13th December 2012
Assistant Secretary
International Human Rights and Anti-Discrimination Branch
Attorney General's Department

Dear Assistant Secretary,

Thank you for the opportunity to comment on the proposed consolidation of the Commonwealth's anti-discrimination laws. I wish to register my strong belief that the proposed Human Rights and Anti-Discrimination Bill 2012 should be rejected on the basis that it undermines and restricts free speech, freedom of religion, freedom of association and natural justice.

The Orwellian proposal to make it unlawful to "offend" others at work on the basis of religious belief or political opinion is particularly concerning. As former NSW chief justice Jim Spigelman noted earlier this week, there is no such thing as a "right not to be offended". Exposure to opposing points of view that may disturb our personal convictions is part of living in a free society. In any case, "offence" is not a standardised and objectively measureable response. Sensitive individuals may be genuinely offended where no offence was intended, or offence may be simulated in order to access legal avenues of attack against opponents. The proposed bill reverses the onus of proof, meaning that regardless of the cause of offence, the one complained against will have to prove he is not being discriminatory and should be exempt from the law. The proposed bill further breaches the most basic principles of natural justice by denying the respondent's right to a legal advisor at conciliation conferences.

I am also opposed to the inclusion of the additional categories of discrimination based on sexual orientation and gender identity. I believe the inclusion of these categories would restrict religious and conscientious freedom. For example, this bill, which would prohibit discrimination against same-sex couples, would not provide any exemption for religious bodies offering aged care, which would have to treat homosexual couples as though they were married. I am concerned that this policy is the "thin end of the wedge" and that similar laws would soon be extended to schools and other services in the future.

In conclusion, I urge you to reject the proposed Human Rights and Anti-Discrimination Bill 2012, which is so fundamentally defective that liberal libertarians and religious conservatives have been united in their opposition to it. By stifling debate and discussion and restricting adherence to religious and moral convictions, this bill would strike a blow to the heart of the freedom enjoyed by the inhabitants of Australia.

Sincerely,

Dr. Stephen Ridge