

27 January 2022

Senate Legal and Constitutional Affairs Legislation Committee
Via email: legcon.sen@aph.gov.au

Dear Committee Members

Question on Notice: Religious Discrimination Bill Inquiry

During the Committee's hearings into the Religious Discrimination Bill 2021 and associated Bills on Friday 21 January 2022, at which I appeared on behalf of the Public Interest Advocacy Centre, I received the following question on notice:

Senator O'Neill: Can the bill be sufficiently amended to meet the concerns of those people of faith who put that frustration on the record yesterday, in your view?

Mr Lawrie: In my view, it would be extremely difficult to take the current version of the bill and render it in a satisfactory manner. I might pass to my colleague Mr Hunyor.

Senator O'Neill: I will invite him to put that on the record...

My response to this Question on Notice is as follows.

The Public Interest Advocacy Centre reiterates its support for Commonwealth anti-discrimination protection on the basis of religious belief. We have consistently argued for the introduction of such protections over the past five years, including through our submissions to the Religious Freedom Review, and consultations on previous versions of the Government's legislation.

We have also been consistent in advocating that

- religious belief should be protected on a *consistent basis* with other attributes, such as race, sex, disability, age, sexual orientation and gender identity; and
- protections for religious belief *must not undermine* existing anti-discrimination protections enjoyed by other members of the Australian community.

Unfortunately, core parts of the Religious Discrimination Bill 2021 offend both of these principles. This includes the 'statement of belief' provision which establishes a unique right for people to make religiously-motivated demeaning and derogatory comments against women, LGBTI people, people with disability, people of minority faiths and even people of different

racism, achieved through an unprecedented override of all other Commonwealth, State and Territory anti-discrimination laws.

It also includes extraordinary 'religious exceptions' which are both far broader in scope – covering a wider range of organisations – and far easier to satisfy – adopting a much, much more lenient test to determine whether these organisations are permitted to discriminate – than any other anti-discrimination law in Australia.

On balance, we believe these fundamental flaws, as well as the other concerns and problems articulated in our submission to this inquiry, mean the Religious Discrimination Bill is irredeemable and should be rejected.

Instead, we urge the Government to draft a conventional or standard Bill in its place, one that provides anti-discrimination protections for religious belief that are consistent with existing Commonwealth anti-discrimination laws, while not undermining the rights of others to live their lives free from discrimination on the basis of who they are.

Notwithstanding this position, our submission includes a number of specific recommendations to ameliorate at least some of the serious harms that would be caused by passage of the Religious Discrimination Bill (see recommendations 2-13). Should the Committee not agree to recommend that the overall Bill be rejected, we strongly urge it to support these detailed recommendations to lessen this legislation's adverse impacts on the community.

Thank you for the opportunity to provide this response to the above Question on Notice.

Please do not hesitate to contact me at the details provided should you require clarification or additional information.

Yours sincerely

Jonathon Hunyor
Chief Executive Officer