

Possible Solutions

- 4.1 As discussed in Chapter 2, there are a variety of suggestions for how best to provide explicit protection for religious freedom at a federal level. The main suggestions are:
- A bill or charter of rights or a Human Rights Act
 - A Religious Freedom Act
 - A Religious Discrimination Act
- 4.2 There are some suggestions for more minor measures that could provide a starting point before one of the above options is implemented. For example, amending the *Racial Discrimination Act* to prohibit religious discrimination has some support. Many witnesses and submissions have recommended improvements to religious exemptions or exceptions in religious discrimination laws to achieve greater balance between the right to non-discrimination and religious freedom.
- 4.3 A number of more specific issues have been raised in Chapter 3 by particular groups. These are important but relatively more focused issues, such as control orders in the *Criminal Code Act 1995*,¹ or laws that affect particular Jewish traditions.² Where applicable, suggestions from witnesses and submissions in relation to these issues have been noted in that Chapter.
- 4.4 This Chapter addresses suggestions for a broad national approach to protecting religious freedom in general.

1 JSCFADT, *Second Interim Report*, Chapter 3, pp. 25-26.

2 JSCFADT, *Second Interim Report*, Chapter 3, pp. 30-31.

Bill of Rights, Charter of Rights, or Human Rights Act

- 4.5 The option of implementing a comprehensive human rights instrument at Commonwealth level was discussed in the First Interim Report. A Bill of Rights is the most commonly suggested idea, but similar options include a Charter of Rights or a Human Rights Act. Each of these instruments would enumerate a range of rights, likely encompassing most or all of those in the ICCPR or UDHR, of which religious freedom would be one. During the first part of this inquiry many submissions and witnesses, including Professors George Williams and Carolyn Evans, supported, at least in principle, the idea of a national Bill of Rights or similar instrument. There was some opposition, and there was also discussion around the practical and political difficulty of achieving a Bill of Rights.³
- 4.6 Dr Paul Taylor described the distinction between a Bill and a Charter of rights as:
- a charter simply lists the rights as if they were values and they do not apply them in the legislation as rights that can be invoked in a particular way.⁴
- 4.7 While a Human Rights Act would be a legislative instrument, a Bill of Rights or Charter of Rights could, at least in theory, be a constitutional instrument. The inherent difficulties associated with amending the constitution were discussed in the First Report and have been repeated in a number of submissions.⁵ These instruments could have a legislative function, as in the Victorian *Charter*, and they could be enacted with a view to incorporating them into the Constitution at a later date.⁶
- 4.8 This chapter will use the term 'Bill of Rights' to mean a comprehensive national human rights instrument, unless further clarification is necessary.

Support

- 4.9 In this second part of the inquiry, a Bill of Rights has continued to have much in-principle support from a diverse range of contributors.⁷

3 JSCFADT, *First Interim Report*, pp. 31-38

4 Dr Paul Taylor, private capacity, *Committee Hansard*, Sydney, 6 June 2017, p. 18.

5 Ms Robin Banks, Private Capacity, *Committee Hansard*, Hobart, 5 June 2018, p. 10. Human Rights Law Alliance, *Submission 156*, p. 15; Presbyterian Church of Queensland, *Submission 192*, p. 56.

6 CLA and Canadian Charter.

7 Quakers Australia, *Submission 2*, p.2; Ms Louise Olliff, Senior Advisor, Policy and Community Engagement, Refugee Council of Australia, *Committee Hansard Melbourne*, 30 April 2018, p. 16; Mr Charles Wilson, Private Capacity, Canberra, 22 June 2018, p. 13.

