Dear Sir/Madam,

I am concerned about the threat to freedom of speech that the proposed Bill entails. It may be a more efficient way to deal with complaints but would you sacrifice justice for speed? That is what the proposed Bill would do in placing the onus of proof upon the respondent. A person or organisation should not have to justify their freedom. In order to remove an individual's freedom the criminal justice system does not force the person to say why they should be free it is up to the state to prove why they should be denied freedom - it would be unjust otherwise. Similarly it should not be up to a person or organisation to show why they should be allowed to speak it should be up to the applicant to prove that the respondent should not be allowed to speak/behave in that manner.

Conduct that 'offends or insults' should not be included in this Bill. If you think that it should, consider the last time you blasphemed, it may have been in the last hour, the last day, or the last week. The fact is you probably didn't even realise you did it, or if you did you did not realise that is very offensive to Christians (you may disagree but I find it extremely offensive). If this Bill is passed you would be in breach of it every time you took God's name in vain. I don't think you should be punished even for something that offends me so why should I have to be concerned about expressing my opinion even when the offend others? I am concerned because there are people willing and able to push their political/religious/social agenda and this Bill will greatly assist them in punishing people who disagree with them.

Or consider that an offensive comment could be 'India has a terrible cricket team'.

I ask for the removal/change of the racial vilification section of the Bill for similar reasons as it bans conduct that "is reasonably likely, in all the circumstances, to **offend, insult, humiliate or intimidate another person or a group of people**" - You could be in breach of this by wearing a shirt with the Australian Flag on it - it may be offensive to an Aboriginal Australian. Racial vilification should be limited to 'incitement of hatred' as the terms 'offend, insult, humiliate, or intimidate' are extremely broad and would limit people's ability to speak freely for fear they may offend someone.

This Bill should not be applied to 'any area of public life'. The Bill should limit itself to areas such as employment and accommodation. It has not been demonstrated why the protected attributes should be considered in what are essentially private areas of life (such as social and religious meetings).

I request that the requirement be removed for religious bodies and educational institutions to prove that, according to paragraph 33(2)(b):

> (b) the discrimination consists of conduct, engaged in in good faith, that:
>
> > (i) conforms to the doctrines, tenets or beliefs of that religion; or
> > (ii) is necessary to avoid injury to the religious sensitivities of adherents of that religion.

It is wrong that organisations will have to defend themselves after the complaint is made. Religious bodies and educational institutions should be able to discriminate freely on the basis of their particular religious beliefs without being placed on the back foot and presumed to be guilty. It is blatantly wrong and only those who have an axe to grind against religions would think it appropriate. Moreover, what position is a court in to tell a religion what constitutes their doctrine and tenets?

Regarding the exceptions, what is the point if the respondent has to prove his or her conduct was justifiable? Surely it should be up to the applicant to prove that the respondent's conduct was not justifiable?

Why are protections for religious freedoms to be reviewed every three years? If it is right to protect those freedoms then they should be protected for all time (or at least a time significantly longer than 3 years) and if it is not right to protect them then they should not be protected at all (even for such a short period as 3 years).

Of course I have included some extreme examples but these examples serve to highlight the problems with this Bill and the way that it will limit discourse and encourage groups to view each other with suspicion.

Thank you for considering my views.

Regards,

Adrian Gunton.