Submission to the Senate Enquiry concerning the Human Rights and Anti-Discrimination Bill 2012

I am very concerned that this new bill will severely limit free speech in Australia. I am concerned that the Bill will increase the likelihood of vexatious claims. I am also concerned that the Bill will limit and prevent robust debate about important matters of religion, gender and sexuality as some may choose to take offence. It may also limit discussion of behavious and character where these attributes are linked by the offended party to race, religion or gender etc.

The bill is unhelpful to a free nation such as Australia. It would be best rejected as it:

1. Shifts the responsibility to the respondent to prove oneself innocent once a prima facie case is established. This is against the standard of our nation where one is presumed innocent until proven guilty.
2. Defines discrimination as behaviours that "offends or insults" this is likely to result in more vexatious claims. Freedom of speech requires the right to offend.
3. The bill does not facilitate the balancing of religious and other freedoms with the right to non-discrimination
4. Strangely the bill facilitates a review of religious freedom (ie exceptions) granted to religious bodies every three years. Why should these be reviewed every 3 years – these ought be a guarantee in perpetuity.

To preserve Australian lifestyle and freedom of speech the Bill in its current form ought to be rejected. Such legislation stifles our community and is certain to limit exchange of ideas and so rob us of capacity to grow and develop our culture.