



**RATIONALIST
SOCIETY OF
AUSTRALIA**

PATRONS
Hon. Michael Kirby AC CMG
Prof. the Hon. Gareth Evans AC QC
Prof. Fiona Stanley AC

Parliamentary Joint Committee on Human Rights

Inquiry into the Religious Discrimination bill 2021

18 December 2021

Dear Committee,

The Rationalist Society of Australia is Australia's oldest freethought group, promoting the use of evidence and reason in public policy since 1906. The RSA bases its policies on universal human values, shared by most religious and non-religious people.

We support the democratic ideals of freedom of the individual, equality before the law, and a secular society that neither privileges nor discriminates against people because of their religion or belief.

The Religious Discrimination Bill in its current form allows more discrimination in society and will divide Australians.

Inadequate consultation process

The timeline for this parliamentary inquiry is disappointing. Insufficient time is available for stakeholders to properly consider the Religious Discrimination Bill, which is complex, vague and beset by multiple problems.

Furthermore, the Government's consultation process leading up to the tabling of the Bill has been selective and seems to have excluded non-religious voices. The RSA has not received a response to our [request in early June for a meeting with the Attorney-General](#). The RSA is also aware that a number of other non-religious and pro-secular groups have confirmed that they have not been consulted on the Bill, although one organisation said it had secured a phone call with an advisor. Conservative Christian lobbyists, on the other hand, have detailed their extensive access to government decision-makers.

Non Religious Australians deserve equal respect and equal rights

The Religious Discrimination Bill fails to afford non-religious Australians equal respect and equal rights.

A very significant proportion of Australians are "nones" - that is, they have no religion. The [Religiosity in Australia Report](#) (2021) shows that (p 12):

In the 12 years to 2019, the Catholic church's congregation shrank by 26%, Anglican by 31%, and Uniting/Methodist by 54%. At the same time, the [No Religion] base has risen by 62%.

In 2019, [No Religion] was 41%, exceeding the proportion of Catholics (21%), Anglicans (15%), and Uniting/Methodists (4%) combined.

Article 18 of the International Covenant on Civil and Political Rights protects the right to freedom of thought, conscience and belief. This freedom is shared by the religious and non-religious equally.

The Religious Discrimination Bill discriminates against non-religious Australians in a variety of ways. These include:

- Section 12 about “statements of belief” gives protection to statements of belief made by religious Australians on any topic but gives protection to statements of belief made by non-religious Australians only on the topic of *not* holding a religious belief.
- Various provisions of the Bill giving rights or exemptions to religious bodies without giving equivalent rights or exemptions to bodies with which non-religious Australians may be affiliated.

Religion should not be a licence to harm others

International law is clear that the right to freedom of thought, conscience and belief does not authorise religious belief to be a licence to harm or interfere with the rights of others.

Article 18 of the ICCPR itself states that the right to act in accordance with religious beliefs does not extend to interfering with the fundamental rights and freedoms of others. The United Nations Special Rapporteur on Freedom of Religion and Belief has [stated](#):

42. The Special Rapporteur would like to reiterate that freedom of religion or belief can never be used to justify violations of the rights of [vulnerable groups], and that it can no longer be taboo to demand that [vulnerable group members'] rights take priority over intolerant beliefs used to justify ... discrimination. It would be contrary to ... freedom of religion or belief provisions to allow one set of rights (i.e. [vulnerable groups'] rights) to be undermined on the basis of claims made in defence of the right to freedom of religion or belief.

Worryingly, there are many provisions in the Religious Discrimination Bill that allow religion to be used as a licence to harm or interfere with the rights of others. These include:

- Section 11 overrides State and Territory human rights protections to permit religious schools to discriminate against teachers and other staff.
- Section 12 overrides every Federal, State and Territory anti-discrimination law to authorise forms of speech that are currently forms of unlawful discrimination on the ground of race, sex, sexuality, gender identity, marital status and disability.
- Section 15 exempts religious people from having to comply with parts of professional standards rules applicable to professions like medicine, nursing and law.

- Section 37(3) empowers the Federal Attorney-General to make it unlawful to obey State and Territory human rights laws.

Conclusion

The demands made by conservative religious activists do *not* represent the views of ordinary religious Australians. The *Religiosity in Australia Report* (2021) explains (p 3):

Most Australians are in favour of progressive social reforms such as availability of abortion, voluntary assisted dying (VAD), marriage equality, smoking marijuana and addressing global warming. Indeed, support for many of these reforms continue to grow, including amongst Australia's religious who do not endorse clerical opposition.

Most Australians (74%–82%) oppose religious schools having the legal right to expel students or sack staff on the basis of sexual orientation or relationship status.

In many respects, the Religious Discrimination Bill is a bill about religious privilege and granting religious bodies the right to discriminate. This is not consistent with Article 18 of the ICCPR. And it will divide Australians.

The RSA does not support the Bill in its current form.

Yours sincerely

Dr Meredith Doig OAM

President