

Submission to The Senate committee on the Human Rights & Anti-Discrimination Bill 2012

From

Malcolm Eglinton

I am an ordinary Australian who enjoys the freedoms that are basic to this country; freedoms such as freedom of speech, freedom of expression, freedom of association, freedom of religion, freedom to engage in debate in controversial subjects without fear of oppressive government interference or penalties such as are seen in many other countries in this world.

At the moment it seems that we are being led by people in Government & in government sponsored departments & organisations who are so paranoid about offending or hurting other people by exercising such freedoms. It is of deep concern that the Government is even introducing a Bill such as this which actually reduces all the above freedoms particularly the freedom of speech. We do not need more laws of this nature. There are enough laws covering discrimination & vilification. The whole Bill should be withdrawn & save the taxpayer the cost of the process of debate etc.

It is of deep concern that this Bill would make it easy for someone to accuse another person of discrimination or of vilification without any onus of proof. The accused is guilty until proven innocent. This is not Australian. This is contrary to the very basis of the values of our country. This aspect of the Bill must be changed so that it is not a foregone conclusion that a person accused of violating this Bill is guilty until proven guilty. Clause 124 in particular must be removed without reserve. The onus of proof must lie with the accuser & any false accusations must

carry a penalty so that false or trivial accusations are discouraged. It is so easy under anti-discrimination laws to use them to silence people who are disliked by the accuser. The typical example in this country up to date has been where those who have pointed out the health dangers of homosexual activity have been accused of discrimination by homosexual activists simply to silence those who are telling the truth and warning others of those dangers. Doctors have been forced to attend Tribunals on the basis of malicious accusations by homosexuals who hate the truth being made public.

We have seen the Islamic activists use these types of laws to try to silence Christians who have simply spoken the truth in regard to Islam. This has caused great hardship for those who have been accused & has stripped them of basic rights to express their beliefs in contrast to another religion. The minorities seem to have more rights than main stream Australia under these draconian laws & the Tribunals strip basic legal rights from citizens who are treated as guilty criminals who have the onus placed upon them to prove their innocence. Once proven innocent there has been no recourse for the costs incurred as a result of these outlandish accusations by the accusers. This Bill would only encourage further this type of accusation by activists with a cause to promote. It does not safeguard the rights of the majority of Australians. This Bill undermines the principle of natural justice that has been a foundational principle of free Australia as opposed to the injustices seen in the likes of Communist countries or countries dominated by Islam & Sharia law.

This Bill appears to deny the right of legal representation if one is accused of an offence under this Bill. This is wrong. If a person is accused of an offence under this law & is forced to a conciliation conference etc then they should be allowed to have legal representation. If this is not allowed, we might ask, what are you afraid of? That someone might actually be innocent & being an ordinary citizen with little knowledge of the law might be actually advised of their legal rights & so clear their name of any wrong doing? We went to war against tyrants so that Australia might be free from such injustice & so that we would maintain our freedoms & here we have our Government trying to introduce laws that remove

our freedoms & impose injustice upon us. What an absolute shame it brings upon those who have formulated & introduced such a Bill into this Parliament.

It is of deep concern that this Bill identifies areas of protected attributes such as Political opinion, religion, sex, sexual orientation, marital relationship, gender identity to name a few. All of these areas are open to differing beliefs or opinions & should not be included as protected attributes where someone can use these as a reason for claiming discrimination. We have always had the ability to sensibly debate these areas or to express our beliefs in a decent manner (not in an abusive or hostile manner) without fear of someone taking offence or claiming that such an expression is discriminatory. We live in a society where those with a hostile attitude to those with a differing belief or view are only too ready to use this type of law to intimidate those who express a differing view to the one they have in order to silence people & make them too afraid to express their view. I see that now with many of the current laws. This is so wrong & this proposed Bill will only add to the arsenal that the hostile interest groups can use against mainstream Australians. These categories must be removed from the list of protected attributes. Better still just withdraw this whole Bill as it is a very bad Bill in total.

It is alarming that things like political opinion & religion are in this list. People talk about these things all the time. What is more alarming is that if these subjects are brought up in conversation in a public place some malicious person or some very sensitive person can claim under this law that they are offended & so take action against the person or persons who were in conversation. This is so wrong. This undermines the very principles of Australia. Australians are a people who have always been able to speak openly & express their views without fear of retribution. Now we have proposed laws that will remove that ability.

It is hard to believe that subjects like religion & political opinion are even considered in this law as areas where a person can be offended. These subjects are the conversation of every day interaction. People have a view. There are very

offensive things said about the true Christian faith by those who claim to be atheists every day. This includes the people on the street, politicians who ridicule the Christian faith, militant atheists like Mr. Dawkins & his followers, articles by main stream journalists where Christians & the Christian faith are ever ridiculed in the daily papers, militant homosexuals who insult & verbally attack any Christian who expresses their belief that any sexual immorality including homosexuality is wrong, religions like Islam which blaspheme the Lord Jesus Christ regularly, & so we might go on with example after example. However, while we do not like this type of attack, ridicule & contempt, we understand the principle of freedom of speech & allow that people can express their views in this country. This law undermines that freedom & will create a society of fear where people will be too afraid to express their real beliefs because of the fear of legal consequences. You will create a society that will be divided & will hold ill feeling against those who will be prone to use these laws against their fellow citizens.

What about the expression of political opinion? Is this the beginning of the type of censorship that is seen in Communist lands where the ruling elite will not allow any dissent from their official view. Shades of Robert Mugabe perhaps or Stalin? This proposed Bill must be withdrawn in its entirety. Any attempt to prevent political discussion or debate in any forum whether it be in private or public must be opposed. One wonders if the present politicians will be prevented from expressing their public caustic views which they often do & which are often offensive to the general public.

