To the members of the Senate committee,

I wish to raise concerns over some of the matters being proposed in the draft Human Rights and Anti-Discrimination Bill 2012.

Of particular concern is the proposal to define as discrimination any behaviour that "offends or insults". This is profoundly flawed basis for determination of 'discrimination'. It allows false and vexatious claims to be made in order to gag views that are not in accord with those of the one claiming to be discriminated against. It removes all objectivity from the matter and replaces the rule of law with the rule of subjective feeling. It is an unreasonable and irrational proposal that attacks the existing freedoms and will greatly hinder the ability for many issues to be debated in the public interest.

Furthermore the proposal to change the law so that the onus of proof that there was no unlawful discrimination will now rest with the respondent results in a Bill that will prove to be an easy weapon to wield in gagging voices that disagree with the views/beliefs of the complainant. In fact, this Bill proposes a regime that is inherently highly discriminatory.

Following on from the above concerns it is also clear that this Bill poses a threat to free speech in general and to religious freedom in particular.

The Human Rights Day Oration delivered by James Spigelman, Chairman of the ABC and former Chief Justice of the Supreme Court of NSW from 1998 until 2011 last Monday 10 December 2012, eloquently expressed the dangers of allowing 'personal offence' to be the determinant of unlawful discrimination. Mr Spigelman observed that he is "not aware of any international human rights instrument, or national anti-discrimination statute in another liberal democracy, that extends to conduct which is merely offensive. . . so far as I have been able to determine, we would be pretty much on our own in declaring conduct which does no more than offend, to be unlawful."

I urge the committee to expunge these components from the Bill, for the sake of a just and equitable society in which issues may be freely debated in public with civility and not gagged under the pretence that unlawful discrimination has occurred through conduct that offends or insults.

Yours sincerely,

Terry King