

Senate Legal and Constitutional Affairs Committee  
Parliament House Canberra  
ACT 2600

Dear Chairman,

Human Rights and Anti-Discrimination Bill 2012  
Objections to Proposed Bill

1. The new grounds ('protected attributes') of sexual orientation and gender identity are unnecessary, restrictive and obscure. Gender and sexuality have been prescribed by God in the Scriptures, and adopted by the Australian Constitution. Introduction of the proposed new 'protected attributes' would provide subterfuge for expansion of the 'rights' agenda. Such devious expansion would violate the freedom of thought, conscience, religion and belief for those having sincere religious beliefs or values about sexual identity and expression. Deletion of sexual orientation and gender 'protected attributes' is recommended.  
Religion, political opinion, and marital relationship proposals are restrictive, repressive and unwarranted. In the national public interest, their removal is recommended.
2. The Bill should only be applicable in very limited areas (e.g. employment). It is unlawful, unnecessary and threatening for the Bill to apply to all areas of public life.
3. The definition of discrimination is very broad and inclusive, restricting freedom of speech. The Bill prohibits any conduct that offends or insults (a lawyers' picnic). Australia's international treaty obligations do not require Australia to protect persons from being offended.  
It is recommended that Section 19 (2) (b) be removed.  
Remove the words: "(b) other conduct that offends, insults or intimidates the other person".
4. The EXCEPTIONS as listed are broad, vague, ill-defined, debatable and arbitrary. In the public interest, the Bill must prescribe narrow grounds with specifically defined exceptions.
5. Specifically, the EXCEPTIONS for religion (Sections 32-33) are discriminate. It is absurd for religious organizations to be compelled to justify doctrinal matters, personal faith, hope etc in regular, secular court environments.  
(another lawyers' picnic).



6. The proposal regarding Aged Care (Section 33) is unacceptable. It is recommended that Section 33 (3) i.e :
  - “ (3)The exception in subsection (2) does not apply if
    - a. the discrimination is connected with the provision, by the first person , of Commonwealth –funded aged care;
    - b. the discrimination is not connected with the employment of persons to provide that aged care.”
7. Normal legal procedure places the onus on the complainant to prove their case. This proposed law reverses the onus of proof. Hence, it is contrary to established principles of law. It represents a fundamental change to the culture of justice in Australia. Any proposed Bill must retain the onus of proof on the complainant. It is recommended that Section 124 be removed.
8. The proposed racial vilification law has an incredibility low threshold of “offence” (a legal nightmare). It is contrary to Principles of Democracy. It is therefore recommended Section 51 (Page 63) be removed from the proposed law (in the public interest).

-----

Dr D. Gaffney MA, BSc, BTh, PhD

Christian Education Teacher

Senior Meteorologist (Australian Bureau of Meteorology, 1948-1991)

(Highly Commended for Contributions to Meteorology).