

## **Submission to the Human Rights Commission on; Freedom of Religion and Belief in the 21<sup>st</sup> Century**

It is vitally important that freedom of Religion and freedom of speech be protected in this country.

While any new human rights legislation may have good intentions the very act of defining those rights will also have the adverse affect of limiting them. Freedom to express a view and a belief system, even if that belief is possibly offensive to someone, is far more important than protection from that possible offense.

Vilification laws currently applying in Victoria have been found to be difficult to administer in the way they were intended as they are open to abuse and by vexatious litigators and have, as a consequence limited freedom of speech.

In any legal argument it is difficult to define what is 'Offensive' and what is not. Religious rights legislation would be giving secular judges the right to decide on complex religious issues and possibly deciding what we can and cannot believe. This is the mark of a totalitarian state. Differing beliefs are by nature offensive to other beliefs as they proclaim their 'way' is 'the way' which will imply that other 'way' or belief is wrong. It must be a fundamental right in this country to be able to discuss and to extol ones particular belief system and to also criticize perceived wrongs in other points of view or belief systems. Where discussion becomes personal it can be dealt with under the current defamation laws or the criminal code sufficiently well. People are always going to be offended by what another person does or says, and legislation which is designed to curtail such offence will serve only to amplify otherwise trivial behaviour. Perhaps a little common sense and open discussion, tempered by mutual tolerance, is the practical solution here.

It is also important for religious organisations such as schools to be able to choose people they employ according to their moral and ethical code. They should not be forced to include people who violate those codes.

Freedom of speech and religion are fundamental rights that we have already in this country. Any attempts to create legislation to minimise any offense that this freedom may from time to time cause will limit that freedom. It is better to be offended occasionally and have a right of reply than to lose that right of reply.