17 December 2012

Senate Legal and Constitutional Affairs Committee

Submission Re: Human Rights and Anti-Discrimination Bill 2012

The Human Rights and Anti-Discrimination Bill 2012 violates the freedom of thought, speech, conscience, religion and belief and will undermine freedom of association for Australian citizens. It will reverse the onus of proof, voiding the 800 year old Common Law of presumption of innocence.

To state that any conduct that offends, insults or intimidates will be illegal allows a broad scope for interpretation and prosecution which is limitless and frightening. It fails to precisely identify what will constitute conduct that offends, insults or intimidates. It a vague and indeterminate bill which could be easily used by unscrupulous, vindictive or malicious persons or organisations.

It bestows unprecedented powers to members of the Commission who are not voted in by the people of Australia but appointed by the Federal Government, making it a political Commission dependant on the government of the day. The Commission would also have the right to delegate power to anyone it sees fit which can lead to bribery, intimidation and subjugation.

The Development of "Action Plans," which may not be binding but can be taken into account by the Commission in relation to complaints applies whether or not the action plan has been given to the Commission. This smacks of "Big Brother" secret police dictating to the masses what they can and cannot do in a scope never before seen or envisaged in this country.

Exemptions are temporary and at the discretion of the Commission to review in three years upon which time they can *dictate* who organisations, clubs, associations and individuals can allow or disallow, employ or not employ into their in their organisations making this bill grossly contradictory of the protection of rights of every Australian.

The Commission would be given absolute impunity and the ability to quash any exemption while being given impunity to introduce more draconian restrictions. No one is exempt.

This will most definitely lead to Churches being forced to employ people who do not keep with their faith.

Chapter V Section 116 of the Australian Constitution States:-

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for **prohibiting the free exercise of any religion**, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

Hence, this Bill is illegal and **Treasonous**.

The Commission's powers to protection of civil liability and their ability to restrict publication of material is an underhanded and secretive and will make the Commission unaccountable to the accused or the public.

It criminalises publication of all and any material deemed by the Commission to be inappropriate according to the Commission, again giving the Commission unprecedented and secretive powers, which could prevent an accused person a fair trial by his peers.

It will stymie valid discussion on all issues including immigration, education, religion, marriage, morals and ethics and refugees and assimilation.

The right to engage in civilised debate about any and all issues including religion is central to our democracy.

Acts of a racist and xenophobic nature which will be criminalised have not been precisely described and are at the discretion of the Commission.

The "right" of the Commission to preserve the identity of an "accuser" violates Common Law and gives the "accused" no recourse for defence against a possible protagonist or malicious, vindictive person or organisation.

Nowhere in this document are white Australian males mentioned making this Bill absolute in its discrimination. In all, the entire Bill is Discriminatory.

"A person who causes, instructs, induces, aids or **permits** another person to engage in discriminatory behaviour" is a radical, undemocratic and immoral ploy to incite citizens to "dob in" their fellow countrymen for fear of being persecuted themselves and smacks of Communism. We live in a democratic country! How can anyone justify legalising that a person - by just **permitting** someone to engage in discriminatory conduct - will be illegal? According to whose interpretation? Yours? Mine? Or the dictatorial Commissions?

It will lead to the forced "education" **(indoctrination)** of our children normalising gays, lesbians, bisexuals and transgender against the majority of parent's wishes or conscience. It will lead to the destruction of the family unit.

The Bill gives absolute power of children to the Commission, overriding parental rights. Parents are the guardians' of their children. **Not the State.**

Criminal codes are more than adequate to deal with race and religious discrimination, and going through these systems also eliminates the trivial and frivolous claims.

A person alleging discrimination only has to make a *prima facie* allegation, and then the burden of proof will fall on the person accused. Unless the defendant can prove the allegation is false, businesses and individuals accused of discrimination will be forced to pay up. And how is an "average" person supposed to afford to defend themselves against any accusation? The Power to obtain information, inspect and retain documents etc., without a warrant is in breach of every citizen's right to Common Law and the right to innocence until proven guilty.

Under what circumstances would the acquisition of property be imposed? And what does the acquisition of any property have to do with discrimination?

Freedom to offend or insult is integral to freedom of speech. Freedom of speech is a fundamental right guaranteed by Australian Law and by the International Covenant on Civil and Political Rights.

We are **obliged to protect** freedom of speech. ***There is no right not to be offended*** and **no** democracy should even be thinking about moving in the direction this Bill proposes.

It is a treasonous, tyrannical and oppressive Bill which completely undermines the fundamental principles of our legal system, Common Law, freedom of religion, freedom of speech, democracy, the right to a fair trial and the presumption of innocence until proven guilty.

The Human Rights and Anti-Discrimination Bill 2012 - and every other piece of anti-discriminatory, racial vilification, hate speech, hate crime legislation, et al is **discriminatory** by its very nature and restricts freedom from the majority whilst giving it to minorities.

I passionately and strongly object to the Human Rights and Anti-Discrimination Bill 2012 and every and all other "anti-discriminatory" Australian State and Federal legislation and *it is my will* that *all* such legislation be scrapped immediately.

Yours sincerely

Marilyn Kulpinski