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Parliamentary Joint Committee on Human Rights on Religious Discrimination Bill
Parliament House, Canberra ACT 2600

By email: religionbills@aph.gov.au

19 December 2021

Submission on Religious Discrimination Bill

Feminist Legal Clinic Inc. is a community legal service that works to advance the human rights of women and girls through a combination of targeted casework, community education and law reform submissions.

This Bill fails to address the concerns we raised in our previous submission of 31 January 2019, so we will simply repeat the content of that submission here. We note that the deadline for submissions in the week before Christmas is not conducive to obtaining more considered feedback from those of us with family responsibilities.

This proposed legislation encourages the very conduct that it purports to guard against, in that it makes provision for discrimination against individuals on the grounds of their religious belief or activity. This Bill enables adherents of one religion to actively discriminate against those who belong to another religion or to no religion at all.

While the Bill ostensibly extends its protection to atheists and agnostics by defining religious belief to include not holding a religious belief, it is elsewhere clear that the provisions extend only to those who have deeply held beliefs that are based on religion.

For example, these provisions may protect a Christian who makes statements of belief that sex is binary and refuses to acknowledge the declared gender identity of a trans individual. However, it is not apparent that a feminist is protected when stating a similar view based in science rather than religion.

This legislation privileges the beliefs of individuals adhering to established religions over other equally deeply held beliefs, be they secular or spiritual, that are not backed by a religious organisation or tradition. This legislation therefore discriminates in favour of mainstream patriarchal religions that propagate belief systems which are oppressive to women.

It seems this legislation will enable a Christian organisation to refuse to employ or promote unwed mothers or lesbians based on their belief that homosexuals and fornicators are sinners destined for hell. Religious bodies who regard male headship as an inherent requirement will be able to legally refuse women promotions on this basis. However, a secular feminist organisation will apparently not be at liberty to refuse employment to a Christian who makes objectionable statements of belief along these lines.

The Royal Commission into Institutional Responses to Child Sexual Abuse exposed that major churches have been extensively involved in harbouring sexual criminals. However, it is unclear that this Bill will provide a lawful basis for excluding adherents of these organisations which are increasingly regarded as global crime syndicates.

If this Bill is passed it will also ensure there is no restraint on sexist material being disseminated by religious organisations, through schools and generally. Currently scripture material used in NSW schools indoctrinates children to accept male headship and constraints on women's reproductive and sexual autonomy. If passed this legislation will thereby contribute to an environment conducive to domestic violence by enshrining a male sense of entitlement and rendering women vulnerable to their control.

The proposed exemptions from the legislation are also discriminatory. Under section 43 of the Bill voluntary bodies are only be exempt from these provisions if they have membership that is restricted to persons who hold or engage in a particular religious belief or activity. So religious voluntary bodies will be free to discriminate against those who offend their sensibilities whereas other voluntary services (such as our own) will apparently be obliged to take all comers, no matter how offensive we find their ideology.

This proposed legislation operates to entrench and legitimise discrimination rather than to eliminate it and should be put through the shredder.

Thank you for the opportunity to make this submission. We are happy to expand on any element of it if required.

Yours faithfully

Anna Kerr
Principal Solicitor