Marital or relationship status is another dangerous area. It opens the door for some to suggest that people are not allowed to express their opposition to same sex relationships by excluding such people from using their facilities. When someone pays for a home or premises they have the right to use it how they wish without government mandate that they go against their beliefs. There are those who will accommodate immoral relationships but some people do not wish to do so & they should be allowed to exercise their personal choice & not be bullied by such laws in the hands of those who have no regard for the views of other people.

I object to the suggestion that these laws apply in all areas of life such as the workplace or other areas of public interaction such as in the street, at sporting functions, in shopping areas where people can overhear conversation & claim to be offended. This must be removed.

The suggestion that this law covers things that insult or offend is wrong. It is carrying things too far. People can claim to be offended or insulted for many things which are really not intended to insult or offend. This is ridiculous & this area of the Bill must be removed. Section 19 (2) must be removed in full. Better still withdraw the whole disgusting Bill. One wonders who the very sensitive person was who drew up this Bill. It is about time that we taught people to be more tolerant of differing views & to not be so super sensitive that they need a Bill like this behind which they can hide. Young people must be taught to accept that things will be said that they may not like but they are to tolerate the views of other people without retaliation whether it be by way of violence or by way of making use of the law in order to get at the persons that they consider have offended them. We are encouraging this generation to look at ways of getting revenge against those whom they consider have offended or insulted them. This is not the Australian way.

Religion should not need to be exempted from aspects of this Bill. It should be exempted in total so that there is no ability to suggest that one is offended or insulted when people express views contrary to a person's belief. A person should be able to debate the merits of their belief without fear of any offence at law. Australia was founded by people who were escaping that kind of persecution & was developed with an openness to differing views & with an expectation that every person could express their belief as dictated by their conscience without penalty. This law takes away from that freedom & makes our society closed to such debate & expression of belief. I just cannot believe that our government which makes out that it supports freedom of speech & diverse views is proposing a Bill that actually makes this country less free than many other countries in the world. It is changing the face of Australia to reflect the narrow mean spirited view of the far left wing people who tolerate no other view being expressed but their own pathetic world view.

The Bill suggests that certain exemptions will be allowed for churches or religious institutions. However it does not allow for Christians who run a business to uphold their beliefs in running that business & adhering to the standards that they believe in. This is reverse discrimination. It seems that discrimination laws are designed only for a select few & the rest of us are not important & we can be discriminated against by law. So much for fairness & justice! I want the ability to uphold a Christian standard in my business without some perverse person accusing me of offence, insult or discrimination. I want to be able to discuss openly my religious beliefs, my political views & any other subject decently as I choose without the fear that someone will use this law to accuse me of insult, offence or discrimination. What narrow minded bigot drafted this Bill? What about aged care homes which run on Christian principles? It seems that this law will tread on the rights of such places in order to appease the homosexual lobby. Those who want to retire in a place that supports their beliefs will not have the right to live in a place that they call home free from the intrusion of the militant homosexual who deviates from nature & demands that his relationship be on a par with marriage. This is reverse discrimination against the majority of people who do not agree with the homosexual lobby.

Christian schools are also unable to uphold their standards according to this Bill. Many parents have voted with their feet & taken their children to a Christian or private school because the standards or belief system is in accord with their beliefs. These schools should not be subject to this Bill but be able to choose the persons who work in that school or attend that school in accordance with their standards & beliefs. This right needs to be protected. The same can be said of hospitals, aged care facilities, adoption agencies, charities etc where they run on the basis of Christian standards & belief. It is not right that this Bill should remove that right & so discriminate against these people.

The section on racial vilification is so broad that it would mean that anything could be interpreted as racial vilification & people will be prosecuted on very minor grounds. The way that freedom of speech was abused in the Andrew Bolt case on the basis of a racial vilification law (18C) warns us against a Bill with this provision. Bolt was not vilifying anyone regardless of what the politically correct

chose to report or decide. He stated facts. That is another worry that facts or truth is not a defence. This is also unjust & unfair. Truth & facts should always be a defence against accusations of discrimination, insult or offence. What is happening in our land when truth & actual facts are no longer relevant or important? That is the stuff of tyrannical dictatorships not a free Australia. Section 51 must be totally removed from this Bill or better still, withdraw this Bill entirely.

Having read through this draft Bill I would ask that it be withdrawn in total. It is draconian & discriminates against the mainstream of Australia. I am aware that many people are not even aware that a Bill like this is being proposed & many do not have the time to read or comment on this Bill. It is time consuming & demanding. The people with an agenda will probably make sure that they put in submissions that support this Bill but the majority of Australians would not want such a Bill. There is not a spirit of discrimination out in the community & this Bill actually discriminates against many people who would no longer be able to express their beliefs or views publicly or to uphold their standards in their daily lives & occupations. This is a dangerous law & should be withdrawn & never see the light of day again. Not only that but the time for comment is very short which makes one ask why the rush? It seems that someone is very keen to bring in a law under the guise of anti-discrimination in order to silence any with whom they disagree. Could this be a means of silencing those who disagree with the ALP? Could this be the means of silencing those who oppose immorality? One has to wonder why such extreme & wide ranging clauses which make almost anything & everything subject to being an offence are included in this Bill.

I urge you to reject this Bill & make sure that it is not imposed on the long suffering Australian Public.

Thank you for taking the time to read my submission. I trust that you will give it serious consideration.

