I believe that this bill as currently drafted can not be supported as it seriously creates more problems than it attempts to resolves. It should not proceed.

The bill if enacted will impact in a considerable and not inconsequential way on our valued freedom of speech. It can also be used to impact on freedom of conscience and also on our freedom of religion. In recent times we have seen anti-discrimination legislation being used to fetter exactly this right of free speech. One can only agree with Mr Spegilman former chair of the ABC that the bill is dangerous and may have unintended consequences.

The **definition** of what constitutes discrimination is wrong in principle and the extension to include insult or offence will lead to a massive misuse of this legislation. I personally am offended almost every day by statements on television and would be happy to have the opportunity to close these comments down. But this is our right to freedom of expression. This has to include the right to disagree or put another viewpoint which might be considered offensive .I believe that section 19(2)(b) should not be included.

To apply the provisions to **all areas of public life** can only lead to a massive stifling of freedom of speech. The application must be specific.

To include in the **protected attributes** *political opinion* is absurd in the extreme and would stifle all meaningful debate. The inclusion of *marital and relationship status , sexual orientation , gender identity, and religion* can only lead to the misuse and abuse already experienced in the UK and other countries where this has been attempted. These should be deleted.

I believe that reversing the **onus of proof** to the respondent can also lead to mischevious and unnecessary and costly interference in the rights of many citizens and companies. For a respondent to have to prove that conduct is justifiable attacks the presumption of innocence basic to our law. This Section 124 should be deleted.
Likewise the exception of **justifiable conduct** is very vague and would mean that a person against whom an action is brought has not only to prove that his statements or conduct was justifiable but that there was some legitimate aim in what was done. This is an onerous and almost impossible position to defend.

The inclusion in Section 51 on **Racial Discrimination** of the words " is reasonably likely ,in all the circumstances to offend insult humiliate or intimidate another person or group of people" would surely cover most people most of the time. This section should be removed.

For matters to be referred from the Australian Human Rights Commission to the **Federal courts** means costly and drawn out litigation It would be preferable to follow the tribunal approach of the States where legal representation is not permitted and individuals have to represent their own views,

The **exceptions for religion** provisions should be applied across the board otherwise religious bodies will be forced under Section 33 to argue doctrine and beliefs in a court and this is totally inappropriate. To have to argue in a court on **religious sensitivities of that religion** presupposes that all adherents of any particular religion have the same sensitivity and this is fundamentally a flawed assumption leading to a flawed approach. Again the separation of church and state would seem to dictate a completely different approach.

To exclude **aged care facilities which may receive some Commonwealth funding** from the provisions relating to religious bodies (in Section 33(3)) again creates many difficult administrative issues as well as the right to refuse service to others on grounds of religion when the granting of the access will impact on other users of the facilities and on the organisation itself which for the various basic beliefs which are incompatible with other beliefs have established such facilities. Section 33(3) should be removed.

Thank you
Bob Densley