



Australian Lawyers for Human Rights
PO Box A147
Sydney South NSW 1235
president@alhr.org.au
alhr.org.au

23 September 2016

The Honourable Jim Wilkinson
Parliament House
Hobart TAS 7000

jim.wilkinson@parliament.tas.gov.au

Dear Mr. Wilkinson

Anti-Discrimination Amendment Bill 2016 (“the Bill”)

Australian Lawyers for Human Rights (“ALHR”) urges you to reject the proposed amendments to the *Anti-Discrimination Act 1998* (“the Act”) as set out in the *Anti-Discrimination Amendment Bill 2016* (“2016”) and tabled in Parliament on 20 September 2016.

ALHR notes that the Government’s call for public submissions on the Bill was made on Friday 26 August 2016. Submissions closed on 9 September 2016, leaving just ten (10) business days for individuals and organisations to provide feedback. Given that the proposed amendments have the capacity to significantly change the effect of the Act and therefore have a profound impact upon a wide array of minority groups within the community, ALHR is disappointed that the Tasmanian Government has limited the timeframe for informed and reasoned debate about legislation that protects fundamental human rights.

ALHR understands that the amendments arise out of lobbying by religious groups in the lead up to the marriage equality plebiscite, and notes the comments in the past 24 hours by the Australian Christian Lobby that the Bill does not go far enough to remove legal protections for religious organisations. Therefore, while the proposed changes will have a significant impact upon many individuals and minority groups, it is the ALHR’s submission that the most immediate impact will be upon the LGBTQI community during the ongoing national marriage equality debate.

ALHR urges you to vote against the Bill when it reaches the Legislative Council. Our reasons for this are set out in more detail in the attached submissions, and are summarised as follows:

- Freedom of expression is not an absolute right and the objective of legislation which seeks to prevent the harm caused by speech that is homophobic is of sufficient importance to warrant appropriate restrictions on freedom of speech;

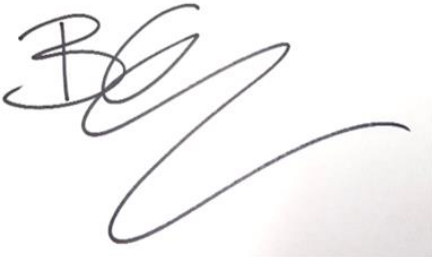
- No cause has been demonstrated which warrants the proposed changes;
- The proposed changes leave individuals and minority groups open to hate speech and offensive, humiliating, intimidating, insulting or ridiculing conduct on the basis of “religious purpose”, the proposed definition of which is ambiguous and without limitation;
- The Act as it currently stands is sufficient to achieve “appropriate balance between providing protection from discrimination and unlawful conduct whilst allowing for genuine public debate and discussion” (an aim stated by the Department of Justice in its call for submissions); and
- An adoption of the proposed changes is contrary to firmly established principles of international law, placing Tasmania at odds with the laws of other Australian and comparable overseas jurisdictions.

ALHR notes that the Law Society of Tasmania recently made comprehensive submissions of a similar nature in respect of the detailed operation of the Bill. ALHR echoes and endorses those submissions.

ALHR strongly submits that it is not appropriate to retreat from the values and standards required by international law and which have been associated with adequate protection from hate speech and vilification in so many global jurisdictions. It is difficult to see on what grounds ‘free speech’ for some can be elevated to a status whereby it trumps the right of others to live their lives free from intimidation and harassment on the grounds of their sexual preference. While the concept of free speech remains a fundamental human right, it is not superior to the right to freedom from discrimination and harassment on the grounds of sexuality, let alone any other human right.

ALHR welcomes the opportunity to discuss these submissions with you further.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Benedict Coyne', written over a light grey background.

Benedict Coyne, President ALHR

E: president@alhr.org.au

M: 0434 915 713

[Australian Lawyers for Human Rights](#)

ALHR was established in 1993 and is a national network of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and a secretariat at La Trobe University Law School in Melbourne. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.