

In regard to the Proposed Modernisation of the Anti-Discrimination Act, I submit the following:

It is commendable and a good practice to make sure our governance, laws and related acts, are in keeping with the highest values possible and adjust them accordingly. Sometimes what has been acceptable, or not, in the past needs to be re-addressed for good reasons. It is also advantageous to check whether the “good reasons” for some people cut across, or undermine, the values, beliefs or free speech of other segments of our multi-cultural society. I am sure to undertake such an endeavour, especially with our diverse mix of peoples, is a formidable task. Insofar as the Proposed adjustments to the Anti-discrimination Act, I have concern that in trying to address issues of interest to some we may, indeed, arrive at what I refer to as “reverse discrimination” for others, ie: in trying to correct a situation that is, by way of example, at the forefront of media attention, and often media promotion, we can actually disadvantage those who have no such media support or promotion. I submit the following for consideration fully trusting that it will not solicit a backlash or reverse discrimination, and that in exercising my right to free speech, I and it, will be respected. In my opinion:

1. **Q2:** The attribute of “gender identity” taking into account appearances, mannerisms, and social identity is rather fluid, subjective, ie possibly subject to change, or modification, in differing contexts and at different times. I know this is not true of all persons who identify differently to their biological identity but I think the “fluidity” of some can cause genuine anxiety on the part of those trying to relate to them in appropriate manner. Such fluidity lends itself to confusion on the part of well-meaning others. For that reason, what could be seen by some as the “muddying of the waters” has potential for error (real or imagined) that can cause another to “**take** offence” or “**feel** insulted”. Vilification is never acceptable, nor is intentional disrespectful words or actions, but confusion can occur where there is no clear, easily understood, long-term consistent statement of identification as either male or female. The more ways gender may be identified the more room for confusion and for perceived or real offence to be taken. There are some situations in which the only identification of a person that can be made is by their apparent biological identity, eg: When an ambulance is sent for an accident victim, the officers will identify that person by their biological gender, as may the hospital they are delivered to, until otherwise informed. Where there are

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male and female wards would the hospital be at risk of legal repercussions for wrongly identifying a person biologically? Perhaps for admin purposes including simply "Inter" with male and female could help. (Ref Jeffrey Eugenides' Middlesex. With further study he prefers "Inter" to "middle".)

2. **Q4.** As stated in point 1: I agree and am glad for legislation against intended, verified vilification. However that should not have community "segments", ie that of religion, disability, etc. Vilification is always wrong! Everyone needs protection from it. However, a person's **feeling** of being vilified, should not override a possibility of genuineness on the part of the alleged villifier/s if it is questionable that vilification was intended to, deliberately, hurt or demean the other party. This application goes way beyond discrimination, of course, and if hurt or demeaning is intended - it is "bullying" and ought to be legislated against. Notwithstanding: **feelings** of "being offended" and **feelings** of "being insulted" are, again, very subjective. Some people are hyper sensitive (not a criticism - it can happen to any of us), others may have "political agendas", either of which can be an underlying issue rather than the fault of a person with no intention to insult or cause offence. While ignorance in our present, easily recognized, anti-discrimination climate is no defence, it is better we be able to err on the side of caution than unjustly accuse someone of offending or insulting. This, too, can result in "reverse discrimination", which will definitely result in "psychological distress; hurt; anxiety", and a sense of injustice, helplessness, with no recourse, ie: the alleged perpetrator has become the victim! However, if there is a repeat or continuum, even of shortest duration, pursuant to the perceived offender being advised of the others' feelings of hurt, perceived offence or vilification,: this would certainly lend itself to a sense of being harassed and back up the likelihood of psychological distress, hurt, anger and anxiety in the alleger. We should keep in mind that alleged perpetrators are innocent until proven guilty. The subjective **perceptions/feelings**, of an accuser need to be backed up with recognizable or verifiable harassment (a continuum) by the accused. It is therefore suggested that the words "offend" and "insult", being so subjective, be removed from the intended adjustments to the Act. I have many opportunities to "take offence" and/or "feel insulted". But, it is my responsibility to see that as subjective and put effort into clarification, resolve, or: simply let it go.