- 4.10 For example, the Islamic Council of Victoria expressed a “strong preference” for a Bill of Rights:
- I think it’s a sign of a very healthy, inclusive democracy to have a bill of rights. There are a number of benefits to a bill of rights. It basically means that whenever government legislates there’s a check – a bill of rights check – and there are opportunities for the community and society to actually challenge some legislation on the basis that it contravenes the bill of rights⁸
- 4.11 The Uniting Church of Australia supports incorporating human rights into legislation, while not expressing a strong preference for how this is achieved. UCA President Stuart McMillan stated that:
- to leave things as they are, with exemptions under the discrimination legislation, or simply to have a piece of legislation that only deals with religious freedom would be short-sighted and not expansive enough for what the nation of Australia requires.⁹
- 4.12 Amnesty International recommends a Human Rights Act as the best way to “ensure rights to freedom of religion and other fundamental rights are protected and appropriately balanced”¹⁰.
- 4.13 Liberty Victoria supports a charter of rights similar to the Victorian *Charter*, but “more consonant with the international framework”. In addition to civil and political rights, “economic, social and cultural rights should be part of the charter of human rights that should be adopted by the Australian parliament.”¹¹
- 4.14 In support of the Victorian *Charter*, Liberty stated that although it “was not provided with some of the tools that are necessary for a legal instrument”, it has been “very effective in a number of ways” and has “been very important in helping small steps, but definite steps, towards promoting a culture of human rights in Victoria.”¹²
- 4.15 Ms Robin Banks, who appeared in a private capacity at the Hobart hearing and also authored the submission made by Equal Opportunity Tasmania while still in her capacity as Anti-Discrimination Commissioner for Tasmania, supports a “full charter of rights that recognises in Australian

8 Mr Adel Salman, Vice-President, Islamic Council of Victoria *Committee Hansard*, Melbourne, 30 April 2018, p. 8.

9 Mr Stuart McMillan, President, Uniting Church in Australia, *Committee Hansard*, Sydney, 2 May 2018, p. 37.

10 Amnesty International, *Submission 378*, p. 5.

11 Mr Jamie Gardiner, Vice President, Liberty Victoria, *Committee Hansard*, Melbourne, 30 April 2018, p. 30.

12 Mr Gardiner, *Committee Hansard*, Melbourne, 30 April 2018, p. 30.

law all of the rights that Australia has ratified under international conventions".¹³

- 4.16 Civil Liberties Australia favours a "legislative charter of rights", supporting the recommendations of the National Human Rights Consultation Committee chaired by Frank Brennan.¹⁴ This Committee recommended a Human Rights Act along the lines of the Victorian and ACT instruments which would enumerate human rights, require new legislation to be compatible with these rights, and provide for the High Court to declare legislation incompatible and refer it back to Parliament.¹⁵
- 4.17 Civil Liberties Australia also commended the process used in Canada, where a statutory bill of rights was introduced with the intention of holding a constitutional referendum after 25 years. The bill of rights was approved by the Canadian population and became enshrined in the Constitution. Bill Rowlings called this "an excellent model for Australia", stating:
- Some people are afraid of a bill of rights. We would say 25 years is not an unreasonable time to have people settle down and see how it works...¹⁶
- 4.18 Ms Banks made similar comments, arguing that although Australia may not be ready for constitutional protection
- we need people to become familiar with human rights, and I think the only way that will happen is through enactment.¹⁷
- 4.19 Other groups, such as the Quakers, Refugee Council of Australia, the Ethnic Communities Council of Victoria and Victorian Multicultural Commission also stated support for a federal instrument.¹⁸
- 4.20 A Bill of Rights was opposed or criticised by a number of submitters.¹⁹

13 Ms Banks, *Committee Hansard*, Hobart, 5 June 2018, p. 10.

14 Dr Kristine Klugman, President, Civil Liberties Australia, *Committee Hansard*, Canberra, 22 June 2018, p. 22.

15 National Human Rights Consultation Committee, *Report on the National Human Rights Consultation*, 2009.

16 Mr William Rowlings, Chief Executive Officer, Civil Liberties Australia, *Committee Hansard*, Canberra, 22 June 2018, p. 22.

