

Committee Secretary  
Senate & Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia  
17<sup>th</sup> December 2012



## SUBMISSION to the Inquiry into the proposed Draft “Human Rights and Anti-Discrimination Bill 2012

I would like to make a formal complaint about the timing of the deadlines for submissions for this, four days before Christmas, when most people are preparing for Christmas and are distracted. This should be given far more time as it is so important.

I **strongly oppose** this whole Bill and ask that you **do not endorse this Bill in any form**. My reasons are as follows:

- It will severely restrict freedom of speech, conscience and religion, far from protecting any human rights.
- The terms are so broad there is so much opportunity for abuse of human rights especially for those whose religious beliefs cannot condone or participate in any way the condoning of homosexual behaviour or abortion or any other offence against the dignity of human life from conception to natural death.
- Under the pretext of protecting human rights of one group namely practising homosexuals, it is abusing human rights of those who must oppose them as they are going directly against the laws of God, who created us, male and female for true self sacrificing love for the natural procreation of children in a healthy life long covenant of love.
- What if one religious or political or other sex-orientation group or persons from either offends or insults the other by just stating publicly what they believe, who is to determine who is in the wrong and on what grounds? What is “unfavourable treatment” supposed to cover and how does one determine whose side it will support?
- For this reason I recommend that the words “conduct that offends, insults or intimidates” be removed from Clause 19 and the words “religion” and “political opinion” be deleted from the list of protected attributes in Clause 17.
- The Draft Bill states that 'unfavourable treatment can include "conduct that offends, insults or intimidates the other person"!
- We can ALL be OFFENDED EVERY DAY! Many are offended by advertising on billboards, on television, in print media, unfair news reports, violent and immoral video games for young people. Perhaps all advertising should be outlawed, it might offend. Many are offended that Medicare is used to pay for the killing of unborn children in the womb. Babies in the womb are intimidated by the surgeon's knife as seen in the video “The Silent Scream”
- Will the words “potential pregnancy” listed in the “protected attributes” be used adversely to gag any outcry against this terrible slaughter of the innocents; a 100,000 every year in Australia? This I think would constitute “unfavourable treatment” for the unborn. Don't you? If not why not and who is to judge and on what grounds?
- For the above reasons, I ask that the clause 124 which reversed the onus of proof be deleted.. And all respondents be given the right to legal representation if they wish at every level of the process especially at conciliation conferences.
- I recommend that all religious bodies have a right to a broad ranging exception similar to that of Section 32, where all conduct attracts an exemption, that is, to allow religious freedom to religious bodies in all circumstances. This especially includes issues related to “marital or relationship status”. This must also include all church-based aged-care homes which must be allowed exception from being forced to accept homosexual couples as married couples and also those who identify themselves as practising homosexuals, or for any other sexual orientation or “gender identity” issues involved in their work which is contrary to their religious beliefs.

- The proposal says that the the exception applies if "the discrimination consists of conduct, engaged in in good faith, that: (i) conforms to the doctrines, tenets or beliefs of that religion; or (ii) is necessary to avoid injury to the religious sensitivities of adherents of that religion. [S 33, 2(b)]
- We know from experience that when it gets to court it is extremely DIFFICULT, not to mention costly, to argue about doctrinal matters and 'religious sensitivities' - the NSW Wesley Mission case and the CYC camp at Phillip Island are two classic examples. To be fair you would need priests & ministers and other religious leaders tribunals to assist in the court cases to be fair as they are the only ones trained to state what the doctrinal, beliefs, tenets etc. and issues are for their own religions, e.g. Canon lawyers, Rabbis etc..

The Attorney-General said they were removing the exception for Commonwealth-funded church-run aged care because 'it was their home' - that is, the home of the homosexual. But what about all the other residents, often members of the denomination running the aged care facility? It is THEIR home too! One question - if the government removes the exception for this situation, how long before they will legislate to remove MORE exceptions - for church-run schools, church-run welfare and so on?

- The government is not planning to make ANY changes to the racial vilification provisions, which prohibit conduct where "the conduct is reasonably likely, in all the circumstances, to offend, insult, humiliate, or intimidate another person or a group of people." The proposed law includes a prohibition of racial vilification. (Section 51, page 63). The federal law is more draconian than the state vilification laws (such as Victoria's notorious Racial and Religious Tolerance Act). Instead of prohibiting the incitement of hatred and so on, the federal law bans conduct that "is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people". This is an incredibly LOW threshold of 'offence'! As said before, we could all be offended every day! What about moral offence? I ask that Section 51 (Page 63), relating to the prohibition of racial vilification, be removed from the proposed law.
- The proposed law has a VERY broad definition of discrimination - the Guide to Part 2-2 (Section 18, p35) states "In broad terms, discrimination is unlawful if it occurs in any area of public life." This Bill would instead apply to ALL areas of public LIFE! The Bill should only apply to VERY LIMITED areas (such as employment) - not to ALL 'public life'. If this were permitted we would become a "police state" and democracy would fly out the window. Do we want Thought police constantly spying on us.? In Gorge Orwell's novel "1984", he was warning us against totalitarian governments that enslave and control their citizens. Is the gay rights and anti-life agenda the gate- way to just such a government? This type of force of law is the breeding ground for deep resentment not tolerance. Tolerance of differences not based on natural moral law is one thing but tolerance of evil is another. Tolerance of any kind can never be forced anyway. We all need to be able to speak publicly against it **as we believe it** without being penalised for it.
- I ask that we maintain the democracy which has helped to make Australia the great nation it is especially based on religious and political freedom and freedom of speech.

**C.Bennett**