

Human Rights and Anti-Discrimination Bill 2012

I would like to express my opposition to the Human Rights and Anti-Discrimination Bill 2012 being proposed by the Attorney General for the following reasons.

1. I believe that the onus of proof must rest on the complainant, not the accused. The assumption of innocence until proven guilty has been at the heart of our legal system in the western world for several centuries. It has served us well in delivering justice. To place the onus of proof on the accused promotes vindictiveness and puts justice out of reach of ordinary citizens who can't afford to defend themselves
2. The proposed bill undermines freedom of speech in all areas of public life. Freedom of speech is a fundamental right guaranteed by Australian law and by the International Covenant on Civil and Political Rights. Since the proposed definition of "discrimination" includes "conduct that offends, insults or intimidates" then any time a person feels offended, insulted or intimidated, all of which are very subjective and egocentric, they could begin legal proceedings against the speaker or writer who then has to prove their innocence. The threat of legal action over anything that a person says would seriously limit freedom of speech.
3. The proposal to include "sexual orientation" and "gender identity" under "protected attributes" raises issues about discrimination against citizens and organizations that have sincere and deeply held beliefs or values in relation to the nature of sexual identity and expression. Freedom of belief, conscience and religious expression would be seriously undermined by this proposed bill

For these reasons I believe that the Senate Legal and Constitutional Affairs Committee should recommend that this proposed bill be rejected.

Yours sincerely,
Trevor Henry Walmsley