

Senate Standing Committees on Legal and Constitutional Affairs
PO Box 6100, Parliament House
Canberra ACT 2600, Australia
Tel : +61 2 6277 3560 Fax: +61 2 6277 5794
Em: legcon.sen@aph.gov.au

To the Committee,

I wish to write in opposition to the recent draft for Human Rights and Anti-Discrimination Bill 2012, which will erode and restrict freedom of speech, conscience and religion in Australia. No alterations, drafts and amendments of this type drafted would be acceptable, approved or given my respect, or improve the benefit to all citizens of Australia.

I would ask that the Senate Committee not endorse the new draft Bill in any form.

The following areas of the bill concern me the most;

It is dealing with the broadening of the terms and definitions of attributable 'marital status', 'relationship status', 'gender identity' and 'sexual orientation', 'religion' and 'political opinion'.

While I uphold present definitions, which have been well refined, these new draft bill I believe has way overstepped the logical, ethical and social coherence of a great free society. This bill desires to change culture through political and social engineered manipulations, which takes away personal responsibility and gives it to the state jurisdiction, to be civilly punished.

This bill is not creating a free and democratic society, but a socialist 'hyper-legislated' and enslaved society to an immoral agenda. It is not proposing a free and democratic Australia; it is not proposing an equality of the 'Rule of Law' for all citizens and is not proposing to meet out the same standards for all, whether majority or minority of the population. It is in fact a bill which will create more divisions, incite for hatred, and gag more innocent people.

I agree that without 'Relationship', then for the disobedient, there is only 'Law' left., however, this should only activate when we assume all citizens are all disobedient., so it is an assumption of 'Anti-Trust', rather than 'Trust' and demonstrates an insecure government operating out of 'Fear', rather than 'Care' or 'Truth'. If we want a society built on 'Trust', 'Truth', 'Care', then personal responsibility and careful accountability work, hand in hand.

I would suggest that the changes to attributes of "marital status', 'relationship status', 'gender identity' and 'sexual orientation', 'religion' and 'political opinion', be rejected in this bill, as they have broadened the terms of reference beyond practical and logical soundness. It creates fear and offence in the culture which will incite hatred, prejudice and legal costs beyond all wisdom. It should be the right of the free person to hire and fire someone directly for the purpose of representing their own organisation; it is the very reason why a distinction is necessary and there is no reason why a mature society cannot respect the beliefs of another person. It is a reactive government who take on legislation in the civil system and uses unproven evidences of 'accusation' and 'offence' to frame it's point of reference in bringing down judgment's. This is extremely dangerous and outside the normal democratic Westminster understanding of a justice system with credibility.

Please remove the draft bills reference of terms on 'Religion', 'Political Opinion', 'Marital Status', 'Relationship Status', 'Sexual Orientation' and 'Gender Identity'.

I do not agree with the assumption of belief in the draft bill proposed that the government ought to take full jurisdiction of personal and moral life choices and of their citizens. The definitions of discrimination and what exactly is public and personal life are completely skewed, when civil law is required to mandate personal belief, lifestyle, over and beyond sound frameworks. No one in the public service likes to be micro managed, or maybe they do, and want to share their joys with the rest of us, but I can speak personally and say as a free man, this is not freedom. When does personal responsibility begin?

Please remove the terms of reference in this bill that broaden the attributes of discrimination. There should be a very specific civil jurisdiction that is affected by the discrimination act which brings communities together, rather than wedges them apart. Until there is a consensus on these then I would consider this draft very unwise and premature.

In reference to this draft bill it may increase the potential for unfounded phobias, 'Unfavourable treatment', making 'offence' and 'insults' being connected to criminalised discrimination. I request that this be removed and seriously reviewed. Any definition of an exception has to be well defined within clear and narrow grounds.

I propose that any 'Exception for Religion' be unchanged in its current form and the amendment for this draft bill rejected in its entirety. It is not in the government's interests to become the master of doctrines or adjudicate what constitutes doctrines and beliefs, since the science is still out on the chosen lifestyles of many in Australia and there is no consensus that sexual orientation is genetic or moral and believing as such constitutes a political doctrine of belief. I consider that the case is still out on whether we call 'homosexuality' actually 'moral' or 'genetic', so why is it that our government presumes to be God and indoctrinate our society with their doctrinal belief on my personal life and thousands of others. Where is the real science in the data? It is not a consensus and even if it suddenly became consensus I would hold the right to determine that this is not science, but believe that it is propaganda equivalent to a socialist political agenda. I recently met a fellow at work who came from Russia and stated that he left Russia to get away from the Government determining what he should believe; now we are confronted with the same all over again. On another note, there were thousands of Hitler Youth who were hoodwinked into believing that Hitler was going to save the nation from economic debt and they let bills pass that they would not otherwise have let through. Political agenda without due diligence is abuse of power and will inevitably be proven by history to reveal truth.

It is a huge burden for organisations to have to justify matters of doctrine in a regular court – a court is not the place to adjudicate on what constitutes doctrines and beliefs. I request broad ranging exception similar to that of Section 32, where all conduct attracts an exception.

On the question of 'Exception to Religion & Aged Care', please remove Section 33, 3.