3. **Q14: Exemptions for religious or cultural bodies being removed.** Why just “religious or cultural bodies”? Why not incorporate not for profit organizations of any kind. If this is justifiable and becomes legislation, surely it must also extend to political, or their affiliated, bodies. Ie: A political party would normally employ, for example, media advisors; secretary/admin staff; marketing and promotional people with the expectation that they share, support, understand and are willing to promote: the same values as the party’s. The risk of undermining those values should be seen as a negative for applicants seeking employment who do not largely agree with those values. This would be expected to be included in a position criteria; made apparent in any relevant application and surely; be a question posed by possible employers to applicants referees. The same can be said of a wildlife caring, not for profit, organization consisting of people who are concerned for wildlife. This suggested exemption could also arrive at “reverse discrimination”. All legitimate organizations, of whatever kind, should have the right to choose employees who share their values, will adhere to their structure and ethos, and clearly not be at odds with, or undermine, them. A further thought: It is noted that proposed exemptions for some people’s religious rights and associated significant places, are upheld or even promoted, while others are not. Again: reverse discrimination.
4. **Q20 and 21 Modernisation of language:**
- a) Definitions of “man” and “woman” be repealed? **Ref point 1.** The attribute of “gender identity”.
 - b) “Carer responsibilities” to replace “parenthood”. Having been both a carer and a parent, I am amazed these roles can possibly be confused, or morphed into one as a standard approach. A carer cares on someone’s behalf, hopefully for the benefit of, and consistent with, the cared for one and their values. Parenthood is a right, a privilege and a responsibility by virtue of birthing or adopting a child. Parents and carers are quite distinctive in role and approach. I did not parent my mother through her declining years with dementia. I am her child. She was not my “carer” as I grew up, although she certainly did care for me. She was my mother with rights, privileges and responsibilities, concerning me. In her old age, when she was unable to conduct her responsibilities well I had to, in fear and trembling: help her with those so that her rights and privileges were upheld. Had I not cared

for her it would have fallen to the government to do that, ie: the government, or designated organization, would have been her "carer". May it never be that parents are denied the right of genuinely choosing the best, in their opinion, according to their values and beliefs, for their child/children – unless: the child/children are at real risk due to parental dysfunction that is deemed un-addressable at that time. Whilst some children become the government's responsibility due to circumstances, we do not see that as the best outcome. How does the carer of a "ward of the state" have parental privileges and rights? Rather, we want children to have the advantage of a family that has a parent or parents with rights, privileges and responsibilities. To blur the distinction between parents and carers could be seen as extreme political correctness and at the risk of inappropriate and unnecessary government control. If the aim was to undermine the parental role, leave it legally vulnerable: that would be the way to do it! Carers care on behalf of someone else. In extreme politically "left" societies, it would be on behalf of "the state". Parents become vulnerable to state dictates even if, in all good conscience, they (the parent/s) cannot agree with those dictates. Schools, hospitals, etc. need to remain under advisement of, and deeply respect, parents' input in relation to their child. In short: parents can be subject to "reverse discrimination".

I often see myself as one of the "silent majority". I have never engaged this way before. But I see that much is at stake! In the end:

Two wrongs don't make a right. Discrimination and reverse discrimination are both still: discrimination! This, surely, is not the answer. Therefore:

In regard to the aforementioned questions, my response to each is: NO!

Thank you for your careful consideration of my thoughts. I trust that any amendments to the Anti-discrimination Act will genuinely benefit and support **all** members of our communities. Hopefully that will be arrived at by addressing discrimination whilst at the same time carefully, genuinely, guarding against reverse discrimination. Much has been entrusted to you.

I commend you, and extend to you all the very best in your endeavours towards serving **all** the rest of us!