

**Senate Legal and Constitutional Affairs Committee
Parliament House
Canberra ACT 2600**

Re: Human Rights and Anti-Discrimination Bill 2012

Dear Sir

I am greatly disturbed by reports coming to me about the "Human Rights and Anti-Discrimination Bill 2012".

On the surface, simplifying, clarifying and consolidating existing Commonwealth anti-discrimination legislation into a single act, seems to be a sensible thing to do.

However, although it is claimed that no "significant changes will be made to existing laws or protections", it appears that some of the "major reforms" listed *do* represent significant changes – highly significant indeed to those parties seeking to defend themselves against complaints from those who claim to have been offended or insulted.

Shifting the onus of proof from the complainant to the accused sets a very dangerous precedent. Then, to deny legal representation to the person accused, adds insult to injury. Furthermore, there is hardly a sentence spoken today that does not offend or insult someone. The offence and the insult may be totally unintentional and the words spoken true and verifiable, yet it seems that, under the revised legislation, those who feel offended or insulted can still bring a case to bear.

I am daily offended and insulted by things that people say and do. However, unless they are breaking some fundamental law essential for the safety and well being of the state and its citizens, I defend their right to say and do those offensive and insulting things.

The right to freedom of speech is a very precious gift and we must not allow it to be curtailed and damaged by legislation that places such weight on whether a person *feels* offended or insulted. Let the truth be heard – even if it offends and insults! Here I am not referring to actions intended to humiliate or intimidate since I believe these to be of an entirely different order.

A robust and healthy democracy must encourage free speech and truth telling. Legislation that seeks to curtail such essential human freedoms should never be part of our legal framework.

Genuine religious bodies have a vital, dare I say, prophetic, role in modern society. It is vital that such organizations continue to have the freedom to speak out against all forms of falsehood, injustice and corruption. Please continue to give these groups full religious freedom.

Yours sincerely

Rev. Brian G. Kempson

(Pastor)