

**To: Senate Legal and Constitutional Affairs Committee**

**HUMAN RIGHTS AND ANTI-DISCRIMINATION BILL 2012  
SUBMISSION by Anne Moira Kirkwood.**

Overview

This submission strongly opposes passage of the Bill, which is totally unacceptable. While purporting to further “rights” and “equality”, the reverse is proposed. This Bill constitutes a very thinly veiled attack on freedom of speech and on other democratic rights, and, as such, is an insult to the Australian people.

It is iniquitous to place the “burden of proof” (together with the financial burden of litigation) on the defendant. Employers throughout the business sector would thus be accounted guilty until proven innocent – a blatant reversal of democratic principle.

A redefinition of “discrimination” to mean any “unfavourable treatment” which “offends another person” is so vague that any interpretation could be placed upon it. That would have a potential to make debate on political issues, or on any other issue, illegal, and would turn Australia into a police state.

The most dangerous part of the proposed legislation is an introduction of a new category, discrimination against “gender diversity”, which covers an amorphous group of persons who are supposedly “victimised”. For decades radical activists have been attempting to impose on humanity world wide recognition of any form of sexuality outside of biological science. Severe penalties threaten any disagreement.

On the matter of rights of employers, it would be grossly unjust if organisations, religious or otherwise, were compelled to employ persons strongly opposed to their values. So-called “exemptions” would be only temporary and would be very far from adequate, confined to a few mainstream churches. The terms are so vague as to possibly apply to political parties. What would we think of an animal rights organisation being compelled to employ hunters and shooters?

Human Rights

It is hazardous for democracy to place power in the hands of a bureaucracy which has not been elected by, and therefore is not accountable to, the people. *The Australian Human Rights Commission* already exercises far too much power. There should definitely be no expansion of powers to include decisions as to whether a complaint may be dismissed or an exemption granted. For any business to subordinate itself to such a Commission would be a grave mistake.

The very term “Human Rights” used by organisations at national and international levels (including the AHRC), is a cruel irony. Introduction of proposed “rights” for newly protected attributes, violate longstanding authentic rights which are enshrined the UN *Universal Declaration of Human Rights*, 1948. (UDHR)

<http://www.un.org/en/documents/udhr/index.shtml#atop>

The following rights would clearly be violated by the proposed the *Human Rights and Anti-discrimination Bill 2012*:

An accused to be presumed innocent until proven guilty. *UHDR Article 11*

Freedom of speech. *Article 19*

Freedom of thought, conscience and religion. *Article 18*

The family, as the natural and fundamental group unit of society, is entitled to protection. *Article 16*

Parental rights. *Article 26*

### Sexual orientation and gender identity as “protected attributes”:

The acronym LGBTI comprises lesbian, gay, bisexual, transgender and intersex. There is no relationship among these categories.

Intersex is a condition medically defined as an abnormality of chromosomal origin.

Transgender is a psychological condition, which has been defined as *gender identity disorder*. The *American Psychological Association* has considered making changes to a *Diagnostic and Statistical Manual of Mental Disorders*, but, instead of removing the condition as a mental illness, has reclassified it as *dysphoria*, which means “emotional distress.”

Every human being is entitled to respectful recognition of human dignity, and persons who experience any physical or psychological disorder have a right to whatever care is needed. Such persons should not suffer the indignity of being used by ideological activists to enforce an agenda which deprives other citizens of authentic rights. This has happened in Canada, where men, claiming to be transgendered, but having undergone no “sex change” surgery, have been admitted to women’s bathrooms.

Additional letters have been added to LGBTI, and further categories may be supplied indefinitely. Once such a grossly flawed law has been passed, it would become legally permissible to add all manner of depravity, and serious crimes, such as paedophilia, could be decriminalised. In some countries steps have already been taken in that direction.

It is common knowledge that, wherever same-sex “marriage” has been imposed, it has become unlawful for anyone to refuse to participate in “weddings” of homosexuals. Parents are powerless to remove their own children from compulsory homosexual “education” in schools. Any who dare to state that a child needs a mother and a father may be convicted for a “hate speech crime”.

While proposed SSM legislation was decisively defeated, a *Human Rights and Anti-discrimination Bill* would result in identical dire consequences.

As it is same-sex couples now have all authentic rights, including a right to privacy. They are also free to celebrate commitment ceremonies at a social level, and those who do not want to participate are not harassed into doing so.

There is zero evidence to suggest that a majority of homosexual persons desire such legislation, but there is factual evidence that a large number oppose it.

### Recommendations:

That the *Human Rights and Anti-discrimination Bill 2012* be rejected in entirety;

That the *Australian Human Rights Commission* be disbanded, and replaced by a Ministry of Human Rights under the control of an elected representative of the people. Such a Ministry would be committed to protecting the rights of every Australian, irrespective of whether he or she belongs to the majority or to any minority group. This is the only means of securing equal justice for all.

Thank you for an opportunity to participate.