

SUBMISSION REGARDING Exposure Draft of Human Rights and Anti-Discrimination Bill 2012

To Whom It Concerns,

I would like to voice my concern over a particular aspect of the Human Rights and Anti-Discrimination Bill, currently in committee.

While I do not believe discrimination has any place in modern society, I believe there are limits to what may be classed as “discrimination”. The clause in the bill defining discrimination as:

“other conduct that offends, insults or intimidates the other person”

Is particularly fraught with potential dangers. Am I encouraging or endorsing insults, intimidation or offence? Of course not. But the fact of the matter is, in informed and sometimes rigorous debate, “offence” is an unfortunate by-product, and sometimes a necessary one. And including the term “other conduct” is so wildly non-specific, it covers far too many otherwise harmless aspects of public life, such as comedic writing/performances and journalistic editorials.

I refer you to a recent article by Kerry Pholi, regarding the lack and fear of necessary discourse on Aboriginal issues, because of the fear of causing offence. Deliberate, malicious attacks on people cannot be tolerated. However, informed opinion that causes disagreements can be, and is, a healthy part of a democratic society. Martin Luther King caused great offence when he pushed for black civil rights; Galileo no doubt caused offence when he questioned leading scientists long held beliefs; Bess Price Nungarrayi recently caused “outrage” (don't get me started on the overuse of that word these days) when she spoke up on racial issues.

My point is this – debate must be had on a number of issues. INFORMED debate, that is. Debate presenting factually based arguments, and logically thought out conclusions and/or suggestions. If this Bill allows a phrase as generic and far-reaching as “other conduct” to cover any manner of offence causing acts, we are in big trouble! Fear will dominate every discussion, and people will be forced to not speak truthfully about what they think and feel, but rather will have to filter their thoughts and opinions through what they THINK others want to hear. It is, in effect, a muzzle on any sort of free speech.

This bill will enable people to use the law, and their twisted interpretation of it, to shut down any opposition or questioning of their intentions based on “discrimination”, and the fact that they feel offended. If there is disagreement, let it be settled with informed, rational discussion, through carefully planned thoughts and words. If someone feels they are “offended” or discriminated against, let them give logical reasons as to why it is discrimination, as opposed to just a well thought out argument that they cannot, or will not, rebut.

I urge you to reconsider the wording of this Bill. Let's not bring back any sort of previously abolished discrimination, but let's be careful that we don't squash debate and discussion – two lynchpins of a healthy democratic society.

Sincerely