If the draft bill was made law, this would remove the majority of welfare provision that the private sector would or could provide. If this support for funding for private sector to invest in Aged Care, Foster care, Adoption services, Schools, other welfare services were removed because we were unable to stand on the same agreements of belief, then I doubt that the government would be able to handle or cope with the amount of work involved in caring for the nation., nor do I believe that that they are the centre of the world and have a mandate to be all things to all mankind. 'My Government is not centre of my world... I believe the Government shall be upon the shoulders of the Prince of Peace', nor do I want the government to be the centre of Australia and become known as a welfare nation, unable to stand on its own feet. Previous generations had good reasons for having exceptions.. It's called wisdom, which the next generation ignore at their own demise.

In the issue of cases being heard at Federal Courts 'Aus Human Rights Commission', I find that at the same time as being very expensive, there doesn't seem to be one specific constituted vision that the nation can build on, even though we have legislation, it seems that judges and committees change their views readily. It may well be that justice for the real needy can be overlooked while potential 'insults and offences and slights' are fully funded could truly send our nation towards hyper reality affluent hair splitting. But at what cost to the public purse? Someone makes an accusation that they were offended because you looked at them a strange way. No proofs available... but the Government can pay for their controversy. Talk about logs and splinters!! I believe that unjust scales principle will boomerang eventually; this nation cannot morally and financially

sustain such expenses. Just look at the case for using Australian Aid money for ourselves... public housing for new settlers / migrants / asylum seekers is often more swift and luxurious than our own needy among us

I request that Section 124 be Removed sharply from this Bill. Australia's justice system is based on the evidence of the complainant to prove their case / accusation / offence / insult / damage / hurt. It is crucial for the Rule of Law and justice that there is content to a claim and 'Onus of Proof'. Why would a standing Member of Parliament think that this is no longer required for justice, unless they want the blood of the uncommon few? Are we Neanderthal's fighting with words and discarding evidences? Something is very wrong. Removing a tear of accountability is extremely dangerous.

I have done some studies in cultural anthropology, I have done some family counselling, I have even done some studies in financial industry.... I know what it is to see a distinction in something. Insurance companies have exclusions and inclusions and politics has a robust political process... this is the best part about a free and democratic society. So why then can we not see that our religious platform in Australia, should not also have a robust democratic process of dialogue or sustain all communities working it through together, without invasive legal actions. It really is a visionless bill of fear, rather than visionary commitment toward community.

I find that this bill and including that proposed 'Racial Vilification Act' changes (Section 51, pg 63) does not show a similar consistent attention to preparing our nation for a regular robust democratic process of dialogue. Rather, it actually increases the liability and potential for inflammatory accusation. By idealistically raising the bar, it will actually create a hyper sensitive environment ready to explode. I ask that this proposed bill be completely removed and reformed and resubmitted after a complete thoughtful overhaul.

For anyone who has seen futurist fantasy movies such as 'Gaticca', 'Minority Report' and any other out there that pre-determines ones guilt based on a person's likely and predictable actions that could or could not be used as evidence against you for a conviction, this is fantastical and abhorrent that our own government would want to change the free nature of the Australian landscape and replace it with religious tension. If you want to look for a place to find religious tension then go ahead and gag everyone who is free and then welcome and fund all those arriving to our nation in droves, who want us to submit to a new Sharia Law. Or even better create a two or even 3 tiered and flawed legal systems which disunite and increases favouritism and the likelihood of grievances. Maybe throw in for good measure, an American style long term detention system outside judicial frameworks where there is no rights altogether.

I believe that as a nation we have taken for granted the loving relationships of trust that undergird like glue, the integrity of this nation and hold us in good stead for breaking down barriers over so many years from the birth of the nation. Yes, there are always mistakes, but there has been no civil wars and to our credit and to those who live by the acknowledgement of those who suffered for our freedom, such as the Anzacs. And yes I believe that the killing of the indigenous communities at our nations birth was deeply wrong, but so is all other wars and crimes of wars and so is the invasion of any other nation in the world from inception, where one community took from another what was not given them, especially those who claimed to do it in the name of God. But who gives us a life, land and hope to live... is it the government or our creator? At least let's be honest and recognise that we are but stewards of a land for a short period until the end of our generation.

I often wonder why people in the work place never swear or cuss using the name of 'Bhudda' or say things like; 'oh Bloody Zen', or 'Oh my Allah'. (no offence – used as examples). So I ask myself ... why shouldn't I take my colleagues to court and take offence when they use speech against 'Jesus Christ', which happens on a daily basis. I know why people believe that they can use this hate speech in the work place... is that they know and take advantage that our religious belief calls us to 'forgive' rather than take them to court, so we are an easy target. But I wonder if the beliefs of other religions will be as merciful on us or forgiving? At least in the past we could hope that our own countrymen would come to our defence.. But if acts such as this bill take effect, I doubt if anyone will come to my defence, though I am conservative, gentle, humble, nonviolent... yet if I disagree in doctrine and lifestyle, just for stating what I believe, will there be reprisal? This doesn't make me feel safe in my own country.

Thank you for taking the time to listen, I am glad I can still write in such a manner.

Douglas K Mc Donald