

A Submission to the:

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Canberra ACT 2600
Australia

By:

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On the Topic of:

Exposure Draft of Human Rights and Anti-Discrimination
Bill 2012

Summary:

In making this submission, it is necessary to look at various fields of endeavour, such as Anthropology, Epistemology, Theology, and Archology¹, to name but a few. This is made necessary by the gamut and spectrum of both the existing legislation and the changes proposed in this draft.

Whilst these legislations are aimed at equality and dignity² and the imposition of penalties and structures to achieve that end, there is a distinct lack of definition as to what is meant by these terms. Similarly, many elements and premises are simply assumed as being true, they are nowhere proven. Not only this, but the legislation is full of contradictions and ambiguities that make it uninterpretable, inapplicable, and, therefore, very dangerous.

This would have to be the most glaring problem both with the existing legislation and any proposed changes.

A second criticism of the legislation is that it is not motivated by a desire to do the right thing by our neighbour and countrymen according to God or principle entrenched in our history, but by some misguided allegiance to International Treaties and the like. Are we that insensitive to our own people that we need to be forced and cajoled into action like some obstreperous child?

In combination, these aspects make for an extremely dangerous outcome. We are essentially being told what we are to believe about man, the world in which he lives, his moral abilities, his ethical responsibilities, and his metaphysical allegiance — and this primarily by those outside our nation; those who do not share our philosophic, anthropologic, and cosmologic worldview. Equally, we are being asked to swallow terms that come to us without definition and meaning. Moreover, we are being asked to operate on the basis of terms and premises that are patently contradictory.

Therefore, it is requested that the Committee rejects this draft as being logically and ethically flawed to the point that it is clear and present danger to the citizenry of this nation.

¹ Used here as meaning the ‘Science or Study of Government’.

² 3:17. References are to the Draft and state page number then line number. Thus 3:17 means page three, line seventeen.



A. The Right and Obligation of Rule:

In commenting on this proposed legislation, I would like to start, not with its content, but the basis on which the Government thinks it has the right to impose these measures its citizens.

It has become popular in the modern world to view the political sphere as a an evolutionary marvel that has made it to the top of the “food chain”, so to speak, with an obvious right to rule as it sees fit. This juggernaut proceeds to proclaim autonomy in regard to its origin, power, legislative abilities, and accountabilities. It speaks of democracy, but believes in autocracy. It speaks of transparency, but operates in the opaque. It is often heard to speak of accountability. Yet, on review of its actions, we must ask, “Accountable to what or to Whom?”

It is time that the Governments and legislators of this nation were called back to reality. It is for this reason that our submission begins here.

Governments must understand that they are not an evolutionary marvel that has developed along with man as he crawled from the primordial soup. Government is, as with man, a creation of God and is therefore required to act in obedience to God for His glory.

Romans chapter 13 opens with these humbling and significant words:

Let every person be in subjection to the governing authorities. For there is no authority except from God, and those which exist are established by God.³

The Apostle Paul then goes on to describe governments as a “minister of God” (v 4) and as “servants of God” (v 6). The clear implication of this teaching is that ‘governments’, no matter what title they be given, belong to God and are to exercise their derived authority for God’s glory and for His purposes.

As potent as these texts are in outlining the source of the government’s authority and its obligation to God, Paul has another gem in this same passage. In verses three and four, he addresses the governed, saying:

For rulers are not a cause of fear for good behavior, but for evil. Do you want to have no fear of authority? Do what is good, and you will have praise from the same; 4 for it is a minister of God to you for good. But if you do what is evil, be afraid; for it does not bear the sword for nothing; for it is a minister of God, an avenger who brings wrath upon the one who practices evil.

This passage is vitally important for its treatment of how citizenry should look upon their rulers. Note well, that those who ‘do good’ should have no fear of the authorities. Only those who practice evil have any reason for concern.

³ *The New American Standard Bible*, (La Habra, California: The Lockman Foundation) 1977. All Bible quotes are from this source.



These points are raised precisely because our governments systematically ignore both sets of instruction!

As a consequence of the Government ‘throwing off’ its ordained role as an instrument of God and His righteousness, the people fear. **Importantly, good people fear!** They are fearful because of legislation like that proposed and already enacted. Legislation that pays no heed to God and His law and which is therefore governed by the ephemeral, transient, and finite; instead of the Eternal and Infinite. The consequence of this is that we are subjected to tyrannical laws that are based in the utopian ideals of the brotherhood of man, rather than upon the revelation of Almighty God.

