastor was to quote the Bible, the Gospel of John Chapter 14 and verse 6 where Jesus is recorded as saying: *"I (Jesus) am the way, the truth and the life,"* there could be many people listening (even passing by) who could be offended or insulted because they believe something different. I hope you will agree that the Pastor should not be brought to account simply for reading from his Holy Book. Equally an Imam quoting something from the Q'uran should be protected from penalty where there is no clear attempt on his part to stir up dissension or hatred against another group.

My advice – walk slowly with this one.

Yours sincerely