

To the committee and Elected members of parliament who are considering this Bill,

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The following contents are as clear as I know how to make them, should any part of what is written be unclear to any reader or hearer it remains my right to clarify its meaning when it suits me.

It is my firm belief and conviction, that there is no way that the Human Right and Anti-Discrimination Bill 2012 has anything good to add to our community.

To be perfectly honest I think it will rob us of the freedom of speech that we all have come to enjoy and cherish and have been progressively losing.

While I am totally against the deliberate offence of others it is important that all Australians can speak their mind both in the private and the public setting.

While we may not like it, many visiting foreigners to our shores do not think like us, do not speak like us, do not act like us.

While many visitors may not like the way we think, speak and act they have come to Australia, and should simply expect we are different, as most demand the same of us if we travel to their country.

Apart from deliberately going out of the way to offend people I think our visitors should have the right to speak what is on their minds.

When people speak their mind sometimes this will offend others, yet one has to ask the question: is it better that what people think is known or unknown?

It is certainly unfair for people to be able to bring new and different values and enforce them on our country, however they come, legally or illegally.

Is there one single country in the world that would happily stand back and let its country be changed by people who do not like their way of life?

However those who come to Australia to stay and do so legally should be allowed to keep their values provided they do not by doing so destroy our freedoms and way of life.

Another issue is the country's internal change; should the will of a few be enforced on the many, I have not come across a single Australian yet that really wants to lose their freedom of speech.

Now that we have so many different types of Australians, we need to maintain freedom of speech, freedom of culture, freedom of religious expression and yet prevent these impinging on others rights, however we do this must be both fair, and seen to be fair.

I believe this bill stands to rob us of religious and political freedom and certainly our freedom of speech, if and when applied in certain ways.

I believe the laws as they stand already provides adequate protection for those who are at risk of these types of discrimination and or have been discriminated against provided legal action is taken.

The questions in my mind are:

Why have our laws become so inconsistent in their application?

Why is it a lawyers interpretation of the law is often what decides a case?

What is wrong with some of our laws?

Because of the way our laws are used there are most certainly the opportunities for individuals to be dragged to court who have done nothing wrong.

It would be much better to see an end to innocent people being taken to court.

I am an Australian, born and bred here. I want to retain the right to speak of all the reasons for all my personal convictions in privet and public as I see is appropriate.

I believe most other Australians also want to retain their freedom of speech, many people who come to Australia have come here to gain this freedom of speech.

I do not think it is offensive to suggest, that a community that can not handle diversity of ideas is an unhealthy one.

It takes Character to be able to hold your own beliefs while respecting others who do not hold those beliefs, lets build and maintain the Character of Australia by rejecting this legislation.

Let us determine to undermined the deliberate attacks on the stability of our society, let us learn to reject the notion that all words that people do not like are all bad words with bad intent.

Let us look at inappropriate actions with a view to split them into unintentional actions and intentional actions.

Most truly harmful action is intentional so let us not concern ourselves with wrongly reading that in the main.

Most unintentional actions have no harmful effects, that leaves us with a small window between the two.

Sure it is not immediately clear if these things are intentional or unintentional thats where our law often struggles the most.

That is why having laws that do not give people the benefit of the doubt are so inappropriate.

Should this legislation be excepted as it is it will be a great blow to democracy as we know it.

This legislation will have no real benefits and is likely to come at a great deal of cost to our society.

Our society is already straining under all sorts of legislation that does not quite fit the situation people find themselves in.

In addition to all this it is unfair to have no onus of proof.

No one can tell me and be telling the truth, that they would like to go to court for something they did not say or do but could not prove they did not say or do.

What a stupid and unfair law, un-Australian in every way shape and form.

1. It should be that no one can be charged if there is insufficient proof that a person has said or done something offensive and that they did so with intention.
2. It should be impossible to charge a person who has spoken simply defending the right to an opinion.
3. People who have disabilities and health problems diagnosed or undiagnosed that impair the way they speak, think and act should be exempt from being charged under this legislation.
4. Our Australian cultures should be used as a bench mark of "acceptable fun" excluding intentional racism and intentional slander and intentional attacks on character.
5. Corrective measures should be the first stage of dealing with any breach of the rights of others so long as no other laws have been broken;

A person or group of people who are deemed to have discriminated should be given the benefit of the doubt.

An explanation of why what they have said or done has been deemed to be inappropriate should be given regardless if it has been obvious to the rest of the community.

6. Any intentional stirring up of hatred, should be seen not simply a violation of the rights of the person or persons it is against, but the whole society regardless of race culture or creed.
7. It should be recognised that each culture has the right to express itself in a manner that complies with respect for others, however not the right to exert itself over other cultures.
8. The issue of religions, regardless of former practices in other nations or even in this nation in the past, no religion should be given the right to physical intimidation and abuse of its own people, new

converts or those outside its religious persuasion including those who have chosen to leave it, nor should it be considered right for one religion to take up arms against another.

9. All groups should be allowed to defend themselves from physical attacks in particular on the properties that they have legally acquired or are legally leasing or are renting or have on loan. Self defence should where ever possible be non-violent; people need to have the common sense to know what is appropriate and understand the laws of the land.

