



Fellowship of Congregational Churches

GENERAL SECRETARY

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The Senate Legal and Constitutional Affairs Committee

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Dear Members of the Committee,

I am writing in my position as General Secretary of the Fellowship of Congregational Churches regarding the proposed Anti-Discrimination Act in which it is intended to consolidate Commonwealth anti-discrimination legislation into a single Act. I understand that submissions to the Committee close on Friday 21 December, 2012.

The purpose of this letter is to highlight the proposed Act's apparent failure to comment on the right of free speech, which is a vital characteristic of our society.

Consequently, I would respectfully suggest that a new clause is necessary, such as the following, under Division 4, Subdivision D – Other Exceptions:

Comments, either oral or written, made in the legitimate pursuit of academic, religious, philosophical, political enquiry or evaluative commentary in respect of religious writings, academic research or on any other statements made in books, journals, media or any other publicly available printed or electronically disseminated material, are deemed to be exempt from the Act provided that such freedoms of discourse, both oral and written, are not discriminatory under the terms of the Act and are consistent with the relevant provisions of the human rights instruments under Division 2, Section 6, Sub-sections 32-33 of the Act and are consistent with the expressed and implied freedoms included in the Australian Constitution."

I wish the Committee well as it considers this important legislation.

Yours faithfully,

Alan R. Best
GENERAL SECRETARY