

Dear Senate Committee Members,

Please find below our submission concerning the Human Rights and Anti-Discrimination Bill 2012.

We do not think that extending or stream-lining our current anti-discrimination laws is what Australia needs. Already anti-discrimination provisions have gone too far, so that even existing legislation needs to be repealed. We therefore call on the Committee to recommend that this Bill be scrapped.

As Christians, we are particularly concerned with the effect this legislation would have on Christian institutions and Christian schools. The legislation seeks to 'shift the burden of proof, ensuring the party in the best position to know the facts (such as the reason for particular conduct) is required to show them'. This means, in effect, that those accused of discrimination must prove themselves innocent.

Now, the exemptions given to Christian institutions or schools only apply where 'the discrimination (i) conforms to the doctrines, tenets or beliefs of that religion; or (ii) is necessary to avoid injury to the religious sensitivities of adherents of that religion.' But trying to convince a court who has no knowledge of Christian doctrine about detailed points of theology constitutes a very high hurdle. In practice, it is all too easy for the court to fail to appreciate the theological points being made and rule that the respondent is not justified – in effect guilty because not proven innocent.

Because of these great dangers, we therefore call on the Committee to recommend that this Bill be scrapped.

Yours faithfully,

Jeremy and Rachel Hopwood