

20/12/2012

Re: Proposed Human Rights and Anti-Discrimination Bill 2012.

OR Another disaster waiting to happen.

We, in Victoria, haven't forgotten the Racial and Religious Vilification Law with all its promises of exclusions etc. and the disaster that happened as the, Islamic Council (?) [not sure I remember the exact name] attempted, in our opinion, to use the bill to silence Christian freedom of speech.

The result was a lot of bad feeling and wasted money and resources and the Bill, in our opinion, was a 'Yes Minister Bill' that promised by its name one thing and was in practice yet another social engineering attempt at silencing debate and reasonable opinion and typically anti-Christian, and in our opinion, a denial of Human Rights for us and those in our church.

This Federal Bill promises to be worse:

It reverses the onus of proof and makes the threshold for offending low indeed just as the Victorian law... and puts the focus, not on the actions and words and behaviour of a person, on the perceptions of another person.

This law is WRONG and destructive and attempts to further the agendas of a vocal and active gay lobby whose voice and influence far outweigh the numbers and votes of its supporters.

Why not ask the people of Australia whether they approve of politicians forcing their beliefs on others to the point that Freedom of Speech is being eroded and denied. In fact, in our opinion, existing laws will deal with outrageous behaviour.

You will not be adding a new Bill that makes perception of murder, drug trafficking, theft and vandalism offences where the onus of proof shifts to the accused to prove they are innocent, will you? Of course not!! Neither should you make an offence out of the perceptions of others thus allowing gay activists to target Christian groups to further their growing controls. Ask the media people who the gay lobby don't approve of and see how the lobby, in our opinion, target them and get them off the air.

The new "protected attributes" introduced by S.17, "sexual orientation" and "gender identity", raise issues about discrimination against citizens or organisations/institutions with sincerely and deeply held beliefs or values in relation to the nature of sexual identity and expression. The currently protected attributes of disability, age, race and sex (as in marital, parental and breast-feeding status) do not raise such issues.

In particular, it should not be “unlawful discrimination” to discriminate in relation to “sexual orientation” or “gender identity” in aged care as per proposed Section 33(3). Freedom of thought, conscience, religion and belief in relation to these matters must be properly protected as guaranteed by Australian law and international treaties and instruments.

The right to freedom of thought, conscience, religion and belief is guaranteed by the International Covenant on Civil and Political Rights to which Australia is a signatory. To meet Australia’s obligations under the Covenant the proposed bill should have the object of protecting those rights and should not adopt a concept of discrimination that would make the exercise of those rights unlawful discrimination. Merely making a concession to those rights for very restrictive “religious purposes” (as proposed by Sections 32 and 33) or under the general “justifiable conduct” defence (proposed Section 24) is a grudging and inadequate protection of those rights that Australia is obligated to protect under the ICCPR.

Exceptions are to be reviewed in three years (Section 47) and all exemptions are only temporary (Section 85). This is inadequate protection of rights guaranteed under the ICCPR which Australia as a signatory has an obligation to protect. The exemption clause failed in the Victorian Law and this seems far more fragile and looks like a ploy to reduce concerns of Churches till the Bill is introduced then erode the value of those exemptions as a tactical 2nd or 3rd stage.

The proposed bill expands the prohibition of discrimination into the social life of citizens. Clubs and member-based associations and competitive sporting activities are restricted to the exceptions proposed by Sections 35 and 36. This seriously undermines the right to freedom of association Australians have long enjoyed and which is guaranteed by the ICCPR.

In summary this law is outrageous and a disgrace. I trust the Labor party will reap what it sows in its arrogance just as Howard did when he lost the next election when he went too far in contempt of a large section of the voters.

Yours Sincerely

G & Holman