

Senate Legal and Constitutional Affairs Committee,
Parliament House, Canberra ACT 2600
17 December 2012



Subject: Human Rights and Anti-Discrimination Bill 2012

Dear Committee

I sent the submission below as an email on 15 December 2012 but my service provider returned a message that causes me to doubt it got through, so I am following it up with this hard copy in the regular mail. If it is redundant, I apologise.

Comments to the Senate committee enquiring into this bill from:
David Ian Glasgow,

I am opposed to this bill in its current form. Although it's title suggests it supports human rights and anti-discrimination it has the potential to do the opposite, because:

- section 19(2)(b) proscribes conduct that offends or insults somebody in the workplace on the basis of their "protected attributes" which include religion and political opinion. This is an alarming violation of freedom of speech. I agree with former NSW chief justice Jim Spigelman AC QC that being offended involves peoples feelings and "protecting people's feelings against offence is not an appropriate objective for the law." (Human Rights Day Oration). Some people get offended when true facts are stated. Recent history of anti-discrimination cases show that when statements made about religion have offended some people the latter have resorted to litigation, regardless of the truth of those statements. At the very least the bill should be amended to delete those two words, "offend" and "insult".
- This bill contravenes Australia's international treaty obligations. Jim Spigelman AC QC: "Words such as 'offend' and 'insult', impinge on freedom of speech ... None of Australia's international treaty obligations require us to protect any person or group from being offended. We are, however, obliged to protect freedom of speech." (Human Rights Day Oration)
- clause 124 reverses the onus of proof, making the accused prove innocence, rather than the accuser prove guilt. This clause should also be deleted.
- Non-disabled respondents to litigation would be denied the right to have legal advisers at conciliation conferences.
- This bill would force religious people to violate their religious beliefs in certain circumstances, e.g. when running an aged care facility they will be forced to regard gay couples as married. This violates religious freedom.

I am distressed (if not "offended") by the fact that anyone would put a bill like this before the parliament of our wonderful, free speech loving country. Please keep our country this way.

Dave Glasgow