

13 Dec 2012

Dear Committee,

I have already submitted a letter on this subject but have now had more time to digest the content of the bill and wish to add further comment for your consideration. This letter does not at all detract from or replace my first letter. This letter however hopes to point out a handful of inconsistencies in the current draft of the legislation.

1. Given the current definition of disability: disability means any of the following:

...

- (d) the presence in the body of organisms

capable of causing disease or illness;

Because everyone has bacteria capable of causing disease or illness at any given time, anyone could claim discrimination on the basis of disability for just about anything. You need to tighten up this definition substantially.

2. In considering Discrimination by unfavourable treatment

- (b) other conduct that offends, insults or intimidates the other person.

It would be a criminal offense for any minister of religion to speak against almost anything. For example, if he spoke against gluttony and an obese person was offended, he could be prosecuted because it is considered public life and the current provisions for exceptions do not cover what is presented by a minister of religion, only rules governing their appointment. Also, there are many lay-preachers who are not official ministers of religion who address congregations or present at public seminars or meetings on sensitive topics. I think you need to remove the word offend. Insulting is very different from passively offending someone.

2. On page 83 unlawful conduct, exception

- (ii) a fair comment on any event or matter of public interest if the comment is an expression of a genuine belief held by the person making the comment.

This is unenforceable. People generally don't make comments unless they genuinely believe them to be true, thus exceptions like this almost nullify any part of this legislation to do with discriminatory comments, (also see exception on page 81). I think legislating what people can and can't say in a public place in good faith is open to abuse by the biases of those judging the case. I think the legislation's scope needs to be revised to protect what it seeks to protect without in any way encroaching on the public discourse of society.

Joseph Stephen