

To the Senate Committee:

I wish to present a submission on the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012.

I do not believe this Bill should become law. The very nature of anti-discrimination legislation restricts legitimate free speech, free association and effectively denies business owners and others the right to control their own affairs. As the effect of this Bill will be to enhance these so-called protections, the whole Bill should be rejected.

One of the most concerning aspects of this Bill is its promise to provide for 'A shifting 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 is just another way of saying that the presumption of innocence will be denied to defendants. To avoid penalty they will be required to prove their innocence. This is a monumental shift not only away from current legislation, but from one of our most important legal principles. It will lead to businesses and individuals unable to effectively defend themselves from accusations of discrimination and having to pay vexatious claimants 'go-away' money to avoid even greater legal bills and fines.

I hope the committee will consider these points in scrutinising this Exposure Draft of the Bill.

Yours sincerely,

Mr Fred Bramich