10. All groups should have the right of reply to spoken and written public articles of communication in whatever media format they come.

11. If it is clear that a group is acting in a way that will bring real harm to themselves or to the community at large they should not expect comments not to be made about them and should not have the right to sue for these actions pointing out their anti social behaviours.

12. The society at large should not be asked to foot the bill for any legal action being taken by a person or group where there is "no onus of proof".

13. The person or persons being pursued through the courts, whom there is no proof against, should not have to pay their own legal bill because there is no proof of guilt.

14. No proof should mean no trial: but since it does not, a separate court process should either be established, or the case dropped, if there is no proof, no one can be proven innocent or guilty with absolute clarity so why wast any ones time or money on it.

15. We should not dishonour the original intent of our state and federal laws which were set up early in the establishment of Australia, which started just over two hundred years ago. Our countries laws were in the most part good and adequate then and in many cases we should go back to what the laws originally meant.

16. No laws should be allowed to replace or over ride ones that protect the rights of Australians to keep their Australian way of life.

My concerns with this legislation both for myself and thousands, and even millions of others who have things in common with me.

I believe that I as a person Born in Australia would be highly likely to have this very piece of legislation used against me.

Why you might ask?

For the following reasons I stand for what many Australians before me have stood for:

Some examples

The right to free speech,

the right to live without harassment,

the right to live out my faith,

the right to work,

the right to learn

the desire for true equity and equality between people and for people,

These are all things I believe are likely to be targeted by those who really do not love this country but chose to call it home anyway.

I also have a belief that God loves all people, and that He wants them to repent of their sins and turn to Him and He wants them to know Him and experience His love.

With the way this legislation appears to be constructed even saying that one line in an email or on the phone or in person could be considered an offence by any number of people.

This very set of convictions puts me in a place of conflict with many of the newer religions because of my belief in one God and one way to heaven. Those of-fended by this notion are often of-fended by the expression of it by whoever expresses it.

These beliefs are incompatible, the expressions of these faiths is meant to be protected in our laws yet people are being taken to court for that very action.

So who is going to decide where how and why these various faiths are expressed, surely this is the public's right to have them all expressed.

Where is the consideration of my personal rights and others personal rights to express our beliefs?

Where is the consideration that some one might want to know what others believe but not know how to ask?

I am one of the many Australians with multiple disabilities and health problems.

I have had in the process of my life many a person deliberately caused offence to me and others who unintentionally caused offence,

it is plain to me that this legislation is unworkable or at least not practical in certain contexts.

I have been physically teased spat on and beaten up because of standing up for my faith,

I have been teased spat on and beaten up because some like to pick on people with disabilities

and I have been teased spat on and beaten up because some like beating up those who do not stand up for themselves.

Admittedly most of these things happened to me as a child but any wrong treatment is too much.

What stopping these sort of people who have done these things in the past using this laws and laws like it to do antisocial things now and into the future? (nothing that I can see)

Why do I say this?

(They only need to say they have been offended by something said or done and they can use it to take a person to court and they do not have to prove it.) (How wrong is that?) (Very wrong)

I also see in this legislation the opening of the door to anyone trying to sue anyone without any valid reason.

1 Invalid reason; I believe would be someone telling a person what they believed and why they believed it.

The question I have to ask: Have we really become that fragile that we are incapable of dealing with differences of opinion?

### Validity

A persons complaints needs to be reality, needs to be proven, remember this is meant to be a democracy.

### Reality

Not a single day goes by when people are not offended unintentionally by others. (What do we want to do to this nation?)

Not a single day goes by when Australians do not use sarcasm.

Not a single day goes by when Australians do not use Aussie slang.

Australians from all round the world have their own cultures and lingo.

If you care about the truly vulnerable you can not let this bill become law.

### My personal situation

I am a very able person yet I have many disabilities that have been assessed,

I also have health problems that have been documented.

Should I find myself facing a court for speaking about any topic any ware in the past or future,

I would like to think it would immediately be thrown out because of the nature of my disabilities and health problems however I doubt it.

For those who are taken through court who should not be, for those who are charged and should not be and for those who are jailed and should not be it is a very high price to pay to try to deal with something that for the most part has already been covered by our current laws.

The law states that people with disabilities are not to be discriminated against yet the very nature of the law discriminates all the time.

Examples: One must have this qualification to do this job, One must have this much experience to be in charge of this.

So I call for a degree of reason here,

If the law can allow a certain degree of discrimination against people including those with disabilities and from experience I can say it does

then it seems only reasonable that it allows a certain degree of latitude to preserve our culture when it comes to the freedom of thought, speech and action.

With all due respect let us make room for the diversity, not try to gag everyone and or make them scared to open their mouths or pick up their pen or type on their electronic devices.

I do not want the work places and other places where people gather to be a place where no one says a word for fear of being sued.

I do not want to see the media representing stories that are less and less the truth for fear of being sued or taken out of service.

I do not want every conversation to have to be in private.

I do not want to travel around and find I can not talk or communicate to any one any were because anyone might be offended at any thing said or done.

This has been prepared by R Brennan

For clarification of all or any part of this email please forward your contact details with your questions.