

Submission on the Human Rights and Anti-Discrimination Bill 2012

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The Family Council of Victoria is completely opposed to the direction and intent of this bill. It effectively means the reduction of free speech in Australia and the instigation of an even more vexatious and litigious society. Lawyers will benefit, as will people who take offence at anything and everything, but the democratic process will suffer as a result.

Of real concern are the addition of two new categories, sexual orientation and gender identity, and the stripping away of various religious exemptions. We know the activists groups are demanding an end to all exemptions, and this will mean the erosion of religious freedom, the freedom of speech, and freedom of conscience.

And as with many such laws already around the country in various states, the result of all this is to in effect declare that one is guilty until proven innocent. The one complained against will have to prove he is not being discriminatory, and should be exempt from the law – all at his own cost and time.

Moreover, the entire concept of not being offended is quite ludicrous. As James Spigelman recently put it, “The freedom to offend is an integral component of freedom of speech. There is no right not to be offended. I am not aware of any international human rights instrument, or national anti-discrimination statute in another liberal democracy, that extends to conduct which is merely offensive.”

What Chuck Colson once said about the US is certainly applicable here: “In George Orwell’s classic novel *1984*, the government Thought Police constantly spies on citizens to make sure they are not thinking rebellious thoughts. Thought crimes are severely punished by Big Brother. *1984* was intended as a warning against totalitarian governments that enslave and control their citizens. Never have we needed this warning more urgently than now, because America’s Thought Police are knocking on your door.”

These laws are generally just used as weapons by the activist groups to silence any criticism of their activities, lifestyles, and agendas. This has nothing to do with genuine concern of slander, defamation, and so on, which of course we already have legislation covering.

This is about using the heavy hand of the law to force all Australians to submit to the agendas of small social engineering bodies. That is not how a democracy should function, and that is not how we maintain liberty. This is the stuff of Brave New World scenarios, not rational and sensible communities.

As Rowan Atkinson explained: "The clear problem of the outlawing of insult is that too many things can be interpreted as such: criticism, ridicule, sarcasm, merely stating an alternative point of view to the orthodoxy." Quite so. It is the nature of truth that those who dislike it will be offended or insulted.

Concerning related matters such as religious vilification, the whole idea of bringing up concepts like offence and vilification is quite bizarre. Religious truth claims by definition

imply that some religions are true, some are false. They imply that some actions are good, some are bad. They imply that some religious activities are appropriate, some are not. Of course a Muslim will be offended if a Christian says that Jesus is God. Of course a Hindu will be offended if a Muslim claims that only Islam is the final and true religion. Of course an atheist will be offended if a Jew insists that God exists. Of course a Christian will be offended if a Muslim says Jesus did not die on the cross and rise again. How could a devout believer not feel offended in such ways?

The very nature of religious truth claims will involve offence on the part of those who do not adhere to them. If one seeks to show the foolishness and shallowness of the claims that evolution is all there is to explain human dignity and purpose, a secular humanist may well feel threatened, ridiculed and reviled, and therefore press charges.

If an atheist scoffs at the claims of Mohamed and mocks the Koran, of course a devout Muslim will take offence. If homosexual activists send up nuns in a pride march, of course Catholics will feel ridiculed and vilified. If someone says that Jesus is the only path to eternal life, of course universalists will be offended.

To seek to do away with all feeling of ridicule, offence and insult would be to effectively rob most religions (and especially those which make exclusive truth claims) of most of their core doctrines and teachings. We will be left with a watered down lowest-common denominator mish-mash that offends no one. And one which is totally devoid of truth as well.

And it is the same in all sorts of other areas, be it political, social or ideological. Anyone can take offence for any reason, resulting in a populace afraid to even open its mouth for fear of offending someone. This is a good way to run a police state and a Big Brother regime, but it is a lousy way to run a free democracy.

What we are really moving to here are so-called hate crime laws. And these are very bad laws because they create a new crime based on thoughts. Hate crimes punish people for their thoughts. In turn, thought police are needed to make sure everyone is thinking politically allowable thoughts. But who determines what a hate crime is? And how? If a homosexual activist calls a Christian a bigot, is he guilty of a hate crime? If a secularist calls a concerned Catholic a religious Taliban, is that a hate crime?

These very concepts are a severe curb on freedom of speech. The right to argue one's case, to criticise other points of view, to point out differences of religious and political viewpoints – these are all fundamentals of a free and democratic society. When we say that government officials will decide who is allowed to debate issues, and how that debate is to take place, we are then moving away from freedom to repression. And when state authorities decide questions of political and religious truth, we have then moved from democracy to tyranny.

In sum, these laws are a genuine threat to freedom of speech. They effectively clamp down on the discussion of important religious, theological, social and ethical issues. The answer to bad speech is not shutting speech down. It is rebutting it with good speech. We do not need social engineers and enforcers of political correctness dictating to us what can be discussed and how it should be discussed.

We believe there is no need for further trampling on our fundamental rights of freedom. Thus we feel this matter should be dropped with no further action. It is another wild goose chase which will simply cause far more harm than good.

And finally, a quick word about the timing of all this. We find it quite reprehensible that as so often happens, an exceedingly important issue like this is both buried in the business of the Christmas season, and given so little time for proper consultation. Just how many people do you think are going to drop everything and write you a submission a week or two before Christmas? Any objective observer would think that you are not really all that interested in public opinion and feedback, but in ramming through legislation with the public basically uninformed and unaware. Not good form.