

Dear Sir,

I wish to make a submission regarding the Government's proposed Human Rights and Anti-Discrimination Bill.

I am very concerned that the definition of discrimination will include behaviour that "offends or insults". This is a very broad definition that has great potential for abuse and vexatious litigation. It would potentially undermine the fundamental right of freedom of speech. It will in my view encourage people to complain just because their feelings have been hurt. I agree with Honourable James Spigelman AC QC who recently stated in his Human Rights Day Oration that "None of Australia's international treaty obligations require us to protect any person or group from being offended. We are, however, obliged to protect freedom of speech."

I am concerned that this legislation will erode my religious freedom by trying to prohibit the right to speak out on moral and spiritual issues. We all have views on what is right and wrong and all should have the right to speak out on this without fear of persecution by some federal bureaucracy, just because someone has been offended or their feelings have been hurt. This country should be encouraging debate on what is right and wrong, not trying to stamp it out.

I am concerned that the proposed law moves the onus of proving there was no unlawful discrimination if a complainant establishes just a prima facie case. This goes against the long tradition in the Australian judicial system of "innocent until proven guilty" and further increases the probability of vexatious claims.

This is a bad piece of legislation that will not enhance but rather erode people's basic rights and as such it should be rejected.