

I wish to lodge my objection to the *Human Rights and Anti-Discrimination Bill 2012*, which I urge the Senate to reject in its entirety, because it is a serious threat to our freedom, and especially to our freedom of speech. Listed below are four grounds for making that claim.

**First**, the proposed legislation is intended to impose and enforce one particular set of values that happen to be temporarily fashionable among the politically correct.

According to press reports, the Attorney-General supports it because it will “*help everyone understand what behaviour is expected.*” The behaviour that she has in mind includes our spoken behaviour; ie, she wishes to control what we say on a number of specified topics; and we are to say only what she approves or what she (and/or the political party of which she is a member) considers it appropriate for us to say.

But over time, attitudes may change. Within my lifetime, some of the values supported by different governments and Attorneys-General have changed by 180 degrees on a number of contentious issues. Some matters deemed immoral or inappropriate at one period have been endorsed and supported at a later period. For example, the first act of the first federal parliament was the *Immigration Restriction Act (1901)*, and for over half a century the White Australia Policy was endorsed by most members of parliament. Who can forget Arthur Calwell’s comment (variously interpreted, it must be acknowledged), ‘*Two Wongs don’t make a white*’? During the half century following, most Australians changed their opinion, so that under the Bill now proposed, those expressing such views today would be committing an offence. In consequence, were its provisions to be retrospective, most of the members of our founding parliament would under its provisions be deemed to have been criminals. One’s attitude to this and many other debateable issues largely depends upon one’s birth date and current fashion. The values that the ALP is now attempting to make binding upon all citizens would have been decisively rejected by the ALP during its first half century of existence.

Implicit in the Bill is the Attorney-General’s assumption that **she** has the right to impose the current Labor Party’s contemporary values and morality upon our culture; and she does so in the clear knowledge, not only that her views would not have received the support of the ALP in former years, and not only that many Australians vehemently oppose some of them today, but also that many who in fact share her particular values nevertheless believe that it would be a betrayal of our traditional liberties to force all Australians to conform to them, willy nilly.

There are a number of other divisive issues (eg, questions of sexual morality) upon which there have been major shifts of opinion, not only among legislators but also in the community at large. Former orthodoxies easily become heresies, and can change in a surprisingly short period of time.

Of any contentious issue, it must follow that it is dangerous to assert that one particular view held on any specific date (eg, the view of the Attorney-General of the day) must be the only right one. How does she know that her view is right, or that the Attorney-General of some future government may not hold a different view? History provides a number of instances of initially unpopular attitudes and beliefs eventually becoming accepted by the majority; and for that to occur there must be the possibility of expressing those unpopular views. A liberal democracy will tolerate the expression of conflicting views, provided they do not incite violence or prevent the voicing of dissent.

**Second**, by reversing the onus of proof, the proposed Bill violates the presumption of innocence. That an accused individual is considered innocent unless proved guilty is a fundamental principle of our traditional legal system. Rumpole famously remarked that England should be remembered for the English breakfast, the *Oxford Book of English Verse* and the presumption of innocence. In Australia, it is rightly regarded as a bulwark of our liberty.

**Third**, if this Bill were enacted, it would involve an unprecedented curtailment of our freedom of speech, imposed in the interests of a non-existent ‘right not to be offended.’

**Fourth**, if passed, it could easily be misused to compel some individuals to choose whether to act against their consciences or to break the law. The various ‘human rights’ enactments passed by Labor governments have been largely conceived by some conservative Christians as intended to criminalise their beliefs and to restrict their activities; and the ALP is widely seen as having a coercive anti-Christian agenda designed to undermine conscientiously held beliefs relating to such issues as sexual orientation. Endorsing this Bill will do nothing to alleviate their fears.

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