Submission to the Attorney-General's Discussion paper on the Consolidation of Commonwealth Anti-Discrimination Laws

We have seen many people tackle the problem of hurting others recently. There are the admissions of guilt in previous persecutions by some Christian people against other peoples. There are the admissions of guilt by government against Aboriginal people, and for many states in regards to forced adoptions. And, there is my admission of guilt; I like it when people are like me and look after me first far too often.

We want to move past hurt, but it continues. It is often unintended, but also in disguise and/or married to other helpful things; sometimes on purpose. This committee must resist polarisation and sloganism in media and party hype to find peace.

Discrimination is not a dirty word & sometimes it's necessary. E.g. there are laws that stop people from doing things that are not in their best interests, say having a driver's license when they can't see properly. Restrictions are required. Freedom has responsibility. No general limitation/ exception statement can apply sufficiently to the act. It is far too complicated for that. In the same way that political parties are able to discriminate on matters of political opinion and ideology, I think that all groups which are constituted to give effect to religious beliefs and values ought to be free to organise themselves accordingly without being accused of unlawful discrimination. This also should include trade unions, lobby groups, and other human service protection bodies. The term 'Religious', 'association' and 'club' must be defined broadly.

While the United Nations has done some good work in the past, there is no guarantee it is now or it will continue to do so. We must still critique what it does and not just pass on mistakes we see coming up in other countries.

This committee needs to be aware of a whole spectrum of discrimination, and resist black and white judgements to accept or reject, to have winners and losers. I see those that persecute in physical actions, actively contest with words, avoid [change channel if you don't like it], Tolerate [disagree but allow equal voice-response], Accept as valid [in theory], promote to others [no participation], and fully participate.

You don't ask Green Party people to accept the content of Katter's Party policies as legitimate = you ask for toleration of one another and space for each group to speak. You don't ask Christians to promote Islam as authentic expression of faith = you ask for toleration of one another and give them room to speak. There is potential here for public organisation to be asked to promote groups that have different values to them, and that is wrong.

There is a lot in the actual categories of thought people are using. Lifestyle, religion, identity, -isms, member clubs, diagnosis, worldview, race. Why not treat them the same?? They are all guiding principles to people's lives that need protecting, some allowances, and that must give room for others of difference.

Freedom of association has recently been tested through 'bikie law' that have been thrown out by the high court. State governments across the country have egg on their face. Public groups do not need permission to exist and be different.

I want to support the inclusion of rights for people around sexual identity. I do recognise there has been legitimate harm to people along these lines, as show in the research, and that is not acceptable. I am concerned though that these changes in law may go too far and actually hinder the rights of others if not handled with caution and particular concern.

The clash is around the hierarchy of values – does sexual freedom trump religious freedom or freedom of association? It should not. Neither should things be the other way around as they have been. I see this as the area that has gone astray the most in other countries that have adopted similar laws. We should seek toleration [as I have defined it above], and not force promotion of other group onto each other. There is reason to think that Aged care providers and other bodies that use government funds will be forced to promote multiple views on sexual activities that go beyond their own values. This would be abuse in itself. We must only promote toleration, which is giving the right for others to speak for themselves and retain the right of reply for all groups to speak for themselves to that.

The recent multiple defeats of amendments to the marriage act by this government to include others beyond the definition of one man and woman, shows that Australia is not willing to see people convicted for not promoting or accepting a homosexual lifestyle as guilty of a crime.

This legislation needs to protect true room for tolerant disagreement/ debate. This is one of the basic principles of the parliamentary system and democracy. Without parliamentary privilege our distinguished leaders would have been justly convicted of slander and liable many years ago. Society in general also needs room to move as well as they seek the truth and engage with others – even around sensitive issues.

An employee should not be required by their employer to undertake particular tasks or provide services in a particular context that are contrary to the employee's genuinely held religious convictions where this is orthodox to mainline faith. [See examples of other legislation that has failed especially in the submission from the Alliance Defence Fund].

The burden of proof should stay with the complainant in trials around discrimination. As a matter of principle a person should not be required to prove their innocence. Objective tests of breaches are required. Feelings of offence and alienation are not enough and are too easily manipulated. I am offended by this legislation in places! How dare I or any person or group be guilty until proven innocent? You can see how feelings while important and influenced by outside events, can still be interpreted by my feeble senses and dealt with in varying ways. Maybe I am sensitive.

In regards to employment and volunteerism, Australia needs to ensure the ethos and founding values of organisation are respected. There are no perfect organisations, but without the ones we have we have nothing. When some religious, or lifestyle, or club members get together, why should their rights be lessened as compared to when they are apart? If people join it should be public what they are getting into. Most groups cannot define their stance as easily as a religious group, they are

eclectic. Why should religious groups be penalised for being up front and having more consistent views? After all, there is no such thing as a neutral position.

Human rights should not be an exercise in reducing what is possible for people to accomplish, to restrict funding, to add burden and cost, and truncate community growth. Human rights should be freeing.