

SUBMISSION

To the Members of the Senate Legal and Constitutional Affairs Committee

Re

Human Rights and Anti-Discrimination Bill 2012

The proposed bill represents a serious threat to freedom of speech and religion in this country and should be withdrawn in its entirety.

To suggest such vague terms as for example in Section 19 (2), "conduct that offends, insults or intimidates the other person" as unlawful and liable to prosecution, is in itself insulting to the intelligence of any reasonable person. Words do have meanings, as any lawyer can tell you, and laws need to be worded very carefully with precise definitions, if our courts are not to be tied up for years wrangling over whether or not a person 'felt' offended.

Worse still, this proposed bill would have the effect of reversing the onus of proof from the person so offended to the one accused of the offence. I strongly recommend that Section 124 be deleted.

While exceptions granted for religion may offer some protection, religious institutions will still have to defend themselves to prove their innocence and secular courts are hardly the best places to argue matters of doctrine and belief. Sections 32 and 33 are problematic to say the least. Section 33, 3(a) which removes exceptions from religious bodies which run aged care facilities funded by the Commonwealth Government, seriously threatens the continued existence of such places. Aged care is a growth industry in this country with our aging populations, and to threaten religious institutions with closure or at best prosecution and/or withdrawal of government financial assistance seems foolhardy in the extreme

It is difficult to believe, given the tone of this proposed bill, that it has not been designed specifically to attack the religious freedom and freedom of speech of Christians and Jews. I find the bill itself to be offensive. Whatever happened to objective right and wrong? Must we be entangled in endless pieces of legislation to make everyone conform to the ideas of whichever group holds the reins of power at any given moment?

Yours faithfully,

Gail Instance