Catholic Women's League of Victoria & Wagga Wagga Inc.
Social Questions Committee
Reg. No: A0017514E

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Committee Secretary,
Senate Legal & Constitutional Affairs Committee
P.O. Box 6100
Parliament House
Canberra, ACT 2600

Re: Attorney-General Exposure Draft of the new federal Human Rights and Anti-Discrimination Bill 2012.

Our organisation was founded in 1916 and since that time our members have worked for the betterment of all within society regardless of race, colour or creed.

As all members are volunteers who work in many other volunteer organisations (without monetary rewards) to present a complete submission on the many issues raised in this draft is impossible within such a short time frame therefore we will comment on those areas that will affect our organisation.

- Freedom of Speech
- Freedom to practice one's faith in its entirety not just by Sunday worship.
- The right to employ a person or persons who follow the teachings and tradition of a certain faith or religion.
- Discrimination against Aged Care Facilities who receive Commonwealth funding by giving certain rights to a small percentage of the community over the majority.
- Is incompatible with the current Victorian Law especially in Sections 82; 83 & 84.
- Definition of discrimination.

Areas in this exposure draft are incompatible with our organisation in taking away our right to choose who we employ as Caretakers at our headquarters in Fitzroy which provides low cost accommodation for country people who accompany family or friends who need hospital treatment in Melbourne. We do not question the faith or religious affiliation or none of any of our guests. We have a chapel and so many people have stated that it has provided them with a quite time to reflect on the problems they are facing. Our house is recommended to people by authorities in their area. If we have to apply for an "exemption" to hire Caretakers who come from a Catholic background and profess Catholic beliefs and traditions for service of all, which would only be temporary, is totally unacceptable.

The new "protected attributes" introduced in S.17 raises serious issues in reference to many organisations and institutions which hold deeply held beliefs in relation to "sexual orientation" and "gender identity". It should be noted that there is no International Binding Law which forces countries to give special protection or rights to a small minority group of citizens with regards to "sexual orientation" and /or "gender identity".

Further, noting that "Freedom of Speech" under this exposure draft will be further restricted, we refer the committee to what is happening in Canada, America and now the UK and the persecution of many Christians in these countries simply because they hold to a religious belief.

Here in Victoria VCAT aided by the Victorian Human Rights Commission caused two Pastors to fight litigation which was very costly as they had to prove that they were innocent. Unfortunately the VCAT judge had not a clue about either faith (Muslim and Christian) and found the two Pastors guilty even though they had a tape of what was actually stated at the meeting. They appealed and two years later at the cost of $20,000 they were found innocent of the charges. The Christian Brethren were fined because they would not hire out their facilities on Phillip Island to a homosexual group. The Wesley Mission in Sydney spent valuable money (which could have been used to assist those in need). Once again both these cases had to go to appeal, Wesley won, the other is yet to be decided. The only winners in these cases are lawyers whom we note were very outspoken when it came to Religious exemptions.

Aged Care Homes run by religious organisations is another area that will suffer and be discriminated against under this draft as proposed by Sections 32 and 33. Section 24 provides totally inadequate protection of those rights that Australia is obligated to protect under the ICCPR which Australia is signatory to. It would seem that this draft supports non binding issues over International Law binding issues.

Anyone who visits Aged Care homes on a regular basis would know that on average, women make up the majority of residents. They too have rights. Many of these women were married to our soldiers who fought to protect Australia.
They have paid taxes all their lives. Surely they are entitled to spend their senior years without having to bend to the wishes of those who choose to live alternate lifestyles which are offensive to them!

Onus of Proof: Innocent until proven guilty is the basis of our legal system since Federation and it is not up to politicians to change this so as to give special rights to a very small percentage of people within Australia at the expense of the "free speech" of the majority.

The qualified exception in Section 33.3 does not protect those who will be regarded as guilty until they can prove their innocence if they refuse to supply accommodation to those whom many current residents would find unacceptable.
Therefore we are totally opposed to the removal of "innocence until proven guilty" and strongly recommend that Section 124 be deleted/removed.

The definition of discrimination is out of order in a democratic society. Many people are offended when referred to as paedophiles just because they do not support climate change. Others are offended when referred to as homophobic just because they reject the homosexual act (which can cause many health problems) but love and support the person.
Further we strongly recommend that Section 19 (2) be removed in full.

Our final recommendation to the Senate Legal and Constitutional Affairs Committee is to totally scrap this whole 'Exposure Draft" which, if implemented, will see the erosion of democracy in Australia and being replaced by socialism.

As it stands, this Exposure Draft in law would be 'Ultra Vires'.

Madge Fahy
Social Questions Committee
CWL Victoria & Wagga Wagga Inc.