

David Perrin

17 December 2012

Committee Secretary,
Senate Standing Committee on Legal & Constitutional Affairs,
LegCon.Sen@aph.gov.au

Dear Secretary,
**SUBMISSION ON EXPOSURE DRAFT OF ANTI
DISCRIMINATION BILL 2012**

I write as a former Member of Parliament to express my opposition to the proposals contained in the above bill.

With long experience of involvement with anti-discrimination legislation I believe this bill needs to be opposed and I urge your committee to recommend that this bill be defeated by the Senate.

My main concerns are-

1. The onus of proof has been reversed so that a person accused of discrimination must defend alleged discrimination which reverses the rule of law in Australia. The common law position in Australia has stood the test of time that those making a claim are required to substantiate their allegation. On this ground alone the bill should be opposed.
2. That freedom of speech is undermined by allegations of offence by an individual which are used to determine a claim of discrimination. The states have perfectly adequate laws to determine issues of offence and to protect reputations and these laws are being undermined by this bill. On this ground the bill should be opposed.
3. That freedom of association is undermined by subjecting a greater number of groups and associations to claims of alleged discrimination. The current laws allow groups with common activities and views to exist without those with opposing views

- using tribunals to argue against their rights. Australia has ratified international covenants which guarantee freedom of association. On this ground the bill should be opposed.
4. That freedom of belief is undermined by allowing claims of alleged discrimination to be used against individuals and groups that have opposing beliefs. Freedom of belief is a fundamental right in a free and democratic society and robust debate is essential in a liberal democratic society in order for all beliefs to be tested. On this ground the bill should be opposed.
 5. That freedom of religion is undermined by restricting the ability of competing religions or those with no religion to make allegations against those with whom they disagree. In a liberal democratic society religious belief is a fundamental human right and is protected by agreement with international covenants. On this ground the bill should be opposed.
 6. That the grounds for a claim of alleged discrimination are too wide. Australians have a right to oppose others based on activities that are considered unwise. Those that make lifestyle choices that others consider undesirable need to be protected when debate occurs and not subject to vilification. Australia has a proud tradition of protecting its citizens and this bill will undermine debate on what is best for individuals, the protection of the vulnerable and our community in general. The basis that one citizen can attack another citizen by dragging them off to a government body at great cost to the community has gone too far. On this ground the handling of discrimination allegations should be wound back and the bill should be opposed.

I believe that your committee should report to the Senate and therefore to the wider community, that this exposure draft bill should be opposed. I would be happy to provide any further information that your committee may require.

Yours Sincerely,

David Perrin