

Draft **Human Rights and Anti-Discrimination Bill 2012.**

I should like to add my opposition to the proposed bill.

My opposition is based on two criteria, as described in the following paragraphs:

Criteria 1 Does the proposed legislation pass my own test?

“Will the Bill potentially impede or restrict my rights as a Christian and a Christian Minister, to preach, teach, speak and pray the Word of God from the Bible?” Also will the Bill potentially adversely affect the rights of other Christian individuals / groups / organisations to conduct their affairs according the mandate of the Bible?”

If the answer is “yes” to this question, as it seems to be in this case, then the proposed legislation is not acceptable – it does not pass my test.

For example, if I preach from the Bible, declaring that it says that Jesus said that He is the way, the truth and the life, and that no man comes to God the father but by Him, and someone is offended at what Jesus says and takes me to court under the new law – because they feel offended or feel insulted – then this is not affording me a liberty that I already enjoy under our Australian Constitution.

The proposal of putting the onus on the accused to prove that they have not caused offence is quite un-Australian. Our law is founded on the assumption of innocence, and a requirement of the accuser too prove guilt beyond reasonable doubt. This proposed legislation seems to want to turn this foundation on its head by requiring the accused to prove innocence – namely assumption of guilt as the default – sorry this is wrong....

Criteria 2 Does the proposed legislation pass analysis by numbers of people / groups that I respect?

In this case the answer is a resounding “no” by the following reviewers:

- Former NSW Chief Justice and now chairman of the ABC, James Spigelman, has spoken out against the proposed bill, saying that it poses a significant threat to free speech.
- Having examined the bill, the Australian Christian Lobby is concerned about how it:
 - Drastically expands the number of attributes that will be protected to include things like gender identity and sexual orientation;
 - Defines discrimination to include behaviour that “offends or insults;”, increasing the likelihood of vexatious claims;
 - Fails to outline the importance of balancing the right to non-discrimination with other human rights including religious freedom and freedom of association;
 - Moves the onus of proving there was no unlawful discrimination to the respondent if a complainant establishes prima facie a case, leading to concerns of nuisance claims; and,
 - Requires the protections for religious freedom, known as ‘exceptions’, which apply to religious bodies and educational institutions, to be reviewed every

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three years.

- Salt Shakers are also concerned about the potential adverse affects on individual Christians, and Christian based organisations.