As we shall see, we are dealing with legislation that is a spectre of Humanism, loaded with contradictions; built upon fallacies; and dressed in definitions that do not stand scrutiny.

B. The Absurdities of Postmodern Legislators:

When man operates by God’s revealed standards, he has an objective base on which to build. He is given law, principle, and guidance on how to understand man, the world, and the imposition of laws. In contradistinction, the guiding philosophy of our day is Postmodernism. At its core, postmodern thought denies absolutes. It denies truth. One cannot speak of right or wrong, good or bad, black or white. Nor can one speak of conformity or transgression; obedience or disobedience; compliance or non-compliance. Therefore, of necessity, postmodern thought and thinkers must dwell in ambiguity and confusion. This leads to the logical question, “How do you make laws of reason and sound judgement, designed to bring about life and cultural change which is tangible, and which proposes concrete punishments for breaches of these laws when, *a priori*, your worldview excludes these as possibilities?” The ultimate question is, “How do lawmakers, whose presupposition is that of denying the existence of absolutes and positing the totality of the freedom of man, make laws that are absolute and which are, by design, aimed at curbing man’s freedom?”

In the long run, as is manifest by this draft, the postmodern lawmaker is going to be forced into contradictions and outright hypocrisy. They will wield words with great élan, yet all the while, those words will be intrinsically meaningless. Of course, as also demonstrated in this draft, there will be a paucity of definition. People are simply left to assume that the legislators are right and that the elements argued for are some type of universal norm. You will not find definitions placed with precision or argued for on the basis of the ‘proven’.

Thus, we are told that an “object” of this legislation is:

14(d) to promote recognition and respect within the community for:

*15 (i) the **principle of equality** (including both formal and*

16 substantive equality); and

*17 (ii) the **inherent dignity** of all people;⁴*

⁴ 3:14-17. Bold added.



These aims, to be sure, are noble. They are, however, fallacious.

From whence have these principles been derived? Who stated that these two principles are the priority when seeking justice for man or that these principles encapsulate man's highest end?

These questions are particularly directed to the postmoderns and evolutionists. Where in your worldview do you find any credence for making these assertions? As we have seen, the postmodern thinker does not even have a framework for deriving a meaning for the words "equality" and "dignity, let alone an ability to then attach meaning to sound – for such an exercise would require knowledge and absolutes. Exponents of the "Survival of the fittest" must understand that this concept does not recognise "equality" and "dignity". Far from it. That theory is built on the exploitation of the weak, the sick, and the infirmed. "Oh dear, we wonder if there is a connection between the adoption of evolution's rampant teachings and a society that has no genuine heartfelt respect for others. Is it not interesting that when we lived by the Golden Rule, God's Rule – Do unto others as you would have them do to you⁵ – we did not need such legislation! Now with the adoption of the evolutionary doctrine of "the survival of the fittest" our mantra is the Garbage Rule – Do unto other before they get a chance to do it unto you!"

Then we must ask the simple question, "Are these statements true?" The answer to that is a resounding, No! Men are not equal, for the most part. If you adopt the Christian worldview, you can say that man has worth or equality in that he is made in the image of God. Thus, man's intrinsic worth and equality come from the fact that he is an image bearer. His life is given by God and protected by God's law. In the Christian worldview all men share this basic tenet.

However, in terms of function, man is not equal. I cannot do things that others can do, viewed from a physiological or mental standpoint. Ethically, I do not do things I could do, but which others do. Even in this legislation there are clauses governing "pregnancy"⁶. Do these clauses not, in fact, refute the very object of the legislation? As a male, desire all I like, I cannot fall pregnant. Are you not then using this legislation to mock my unequalness? You begin by declaring that we are all equal, but then speak of things that are not applicable to me.

I also note that the "Dictionary"⁷ lists "Aboriginal"⁸ and "Torres Straight Islanders"⁹. Yet there is no mention of Chinese, Albanians, and so one. Does not such an emphasis also belie the stated equality? (More will be said later on these absolute contradictions.)

The most obvious omission from the "Dictionary" is that of the terms "equality" and "dignity". One would be justified in thinking that these words would be defined as they are part of the stated aim of the legislation.

⁵ Luke 6:31 -- "And just as you want people to treat you, treat them in the same way."

⁶ 18:24-30.

⁷ 9:2.

⁸ 9:6-7

⁹ 22:21-22.



Then we have the word “dignity”. Although it has suffered the indignity of being tampered with, its root meaning survives:

dignity

1. nobility of manner or style; stateliness; gravity.
2. nobleness or elevation of mind; worthiness: *dignity of sentiments*.
3. honourable place; elevated rank.
4. degree of excellence, either in estimation or in the order of nature.
5. relative standing; rank.
6. a high office or title.
7. the person holding it.

