Submission on Human Rights and Anti-Discrimination Bill 2012

20 December 2012

I am writing about the federal government's proposed 'anti-discrimination' legislation.

As a migrant from non-European background, I can safely say that I have not personally received any overt discrimination, either officially or even among people, in the entire 25 years I have lived in this country. Australia has been a proven tolerant, pluralistic nation that has welcomed people from all over the world.

Therefore, the need for such legislation in a society like ours is questionable. Why?

First, I am greatly concerned at the inhibition to free speech that this legislation will bring, despite claims to the contrary. Freedom of speech, which guaranteed in Australian law and ICCPR, has been undermined over the years, especially in my state of Victoria with the infamous Racial and Religious Tolerance Act of 2001. This federal legislation will have the same effect.

Second, to criminalise offending people is also wrong. As one who teaches on postmodernism, the fact that people can deconstruct your words and then claim you offending them (even while you sleep) creates an intolerable and unaccceptable situation. Let free speech reign and those who deliberate offend, let public censure do its work, not federal legislation! We live in a rough world and we need to be mature enough to handle divergence of opinions, without vindictively trying to hound those who offend us or 'perceived' to offend us.

Third, it is wrong to put the onus of the proof on the person who is accused. On the contrary, if someone believes they have been discriminated against, they should provide the proof. After all, such a stance is a very dangerous departure from the principle of a person is presumed innocent until proven guilty.

The government wants to make sexual orientation and identity a 'protected attribute.' This will clearly hinder freedom of thought, conscience, and worship. Human rights in Australia already apply to all people, regardless of race, creed, or sexual orientation. However, the persecution of people of faith who do not agree with the gay rights agenda will be enhanced by this legislation, **despite the promise of exemptions, which will be reviewed in 3 years.** Freedom of association will also be undermined.

In short, to have sweeping anti-discrimination for something that is not a major problem will basically replicate the sorry story we have in Victoria -- people being harassed for standing up for their principles.

For this and the other reasons, I ask for this legislation to be modify or scraped.

Yours sincerely,

Dr. Kameel Majdali

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