

Honourable Senators,

I have carefully considered the above named Bill. **Please consider carefully all what I say below.**

(1) I agree that discrimination on the basis of ethnicity or skin colour is wrong and should be prevented as far as possible, but discrimination on any other basis, like listed in this Bill, must be carefully considered. This will be discussed later below.

(2) This Bill undermines freedom of speech, talking or writing about one's beliefs (religion or other, moral values, and others), and natural justice.

(3) In their jobs every employee acts on behalf of their employer and all employers are responsible to some extent for the actions of their employees on their behalf. It is a natural fact that everybody's behaviour, actions and talk are influenced by that person's belief and value system, including moral values. Therefore it is natural that employers want to select staff who hold a belief system similar to theirs. Otherwise they cannot be held responsible for what is done on their behalf. Obviously they must have the right to take into account the belief system of any job applicant.

(4) If the law forces an employer to employ someone with a belief system, etc. he does not like, that may have adverse consequences, it is asking for trouble. If that employee would disregard the boss' way of thinking and follow their own, the boss may not be satisfied with his/her performance. It may also cause tension with colleagues. This would have adverse effect on his/her promotion, career prospects, etc. However, if that person would follow the boss' way of thinking, disregarding their own, that may cause him/her psychological stress with adverse psychological effects. So the employee would be disadvantaged in either case.

Such a situation in a church school would be far worse than described above. If someone would teach something which he/she believes not to be true, the pupils will sense the lack of conviction of the teacher and won't be convinced by what is taught, causing on-going offence and disappointment of their parents, on top of the principal and colleagues. If the teacher's job application was rejected, that would have caused one person offended once, but if he/she was appointed, that would cause on-going offence and disappointment for many people. There is no legal protection against such eventuality.

(5) The meaning of the expression "sexual orientation" is wider than generally understood. It does not only mean heterosexuality, or homosexuality, but also includes from adulterous tendency to outright promiscuity and paedophilia. While it is obvious that paedophilia must be discriminated against in any job where children or young adults are around, the possible consequences of the presence of promiscuous persons in a workplace are ignored. If such a person would seduce someone who is married, this would cause much worse result than just offending the spouse, it could brake up a family, destroy the happiness of the spouse, it may cause deep depression, sometimes even suicide, and would definitely harm the children. There is no legal protection against such eventuality.

(6) If churches' age care facilities were not allowed to decide on the basis of their beliefs whose application to accept or reject, that would infringe their freedom of practicing their religion, contrary to the freedom of religion stated in the Constitution. You must allow religious freedom to religious bodies in all circumstances.

(7) Likewise freedom of speech and freedom of religion means freedom to publicly proclaim one's religion, like the Gospel of Jesus and distributing tracts and pamphlets unhindered. If somebody of another belief gets offended by this, I am sorry, that is their problem.

If you are worried about that and want to prevent offending anybody, then be consistent and protect Christians and Muslims from being offended by publicly promoting atheism and any sexual orientation other than heterosexuality, and ban the Sydney Gay and Lesbian Mardi Gra.

(8) Reversing the onus of proving, i.e. the accused is regarded as guilty until proven to be innocent, is fundamentally wrong and unconstitutional principle. It can be extremely difficult, even impossible to prove that you have **not** done something. Then anybody can falsely accuse anyone who possesses a carving knife in the kitchen, of planning a terrorist attack. How can you prove it is not true?

(9) It is also unconstitutional not to allow respondents the right to legal representation if they wish.

**My conclusion is that the Human Rights and Anti-Discrimination Bill 2012 is wrong,**  
Honourable Senators,

I have carefully considered the above named Bill. **Please consider carefully all what I have to say about it.**

(1) I agree that discrimination on the basis of ethnicity or skin colour is wrong and should be prevented as far as possible, but discrimination on any other basis, like listed in this Bill, must be carefully considered. This will be discussed later below.

(2) This Bill undermines freedom of speech, talking or writing about one's beliefs (religion or other, moral values, and others), and natural justice.

(3) In their jobs every employee acts on behalf of their employer and all employers are responsible to some extent for the actions of their employees on their behalf. It is a natural fact that everybody's behaviour, actions and talk are influenced by that person's belief and value system, including moral values. Therefore it is natural that employers want to select staff who hold a belief system similar to theirs. Otherwise they cannot be held responsible for what is done on their behalf. Obviously they must have the right to take into account the belief system of any job applicant.

(4) If the law forces an employer to employ someone with a belief system, etc. he does not like, that may have adverse consequences, it is asking for trouble. If that employee would disregard the boss' way of thinking and follow their own, the boss may not be satisfied with his/her performance. It may also cause tension with colleagues. This would have adverse effect on his/her promotion, career prospects, etc. However, if that person would follow the boss' way of thinking, disregarding their own, that may cause him/her psychological stress with adverse psychological effects.

Such a situation in a church school would be far worse than described above. If someone would teach something which he/she believes not to be true, the pupil will sense the lack of conviction of the teacher and won't be convinced by what is taught, causing on-going offence and disappointment of their parents, on top of the principal and colleagues. If the teacher's job application was rejected, that would have caused one person offended once, but if he/she was appointed, that would cause on-going offence and disappointment for many people. There is no legal protection against such eventuality.

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presence of promiscuous persons in a workplace are ignored. If such a person would seduce someone who is married, this would cause much worse than just offending the spouse, it could brake up a family, destroy the happiness of the spouse, it may cause deep depression, sometimes even suicide, and would definitely harm the children. There is no legal protection against such eventuality.

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If you are worried about that and want to prevent offending anybody, then be consistent and protect Christians and Muslims from being offended by publicly promoting atheism and any sexual orientation other than heterosexuality, like you should ban the Sydney Gay and Lesbian Mardi Gra.

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(9) It is also unconstitutional not to allow respondents the right to legal representation if they wish.

**My conclusion is that the Human Rights and Anti-Discrimination Bill 2012 is wrong, counterproductive and ill advised, and it should be withdrawn. I strongly OPPOSE it.**

John Szilard