[L: worthiness, rank]¹⁰

The obvious question is, “Do the framers of this legislation *really* believe that all men have such inherent dignity?”

What of the rapist, the paedophile, the murderer, the bag snatcher, and the “granny basher”?¹¹ Do all these truly have an inherent rank and worthiness? If they do, why do we put them in jail and violate their rights? Why do we insist on using labelling and discriminatory language like “criminal”, and “law breaker”, if these chaps are so distinguished?

It is equally futile to argue that these people only lost their dignity after the crime. The simple reality is that they committed the crime because they were persons of a lower rank. We are reminded of the time that a person being interviewed on the radio stated “that we need to appeal to the better nature of vandals.” Surely they are vandals precisely because they have no better nature!

Herein is the problem. Presuppositionally, our legislators have adopted a view of man contrary to that given by God in the Bible. There man is seen as fallen. Man is estranged from God and all that we see in this world as evil is a manifestation of that fallen nature. It is a nature that has but remnants of its original qualities and purposes left. This Biblical view explains why man does what he does. It explains the paedophile, the rapist, and so on.

On the contrary, the presupposition of our legislators is one devoid of a foundation. They do but grope in the dark. As has been noted here, the key objects of the legislation are undefined. More importantly, they are a delusion. All that we experience every day tells us that man has issues. He is far from being a paragon of virtue. Man does not possess the equality spoken of and he certainly does not possess the “inherent dignity” presumed.

Again, we call for honesty and clarity. The legislators know that not everything is rosy in the garden, hence the legislation – a set of constructs designed to make man conform. The problem is that, as fallen men, we do not want to think of ourselves as anything but perfect. We do not want to admit that we have deep seated issues that are beyond our abilities to

¹⁰ Macquarie Concise Dictionary.

¹¹ We could also ask about Adolf Hitler, Pol Pot, Idi Amin, Saddam Hussein, and our own Ivan Milat, to name but a few



rectify. Thus the Christian and the Humanist share a tiny fragment in common. The difference is that the Christians has admitted the problem and sought a cure outside of himself; A cure that is everlasting and which lifts man to a higher plane of existence precisely because it reunites him in fellowship with His God. Man is once more in contact with the only source of true life and faith.

The Humanist may accept that there is a problem, though he will be loathed to call it that, but his answer is always to look inward for answers. The Humanist looks inward, deeper into the troubled man, hoping to find an answer. That is akin to a man seeking to clean himself by diving deeper into a bog. Because of the false presuppositions, the multiplicity of laws can never bring peace and harmony to a society. It can only further its decay and hasten its destruction.

The prophet, Jeremiah, had a better perspective when he stated:

“The heart is more deceitful than all else and is desperately sick; Who can understand it?”

The writer of Ecclesiastes (9:3) had a similar comment:

Furthermore, the hearts of the sons of men are full of evil, and insanity is in their hearts throughout their lives.

It is Jesus words that are, however, most potent. Says the Son of God:

“For from within, out of the heart of men, proceed the evil thoughts, fornications, thefts, murders, adulteries, 22 deeds of coveting and wickedness, as well as deceit, sensuality, envy, slander, pride and foolishness. 23 “All these evil things proceed from within and defile the man.”¹²

If we begin with an unBiblical anthropology, then we are astray from the beginning because we will ascribe to man a standing and capabilities that he does not possess.¹³ The consequence, as witnessed in this legislation, is that of a group delusion in which we all tell ourselves that we are just fine and that man will be alright. That his science, his research, and his methodology will win through in the end. However, in the meantime, as we witness the very opposite every day and see man act out of his inclination for evil, our Governments will continue to enforce by law the group delusion – done of course under the equally delusional concept that it is being done for *the greater good*!

C. The Politics and Legislation of Confusion:

Precisely because Governments and legislators of the modern era have denied God’s right to rule, therein denying the One true objective source for knowledge and action, they have committed themselves to the slippery slope of the subjective.

¹² Mark 7:21-23.

¹³ Please see Dr R.C. Sproul’s explanation and applications at: <http://highlandsministriesonline.org/kingdom-notes/in-adam-all-sinned/>



An absolute fault displayed in this legislation is that it denies truth. In other words, it expects that two equal and opposite standards can be both conceived of as true. Again, this is the fanciful realm of Postmodernism. However, in the real world, in the world where we live and act every day, we know that these things are not true.

