

The Australian Sangha Association (ASA) welcome the opportunity to make a submission to the Parliamentary Joint Committee on Human Rights, and separately to the Senate Legal and Constitutional Affairs Legislation Committee.

The ASA have made two previous submissions on the Religious Freedom Bills which remain indicative of our position. These are attached to help the two Inquiries' deliberations.

Our fundamental position is that Human Rights for all should in law exceed religious rights. Any new legislation must take into account the Australian pluralistic society which allows a diverse range of views from Faith-based to Atheist or Agnostic.

We still support Article 18 of the International Covenant on Civil and Political Rights (ICCPR) that proclaims:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

An important tenet for Buddhists is that there should be no discrimination of anyone. It is part of our practice to show lovingkindness, compassion, sympathetic joy and equanimity with all – regardless of gender, politics, faith or preferences.

Indeed Buddhists would say that not only should Religions not discriminate against other human beings but legislation ought not allow or accidentally facilitate one Religion to be able to discriminate against a minority Religion, or vulnerable group such as LGBTIQ+.

Further, for there to be protections provided for some Religions to make certain discriminatory statements and these be considered lawful – is not a position that the ASA wishes to support. We anticipate it will be almost impossible to provide clear legal guidelines for citizens and the courts to understand what is a malicious, vilifying or threatening action done in “good faith”. It is hoped that most Australians respect and understand a basic definition of discrimination and support the considerable Anti-discrimination laws that have been put in place over the last 30 years.

The ASA is therefore uncomfortable with the proposition that the Federal legislation can trump existing State legislation, especially on such protections for gay students and teachers. Any discriminatory statement should not be made lawful.

When it comes to the matter of health care, employment or services being denied based on differing religious views to the provider, we say the following:

- There is no “faith - based test” to prove that having a particular faith (or no faith) makes someone better qualified as a professional, or as a human being.
- Health care in particular should be considered a basic human right and should not be withheld based on someone’s “opposing” religious faith, or non-faith beliefs. If a Religious organisation discriminates on this basis it should be mandated to refer the patient or consumer to a local and acceptable provider, and report to the Commissioner that this action was completed.

Faith - based organisations should not have preference over individuals, and the broad exemptions proposed in the Bill not be used to preference one Religion over another. We still remain concerned about the case of Rachel Colvin and Ballarat Christian College and whether individual rights enshrined in the Australian Constitution are now under attack.

We are concerned about attacks on the LGBTIQ+ which we still consider a vulnerable group and who have advocated peaceful for equality for generations. Possible exemptions in the Bill allowing Conversion therapy is an activity we cannot condone.

We are concerned about powerful lobby groups advocating for a considerable time in favour of the Israel Falau clause. We are aware that the clause has been watered down but cannot comprehend why protections are sought for what, prima facia, are discriminatory statements.

We remain concerned that certain religious organisations retain basic exemptions for non- Financial reporting to the ACNC despite the need for transparency after the Royal Commission into Institutional Responses to Child Sex Abuse.

Buddhist organisations would not seek these Non-reporting exemptions out of a moral principle yet the favouring of some Religions appears to be discriminatory in nature.

In dealing with Government agencies there has been reticence by investigators to act in good faith in their inquiries through a deep understanding of the structure of Buddhist organisations and their purpose. This ignorance of Buddhism comes across as discriminatory and we say that a minority Religion does not have protections in the legislation.

However, we do concur with Bar-Ilan University's study:
<https://www.thearda.com/ras/> - that indicates there is increasing Religious
discrimination in the world, including Australia.

However the ASA believes that the Government has not adequately made the case
for a Religious Discrimination Bill of this nature and the ASA wishes to put on record
that it cannot support the present bill.

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