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Human rights and anti-discrimination bill 2012 - exposure draft comments

I have the following summary comments on the draft bill. The proposed bill will:

- Undermine freedom of speech
- Is turning law on its head by reversing the onus of proof
- The new protected attributes will expand the rights agenda in ways that will violate the freedom of thought, conscience, religion and belief for those who have beliefs and/or values about universal human nature including sexual identity and expression
- Freedom of religious practice is threatened
- Freedom of association will be undermined
- Be misused by minority interest groups to social engineer our society
- Be a threat to natural parents and their right and freedom to raise and educate their how they choose.

I have specific comments on sexual orientation, discrimination, and equality.

1 Definition of sexual orientation

I consider the draft bill has a narrow definition of sexual orientation which is defined by the draft bill as follows.

Sexual orientation means a person's sexual orientation towards:

- (a) persons of the same sex; or
- (b) persons of the opposite sex; or
- (c) persons of either sex.

This definition appears to align with the understanding pushed by the 'homosexual' movement. A proper understanding of sexual orientation is defined by scholar Dr Scott Lively:

Understanding sexual orientation

An 'orientation' describes the perspective of a subject toward an object. A sexual orientation therefore describes a person (subject) by the object toward which they are sexually attracted: a homosexual is someone orientated toward someone of the same sex, a bisexual toward both sexes, a paedophile towards children etc [1].

By definition, there are an unlimited number of sexual orientations. However, the 'homosexual' movement generally recognises only four orientations – heterosexual, homosexual, bisexual, and transgendered. Why? Because to recognise other orientations — paedophilia, for example — would draw attention to the importance of distinguishing between orientation and conduct, when a major purpose of sexual orientation theory is to legitimise and protect homosexual conduct by obscuring this distinction [1].

Obscuring this distinction is most clearly seen in anti-discrimination policies that include sexual orientation. Government and corporate policy makers include sexual orientation in anti-discrimination policies in order to protect freedom of thought and speech on the basis of the claim that sexual orientation is nothing more than a state of mind. The practical effort of such policies, however, is to legitimise and protect any sexual conduct associated with an orientation, and, ironically, to suppress the thought and speech of those who object to the promotion of homosexuality [1].

The distinction between orientation and conduct is important because sexual conduct has serious public health consequences which society has both a right and an obligation to regulate. In contrast, there are no public health implications to a properly defined sexual orientation. Policy makers could respect public health considerations by adding one sentence to existing anti-discrimination laws: "This policy shall not be construed to legitimise or protect any sexual conduct deserving of regulation in the public interest." The right to claim a sexual orientation should not automatically grant a license for sexual conduct [1].

Another purpose of 'homosexual agenda' sexual orientation theory is to create a context in which homosexuality and heterosexuality hold equal status. The notion of equivalency between homosexuality and heterosexuality is very important to 'homosexual' arguments because it neutralises health and safety arguments against the legitimisation of homosexuality [1].

2. Misuses the word discrimination

The draft Bill describes 'The meaning of discrimination' to include:

Clause 19

(2) To avoid doubt, unfavourable treatment of the other person includes (but is not limited to) the following:

- (a) harassing the other person;
- (b) other conduct that offends, insults or intimidates the other person.

I consider this definition misuses the meaning of discrimination. Dr Lively sums up well how claims of discrimination are misused to prosper false claims.

Discrimination

Discrimination is a word whose political redefinition originated in human rights movements. In normal usage, discrimination is synonymous with discernment, but as used in a human rights

context it means irrational bias against a person. "Irrational" is the hidden qualifier in the term that distinguishes appropriate discernment from prejudice. In an enlightened society there can be no rational basis for discrimination on criteria such as race, skin colour or ethnicity. Discrimination against harmful conduct is entirely rational, and in many cases necessary. However, in modern society discrimination is now synonymous with racial prejudice in the public mind. The 'homosexual' movement has exploited this association to legitimize its own claims by creating the perception that they are minority group needing to be protected by anti-discrimination laws. Discrimination has been useful to 'homosexual' activists because the public is deeply conditioned to associate this term only with prejudice, especially racial prejudice [2].

3. Meaning of special measure to achieve equality

21 Special measures to achieve equality are not discrimination

I am concerned that this section will be misused to social engineer our society.

The term equality is currently being used to make false claims for same-sex marriage equality.

Claims for equality (i.e. same-sex marriage) are a claim that maintains marriage equality is a human right i.e. one section of the community being able to enjoy the same rights as others (equality). These claims reflect confusion of modern society over human rights.

The Universal Declaration of Human Rights Article 16 is quite clear that marriage relates to men and women having the right to marry and found a family and that the family is the natural and fundamental group unit of society and entitled to protection by society and State.

The claims for "equality" appears to be part of a homosexual goal that has evolved over time as the movement has gained power from tolerance, to acceptance, to favoured status and for some perhaps to supremacy. [3].

The claims for "equality" have involved steps in Australia and other Western Nations to remove references to father and mother, husband and wife and replace by parent and partner. "For homosexuals claims of equality are all about eliminating all real or perceived preferences for heterosexuals. Thus for example hetero-sexist words and phrases such as "Mum and Dad," "husband and wife" are replaced by Parent (or Partner) A and "Parent (or Partner) B, and homosexual partners are allowed to adopt children [3]."

In Australia as in the United States "a reason offered for espousing the premise of equivalency is that it allows 'homosexual' activists to exploit the civil rights doctrines which would not otherwise apply to them. Discrimination, in the civil rights context, means treating equal parties unequally. If homosexuals and heterosexuals are assumed to be equal, then it is unfair to deny homosexuals all the benefits that heterosexuals enjoy [4]

Yours faithfully

Michael Ord

References

- [1] Redeeming the Rainbow, Dr Scott Lively, p101-102
- [2] *ibid*, p105
- [3] *ibid*, p63
- [4] *ibid*, p102