Allow an abstract illustration before moving on to the proposed draft. In the Biblical worldview of absolutes, traffic lights work. We can assign colours to commands that can be understood by rational people. In a postmodern world, meaning is not possible because there are no absolutes. Nor is there a way of assigning colour to command. Such a concept is, *a priori*, impossible. Then there is the issue of command itself. What right does anyone have to impose upon another individual their scheme of colour and command? Again, this is the subjective notion in action. Thus, in a postmodern world, traffic lights cannot work. (Thankfully men are very good at living inconsistently with their postmodern worldview!) Red and green mean different things to different people. In fact, what it means today may not be so tomorrow. In such an environment, chaos and carnage must ensue.

Applying this to the legislation, how do we expect that diametrically opposite perspectives, devoid of an absolute foundation, can be equally applied to and lived out within our society.

Let us take, as one example, the protected attribute of *religion*.¹⁴ It is common to think of a religion as that which is monotheistic and may have a code. However, in essence, all men are religious. All men have a set of intrinsic beliefs by which their lives are governed and by which ethical assessments are made. The atheist may deny the concept of a God who has revealed Himself; however, he does not abandon the concept of a god totally. The atheist, rather, assumes the mantle of “god” to themselves. They become the one who judges what is best for self. The individual decides what is right and wrong, good or bad.

Thus the Wikipedia entry on religion states:

*Religion is a collection of belief systems, cultural systems, and world views that relate humanity to spirituality and, sometimes, to moral values.[note 1] Many religions have narratives, symbols, traditions and sacred histories that are intended to give meaning to life or to explain the origin of life or the Universe. They tend to derive morality, ethics, religious laws or a preferred lifestyle from their ideas about the cosmos and human nature.*¹⁵

The Merriam-Webster dictionary, under point 2 says that religion is:

*a personal set or institutionalized system of religious attitudes, beliefs, and practices.*¹⁶

Thus understood, this legislation has placed the Atheist, Buddhist, Pantheist, Animist, Islamic, Jew, and Christian all on the same level. Although “Political Opinion” forms a separate category, these beliefs, Communism, Marxism, Socialism, and Capitalism, could

¹⁴ 34:18.

¹⁵ <http://en.wikipedia.org/wiki/Religion>.

¹⁶ <http://www.merriam-webster.com/dictionary/religion>.



equally be included at this point. Are we really to believe that all are equal? Do all of these hold an inherent logic that validates them as a system?

Then we must ask the great question, “By which philosophy are our Governments and Legislators informed?” Neutrality is not possible. Every man has a position. Every man has, as we have shown, a religion. So which side will the Government take? If the Government moves forward with this legislation, will it declare its inherent interest in its own system and then with ethical clarity recuse itself?

Is the Government even willing to admit that there is no such thing as philosophic neutrality? Will the Government admit that when it makes laws and enacts principles, that those laws and principles are spawned from a heartfelt philosophy? As an example, many have picked on the current opposition leader, Mr Abbott, because he belongs to the Congregation of Rome. Much has been said regarding “religion and politics” and “the separation of Church and State”. Why are these same questions not put to our current Prime Minister? Julia Gillard is both a Socialist and an Atheist, with nuances beside. How, do these heartfelt beliefs work out in the policies of her government? Prime Minister Gillard is a founding member of Emily’s List. A browse of the website run by that organisation quickly reveals plans, policies, and philosophies, which we find offensive. Under the proposed legislation, this offence would be grounds for claiming a breach of the law. How is it that the Prime Minister has ties to such an organisation and then promotes legislation aimed at equality?

Here is the rub. Julia Gillard is biased. She has deep seated beliefs – as do all politicians and all people. The difference is that the Government hides behind and expects us to believe that they are neutral; that they are above biased action and philosophic influence when, in fact, they are not.

As Christians we oppose abortion. As an Atheist and founder of Emily’s list, Prime Minister Gillard is pro-choice – a supposedly non-offensive way of saying pro-abortion. How do we dwell in equality? We view abortion as murder. It offends us to our very core? The prime Minister does not. She is apparently happy to murder infants and be complicit with acts of genocide. Who will decide? We cannot both be right. Both the nurturing and the destruction of life cannot be moral equals? Yet we pretend they are. In one room of a hospital government funds destroy a child in the womb; in the next government funds pay a doctor to save the life of a premature baby.

Cultural schizophrenia! The slippery slope of the subjective! – based on nothing but the fleeting beliefs of finite persons in time and space.

The point is simple. No man exists in a vacuum. He is instructed by the ideas and philosophies which he imbibes. To perpetuate the myth of neutrality is to commit this nation to an extended state of confusion and cultural disintegration.

