Dear Committee members,

This submission concerns the Draft Exposure of the Human Rights and Anti-Discrimination Bill 2012.

I believe this Bill represents a great danger to the free speech and property rights of Australians. Anti-discrimination legislation will always pit one person or group's rights against another. In recent years this balance has been continually advanced in favour of those claiming discrimination and at the expense of those individuals and businesses defending themselves against such charges. Unfortunately this Bill continues this trend.

Under this Bill, there would be "a single, simple definition of discrimination as 'unfavourable treatment' and a simple 'defence' of 'justification'. This is very worrying as it removes the usual legal notion of 'innocent until proven guilty' The Media Release says that one way they want to make the process simpler is "shifting the burden of proof to the respondent to justify the conduct, once the complainant has established a prima facie case."

In discrimination cases it is notoriously difficult to prove either that somebody did or somebody did not discriminate. Whoever the burden of proof falls upon is very likely to fail to provide that proof. The burden being placed on the respondent means that the vast majority of discrimination cases brought will be successful simply because the respondent can't prove his innocence.

But it gets even worse when the media release also says that the proposed law also aims to "Streamline the complaints process" at the Commission - aiming to make it a "cost-free jurisdiction". Does this mean that it will cost complainants nothing, or very little, to allege discrimination. This would lead to businesses, individuals and associations having to pay vast amounts of 'go-away' money to stave off discrimination suits.

Please reconsider or completely reject this Bill.

Yours faithfully,

Mr Matthew Grinter