Re: Objection to and Perils of Human Rights and Anti-Discrimination Bill 2012

To my representatives, senators and the committee on legal and constitutional affairs,

I write to you, out of duty and responsibility to do what is required for our democracy and future generations, based not on the fears or arrogance of my own position in this comfortable time for a law that would seem only to further causes I believe in but on the lessons of history and knowledge garnered from people wiser than I from positions more desperate than mine.

Why I state this and emphasise it's importance in your considerations of the subjects and situations that this Bill pertains to is that liberty, freedom to express ones thoughts and do so without fear of legal repercussion for ones beliefs are things that are both reasonable to expect and requisite for healthy discourse.

In my judgement the bill being presented in draft for consideration is flawed perhaps even in it's objectives, let alone the near two-hundred pages of it's text. Before considering any bill, as our representatives you must consider that this bill and all it's texts are things that every citizen of Australia must live in accordance to every waking hour of every day for the rest of their lives, effectively, from the day of it's enactment onwards. Thinking in these terms can in good judgement you say that this will be a good thing for your country, and will it achieve the goals of the Australian people into the future? By attempting to remove discrimination on things that a great many in the society find morally questionable (not myself, but many near and dear to me) you run the very real risk of forcing many of the people of our own country into an invisible litigious jail.

We must realise that life is somewhat consistent in that prices must be paid for things. Every reaction requires and action to initialise it and I feel it is unwise in the extreme to not realise that with certain liberties come responsibilities. Paramount amongst the decisions that I feel all western societies have made and agreed upon is that where personal liberty and happiness has been accepted as a common goal, is that the price of being allowed to live as one wishes is that we and our neighbours not physically interfere with this without consent but that is about where our right to intrude with them and their decisions, stop. **The Bill** (Human Rights and Anti-Discrimination Bill 2012) would seemingly align itself with this statement, but unfortunately for any proponent of **The Bill**, there is a problem here.

In theory making laws that seemingly enshrine liberty is fine but like all theories, it has trouble dealing with the real world. Offence and discrimination can be found in many places and people working alongside things they find offensive has never been a recipe for happiness. This law forces Australian organisations of many types to walk a renewed legal minefield submitting their culture to the whims of the state, as opposed to being allowed to make decisions based on trying to establish a cohesive internal culture.

I have limited time and what little I have had reading the Bill (that has only just come to my attention) affirms to me that it is a Bill of good intentions but one that has done responding to International pressures rather than taken for the good of the individual. It is something of a social engineering bill hoping to effect a change rather than allow liberty, a method to which I feel any sane individual interested in the well-being of the many, must object.

Any bill that starts to intrude on private entities right to associate as it chooses (particularly with respect to political views) starts to tread a fine totalitarian line and must be reviewed in the most painstaking and careful of detail.

Regardless of the line by line interpretations of the laws, their very existence impacts upon the actions of every entity in private life if enacted by the state by virtue of the fact many smaller organisations are not run by lawyers or people well versed in the law, and nor (considering the sheer volume of laws in existence in our society) can they realistically be expected to. But knowing and having once read the laws, they will always be forced to behave in an overly cautious manner with regards to it due to the legal process, lawyers and interpretations.

The Bill simply put, is a complication unwanted to be done wrong by most Australians, something that very easily can become an attack on liberties and any moralities of the people that the state does not agree with and a potential hampering of future conversation about potentially offensive topics as people will feel increasingly scared to approach these areas of supposedly “protected attributes” in their discourses and debate, let alone the fact these laws disregard the possibility that discriminations against these attributes may happen for socially beneficial reasons. I can't possibly think what these may be in this short time but I feel confidant that arguments could be made.

How do I feel so confidant? The knowledge that many of these things where considered by the population majority a short while ago in historical terms as offensive in their existence and that they deserved to be considered taboo and legally discriminated against by the state. Something that only confirms to me that the state should simply act internally upon such directives and leave the private sector to be more free to associate as it chooses, but I agree laws need to exist to never accept **interference** from entities against the individuals based upon these attributes and many more, besides. The importance is the difference between discrimination and interference.

My time is up, and I would hope sincerely that The Bill be objected to in both houses and in all arenas until further debate amongst my countrymen and women in a more public fashion be undertaken, as our existing laws seem to be holding up well and this revision to me seems dangerous at best. To our responsible leaders I implore you that you always do so looking to individual liberty, civil rights, freedom of speech and the obligations and prices of these, never giving them up for they are more important than comforts and ease of life gained by their endangerment. I ask you to deliberate on this most seriously and if you feel that any amount of obstruction of liberty or oppressive legalism would result of it for the Australian people at this point then you must, absolutely must, object and convince your fellow parliamentarians to object also.

I apologise for the length of my letter, and thank you for you patience but beg more for your deepest contemplation.

Yours in good faith,

Graeme Scott