When all is said and done, this legislation proposes that everyone must subject their beliefs to the beliefs of the Government. The only difference is that the Government is not forced to



hold back its opinions or to declare that it is religious. It can follow its agenda and be as biased as it wants and not be held accountable at any point.

D. The Tyranny Encapsulated in this Legislation:

When there is no objective standard, the view of every individual must then be accepted as valid. Thus, two opposite and contradictory concepts are placed together. When we reach this juncture, we can only maintain the illusion of togetherness by force. Think of this as the mixing of oil and water. We know that they are two distinct elements and, left to their own devices, will naturally separate. The only way for these immiscible elements to come together in an emulsion, and thereby give the illusion of unity, is to have a third external element applied. That element may be force – the application of a blender – or it may be by means of a surfactant – the introduction of a radical element designed to break down surface tension.

What is true here of oil and water is equally true in the moral and ethical realm. This legislation consistently introduces confusion and chaos, but *the sinister aspect* is found in legislated coercion.

Section 21 – “**Special measures to achieve equality are not discrimination**”¹⁷ is an absolute monster. You may be dubious about the arguments raised thus far, but if you remain unconvinced, this should clinch it for you. Here, our Government is asserting its right to trample or trammel the rights of its citizens so as to bring about obedience to its policy. *Well, Comrade, do I take the cyanide capsule now or just wait for the firing squad!??* React as you will, but those old enough to remember have witnessed such happenings in other cultures. It is only the blindness of wilful naiveté that allows one to avoid the obvious.

Do the authors of this legislation have such a slender grasp of reality that they cannot see that the insertion of Section 21 to this legislation actually destroys the legislation? The insertion of Section 21 proves beyond doubt that this legislation is not built on the objective or some philanthropic cosmic norm, but rather upon the whims of the finite. If this legislation was just, as in righteous, it would not need to have clause allowing for the forced brainwashing of the citizenry. This clause explains why a Local Government employee was made to attend a “Human rights” seminar against his wishes.

We noted in the previous section that the lack of absolutes means that we are subject to confusion. Here we witness the legalising of tyranny to try and sought out that confusion. You see, the chap just mentioned had a view of ‘human rights’. It was not a poor view or a deficient view. It was simply that his view was based upon a different set of presuppositions to that pushed by the State. Because of this, the State will not tolerate him. His views must be changed. So, the very legislation introduced to supposedly establish his rights turns out to be nothing less than a Trojan Horse and a harbinger of doom.

This is reinforced in Section 19 where we see that clauses 1¹⁸ and 3¹⁹ are subject to Section 21. In other words, the very clauses that deal with the nature of Discrimination are then

¹⁷ 38:5.

¹⁸ 36:5.



subjected to the clause of tyranny – Government sponsored brainwashing to subject its people to its view!

Please, insult us no longer. At this point we see that this legislation is not designed to free, it is designed to subjugate. It is not here to assert my inalienable freedom to believe what I will, but to enslave me, by force if necessary, to the party political line.

E. Feelings, Nothing more than Feelings:

We must also object to the introduction of the word “offend”²⁰ in clause “b”. Is it not time, as stated throughout, that we return to the objective. Offence is rooted firmly in the objective. As one social commentator noted recently, “*Offence is something you choose to take!*” When something crosses my path, I can choose to be offended or not. Yes, there are things that we should find offensive, but these are governed by something greater than subjective feelings. As stated above, Abortion is to us offensive. What will this legislation do to curb that emotion? Yet on the other hand, I could be prosecuted for a comment, legitimate or otherwise, because someone chose to take it in the worst possible way.

Similarly, we would like a definite answer to the question” What is a reasonable person?” as it pertains to the standard of quantifying the offence.

F. Conclusion:

We would call upon the Committee to reject this legislation in its totality. It is founded upon faulty presuppositions which give rise to confusion and tyranny. This legislation does not promote anything, least of all equality and dignity, when it proposes to live out the delusion of the Myth of Neutrality and threatens its citizens if they will not comply.

Are we not here being faced with Rousseau’s paradox: A perfect community in which everything is tolerated, except intolerance. The command to punish undermined the absolute of tolerance and showed that Rousseau had built a logical fallacy, a truth that cannot be accounted for by its own logic.

Peace for all men at the barrel of a gun is no peace. Equality and dignity brought about through inequality, indignity, and coercion, are misnomers.

Please reject this legislation and everything like it.

Thank you.



Murray McLeod-Boyle.

¹⁹ 36:17.

²⁰ 36:14.

