



## OPENING STATEMENT BY EQUALITY AUSTRALIA

- **Equality Australia is a national LGBTIQ+ organisation** dedicated to achieving equality for LGBTIQ+ people. Borne out of the successful campaign for marriage equality, and established with support from the Human Rights Law Centre, Equality Australia brings together legal, policy and communications expertise, along with thousands of supporters, to redress discrimination, disadvantage and distress experienced by LGBTIQ+ people.
- **Anna Brown**, CEO and **Ghassan Kassisieh**, Legal Director, are appearing today as witnesses. Both Ms Brown and Mr Kassisieh have significant experience in discrimination law and policy, and have practiced in litigation for large commercial firms and in government, before entering the not-for-profit sector.
- **Our principal submission to this Committee is that our laws should protect all of us, equally. The Religious Discrimination Bill and its related bills fail to do that. They should be rejected by this Committee in their current form.**
- We have provided a submission containing our detailed legal and policy analysis, as well as case studies and personal stories from real people who have suffered religious discrimination. Not of the kind that this Bill should be addressing, but of the kind that this debate has unfortunately become about. LGBTIQ+ people, along with women, religious minorities, and other groups, have the most to lose from legislation that fails to protect people *from* discrimination, but instead allows groups to discriminate based on religion.
- If we were talking about fair and equal discrimination laws which protected all people – no matter who they are, whom they love or what they believe – from discrimination, we would have no objection to these Bills. But these Bills do far more than that.
- For example:
  - Section 12 allows people to discriminate against others by protecting offensive, derogatory and demeaning statements based in or about religion in the places we work, study and access goods and services.
  - Section 15 hinders the work of regulatory bodies seeking to ensure that the public can maintain the trust and confidence placed in our doctors, teachers, lawyers and other professionals.
  - Sections 7 to 9, 11 and 40(2)-(7) enable faith-based schools and other organisations to discriminate against people with different religious beliefs in areas where religion is not relevant to the role or service in question, and where the discrimination cannot be justified by a legitimate religious need.
  - Section 5(3) protects people who breach local by-laws that everyone else has to comply with.
  - Section 16(3) allows powerful organisations and corporations to weaponise our discrimination laws to force their views on others.
- **These, and other unprecedented provisions, represent significant overreach by the Commonwealth government;** overriding existing hard-fought protections for LGBTIQ+ people, people with disabilities, women and even people of faith.
- Some provisions, particularly the religious exemptions, are unwieldy and result in three different employment standards for religious organisations to follow in three different Commonwealth laws.
- Further provisions in the Human Rights Legislation Amendment Bill 2021 provide special treatment to charities whose purpose is to advocate for discrimination against married couples of the same gender.
- Meanwhile, nothing in this suite of legislation addresses the ongoing harm to LGBTQ+ people and others, from **discrimination by religious organisations and schools** based on their gender identity, sexuality or marital status.

- The **People's Submission on the Religious Discrimination Bill**, which we are proud to submit on behalf of more than 6,000 individuals, features stories of gay, pregnant and divorced teachers being fired, having to hide, or being denied promotions or jobs at religious schools. Students who are still at school today being told that who they are is dangerous, sinful, or shameful.
- Of course, not all religious organisations discriminate and many LGBTIQ+ people and our allies are themselves people of faith. People of faith deserve protection from discrimination, like everyone else.
- But the fundamental difficulty that this Committee faces is how to contend with the very real and difficult problem that there is no delineator between 'good religion' or 'bad religion' in this Bill; this Bill protects all religion. And because it protects all forms of religious belief and activity, it has to protect the fundamental rights and freedoms of others – including other people of faith – who are not respected or treated well in some religious beliefs or activities. It is here that the Bill falls down.
- Until the Bill protects all of us, equally, it would be a mistake to endorse it and its related bills.
- We are very happy to take the Committee's questions.