

## Submission to the Inquiry into the Consolidation of Anti-Discrimination Law

I commend the analysis of the proposed legislative changes by the Archdiocese of Brisbane, and add the following:

It is axiomatic that law must not only be equitable but must be seen to be so. If simplifying the current legal regimen makes it easier for ordinary citizens to understand its application in particular cases, it will be an improvement. But as has been demonstrated repeatedly in Europe and the US, such changes have been implemented as part of a broader agenda that seeks to advance postmodernist social objectives. The average citizen in Australia is not a church-goer, but would find it hard to understand why a Christian school should be prevented from choosing heterosexual staff members instead of homosexual ones. He would also be puzzled as to the benefit to homosexuals of imposing social engineering objectives of this kind on anyone. If we are to see LGBTI individuals as our social equals, it will be more difficult if they are perceived as having a privileged legal status.

It is also inevitable that the further the new laws depart from the old, the more litigation will be required to establish new precedents. When one considers the excesses that have resulted from such an experimental approach overseas, it would be very desirable to avoid repeating them here. For example, the de-registration of Lesley Pilkington, a Christian psychologist in the UK, for anti-homosexual discrimination because she counselled a client who said he was disturbed by his attraction to other men to try to overcome it. The rational view of this case in a democratic and pluralistic society would be that if the client found the advice he received unhelpful, he should seek another counsellor. The fact that the client intended to trap the psychologist by pretending he was unhappy about his homosexuality, so as to have her prosecuted, should be a warning against including anti-homosexual discrimination as a specific category of discrimination in the new laws.

The question of proving discrimination of any kind has occurred is also very important. The principle of 'innocent until proven guilty' should apply so that cases tried under the new laws are seen to conform to long-established principles of common law. Lesley Pilkington would not have been in contravention of the law if this standard had been properly applied, as the client begged her to help him overcome his homosexual urges. Finally, the educative value of the new laws would be greatly enhanced if they included a test for discrimination that was generally acceptable, rather than postmodernist.

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