Re: Human Rights and Anti-Discrimination Bill 2012

Dear Senate Committee

I am writing to express my views and concerns regarding the Human Rights and Anti-Discrimination Bill 2012 proposed by the Attorney General, Ms Nicola Roxon. My views are those I hold as a private individual and also as a community leader, as a minister of religion. Please don't caricature my response as a Christian and minister of religion, for you do not know me. Furthermore, our church is a wonderful example of a multicultural church, with many nations represented and participating in the life and leadership of the church, and with leadership shared by males and females. The country community I live in is also remarkably and wonderfully diverse.

Firstly, I commend the Attorney General, Ms Nicola Roxon, for what I believe would be her intention to promote equality and the dignity of all Australians, including their right to hold beliefs and customs without fear of discrimination, intimidation, humiliation and marginalisation.

While I appreciate the motivation and worthy intentions behind the proposed Bill, I must express my very deep concern that the Bill will be ultimately divisive and a cause of unintended malicious litigation. I believe this will be so because:

1. Firstly, and chiefly, the Bill's proposed provision to deem vilification according to conduct "reasonably likely... to offend, insult, humiliate or intimidate another person" is grossly simplistic and ultimately indefensible. If life has taught me anything, it has taught me that one can never predict what might offend another. I draw your attention to the terms 'offence' and 'insult', as terms that cannot be adequately defined, generally understood or reasonably determined. They are very subjective terms, and it is simply puerile to use such terms in legislative language.

2. It is extremely important to note that it is a fundamental privilege of democratic society to challenge popularly held beliefs, even when it may insult or offend people. As an example, the feminist movement and movements for the equality of women generally have consistently insulted and offended others. No man has ever enjoyed being called a "male, chauvinist pig". From this we can learn that major social change and reform has always come with the cost of insulting and offending sections of society. The legislation, as it is proposed, will have the opposite effect of its intention, for it will silence the free speech of society's reformers, particularly those who are seeking justice for minority groups. On this point the proposed legislation is conspicuous for it short-sightedness.

3. In a democratic society, free speech, by definition, will cause offence and insult. It has been said, as a kind of axiom of good conversation, that it is best to avoid topics of religion and politics. This axiom is 'everyday' evidence that free speech on controversial subjects will likely polarise people and draw heated debate, with the likely concomitants of offence and insult. Controversy is inevitable among free people and it is simply not the job of government, elected by the people and for the people, to position itself as the moral and ethical police of people's ideas and opinions, and the expression of these in free speech, just because they may cause offence. The proposed Bill exceeds the boundaries of government responsibility. We didn't elect government to tell us what we can think or say. Its has always been understood that governments that control opinion and free speech are essentially totalitarian.

4. The right NOT to be offended doesn't exist in a free and democratic society.

5. To reverse the onus of proof, as per clause 124 in the proposed legislation, and then to deny legal representation to respondents, is a malicious attack on the core values of a just and free society, those values being the right to the presumption of innocence until proven guilty and legal representation. Might I add, innocent until proven guilty on the basis of objective, quantifiable evidence, not the spurious evidence of subjective and wounded feelings. Clause 124 will undoubtedly be abused by those with malicious and self-serving hidden agendas, who wish to silence their detractors, intimidate their opponents and extract revenge. This will impose a heavy and sometimes impossible burden on potential respondents who are falsely accused. I can't beleive that such a clause has been suggested when their is ample international proof of the abuse of similar legislation. We saw this kind of abuse by those who sought to misuse similar legislation enacted in Victoria, namely, the Racial and Religious Tolerance Act. In fact, the similarity of the Human Rights and Anti-Discrimination Bill 2012 with the Victorian legislation smacks of callous disregard for the lessons learned from that poorly contrived legislation.

6. Legislation designed to protect one section of people, very often discriminates against another section of people. As a Christian leader, I have no doubt that we as a Christian community will be discriminated against, due to this legislation, by those offended by our beliefs and teachings, or the expression of those beliefs and teachings, and offended by our right to challenge the morals and mores of society.

7. Apparently the governments of this land seem to be oblivious to the fact that aspects of anti-discrimination and other socially-based legislation, potentially and actually embed the values and beliefs of secular humanism in the legislation of this country. It is assumed that secular humanism is values-neutral and it is forgotten that secular humanism is itself a belief system with recognisable and definable presuppositions and tenets. As such, state and federal governments are consistently proposing and enacting legislation that inculcates and promotes the values of secular humanism while discriminating against the values of various religions. As such, secular humanism enjoys a privileged status, a status reinforced every time that a Christian politician is told that he or she should not allow their religious views to influence government policy and legislation. The values of the philosophy of secular humanism are clearly and categorically excepted from any such censure, and thus privileged. Governments seem to be naively unaware of their own discriminatory practices. What they don't apparently know, is that we in the Christian community are tired of the social engineering that governments have assumed, and we are beginning to feel marginalised and insecure in our own country. It is simply illusionary to imagine that the proposed Human Rights and Anti-Discrimination Bill 2012 provides the Christian community with a sense of security.

8. The Human Rights and Anti-Discrimination Bill 2012 must have clear inclusions to protect religious freedom and the expression of religious freedom in free speech. I will remind the Senate Committee of the UN Universal Declaration of Human Rights, article 18, which states:
"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."
May I draw your intention to the fact that the practice of religion includes the right to do it publicly and openly.

In conclusion, to demonstrate how ridiculous is the proposed Human Rights and Anti-Discrimination Bill 2012, should it be passed without thorough re-writing, we in the Christian community could, hypothetically, use the legislation to make a complaint that we have been offended by every occurrence of the use of blasphemy (the insulting use of the name of Jesus Christ as a form of exclamation and swearing) in the relevant instances of every TV show and every movie so included, and then, accordingly, proceed with action against every relevant TV/movie producer, and every TV

station and video outlet, including those on the internet - all this on the basis that we have been offended and insulted (which by the way, we have been). Furthermore, we could then, hypothetically, bring a complaint against every employer and every employee that uses blasphemy in our presence, especially those who use the words, 'Jesus Christ', in conjunction with the F*** word, which I have frequently heard and find particularly obnoxious. This, by the way, is NOT a threat, but merely a hypothetical demonstration of the absurdity of the proposed Human Rights and Anti-Discrimination Bill 2012.

May common sense prevail,

Yours sincerely

Rev. Richard Armour