

Dear Senators,

I am gravely concerned about the pending Human Rights and Anti-Discrimination Bill 2012 for the following reasons:

1. Innocence of the accused is not assumed, and the proof of onus will fall on the accused not the one taking action.
2. Offence is not as a result of someone treading on our human rights or discriminating against us. It is a choice of the individual, and defined in the moment, possibly not even in the strict context or intent of the accused. We must NEVER prosecute on an emotion!
3. The legislation could be used for vexatious claims against individuals or businesses.
4. The legislation could be used for political means for adversarial religious groups. This has already occurred in Victoria!
5. The legislation can be used to stifle free speech and "robust discussion about politics or religion". As individuals we have a right to hold opinions and defend them and even express our views, whether misinformed or not, to even be bigoted, for that is "free society and free speech". I have the right to even offend someone with my perception of the world as I see it! What happened to Sticks and stones will break my bones but names will never hurt me? Are we trying to breed a cotton wool generation? Surely repeated verbal abuse would be covered by harassment laws?
6. The legislation could be used to threaten individuals, organisations or groups. This can be financially or structurally. This could even apply to branches of the Government, particularly local councils.
I would suggest well funded organisations/ religious groups could very easily become threatening bullies when it comes to smaller (financially) organisations or individuals.
7. The Legal burden to process this if enacted is huge. Each organisation/Business or even Religious organisations will need significant legal advice at the very least, if not representation, should an issue arise. This potentially can cause businesses to fail and ultimately affect our economy.

Please leave the law as it is. If you are indeed concerned about the issue then the money would be better used in an education campaign.

That being said, I have been to a number of places around the world and Australia is one of the most free, caring and accepting nations on the face of the earth. Your legislation is in fact more likely to turn it the other way as religious groups in particular, use it to prosecute hatreds held for generations.

Your sincerely
James Milner