

Submission Re. proposed legislation on Anti-discrimination laws in Australia.

13/12/12

My serious concerns with the draft legislation are:

1. The legislation expands protected attributes that cannot be discriminated against to include behaviours like "sexuality" or "gender identity" as well as "political opinion" (Sect. 17e,k,q).
2. The meaning of *discrimination* is articulated in Sect. 19.2b to include "...conduct that offends, insults or intimidates the other person" that is a recipe for vexatious and subjective claims. While offending people might be rude, it should not be unlawful.
3. While the legislation does allow for exemptions and exceptions for churches etc., it also intends to review them in 3 years - that is, they could be removed or reduced (Sect. 47). This appears to suggest a bias within the government.
4. When a claim of discrimination is made and a prima facie case is established (before hearing from the defendant) the onus of proof switches from the complainant to the defendant. This is a dangerous and unprecedented proposition that one is guilty until proven innocent (Sect. 124). Moreover, given that the complainant will incur no costs - it may well encourage frivolous or vexatious claims - making the process the punishment. This is most concerning and unjust.

Again, the basic and central human rights of Freedom of Religion and Freedom of Speech are being eroded and undermined. Please don't allow this to happen.

Sincerely,
Clinton Le Page