17 Ms Banks, *Committee Hansard*, Hobart, 5 June 2018, p. 10.

18 Quakers Australia, *Submission 2*; Mr John Deller, Secretary, Falun Dafa Association of Australia, *Committee Hansard*, Sydney, 2 May 2018, p. 26; Ms Olliff, *Committee Hansard* Melbourne, 30 April 2018, p. 16; Ms Marion Lau, Secretary, Ethnic Communities' Council of Victoria, Melbourne, 30 April 2018, p. 16; Ms Elizabeth Blades-Hamilton, Senior Research and Policy Officer, Multicultural Affairs and Social Cohesion Division, Officer of the Victorian Multicultural Commission (VMC), *Committee Hansard*, Melbourne, 30 April 2018, p. 18; Mr Wilson, *Committee Hansard*, Canberra, 22 June 2018, p. 13.

- 4.21 Christian Schools Australia and Adventist Schools Australia argued that Australian jurisdictions with these types of instruments “allow restrictions and limitations on religious freedom far beyond that permissible under international law”.²⁰ They argued that the ACT and Victorian Acts both have a “lower threshold for legitimate government action than that found in international law”. Furthermore, CSA and ASA note that both Acts only apply to natural persons, as opposed to organisations. This is of concern to religious organisations, in particular religious schools, and their ability to “exercise their rights collectively”.²¹
- 4.22 Dr Michael Casey of the ACU was cautious of incorporating the ICCPR in whole, noting that it “would probably give us something like a human rights act or a bill of rights”, which has been “very fraught in our country”.²²
- 4.23 While not explicitly opposing a Bill of Rights, the ECAJ takes “a fairly conservative approach to that whole area of law reform”. Mr Wertheim argued that there is “no compelling reason” to incorporate international conventions into domestic law:
- whilst [religious] exemptions [in anti-discrimination law] still exist, the general position of religious communities in Australia in terms of observing and living out their beliefs is safe...
- 4.24 He added:
- There’s always the concern, also, that by incorporating the provisions of international treaties into domestic law, the words of those treaties are read down as words of limitation instead of interpreted in the way I believe they were intended as words of conferring beneficial rights. That would also need to be guarded against.²³
- 4.25 However, ECAJ also acknowledged that “social norms and conventions are changing” in this area. Noting the tendency in some Western countries, including Australia, to push back against religious exemptions in anti-discrimination laws, Mr Wertheim stated that

19 Donald Hardgrave, *Submission 99*, p 2; Douglas Sands, *Submission 152*; Catholic Women’s League of Tasmania, *Committee Hansard*, Hobart, 5 June 2018, pp. 1-4.

20 Christian Schools Australia and Adventist Schools Australia (CSA and ASA), *Supplementary to Submission 30*, p. 2.

21 CSA and ASA, *Supplementary to Submission 30*, p. 12.

22 Dr Michael Casey, Director, PM Glynn Institute, Australian Catholic University, *Committee Hansard*, Sydney, 2 May 2018, p. 2.

23 Mr Peter Wertheim, Co-CEO, Executive Council of Australian Jewry, *Committee Hansard*, Sydney, 2 May 2018, p. 30.

if the trend continues, and if there is a sufficient groundswell of opinion in some sectors of society for winding back the exemptions in antidiscrimination law to the point where religious communities might be compelled to do things against their conscience, then I think that whole question would need to be looked at much more seriously.²⁴

Religious Freedom Legislation

- 4.26 There is some support for enacting legislation which specifically protects freedom of religion or belief without incorporating other ICCPR rights, such as a Religious Freedom Act.
- 4.27 Bishop Michael Stead did not want to see a “fully augmented human rights act”, observing that some ICCPR rights might be difficult “politically and pragmatically” to implement. Instead, he supported a “set of rights”, particularly those relating to
- the individual’s own belief or world view structures and how they might form associations with people with similar views, express those views in public and educate children around those views.²⁵
- 4.28 Freedom for Faith (FFF) stated that until recently “many Christian organisations and denominations ... would prefer not to have legislation in this space”. However, FFF stated that Australia has now:
- reached a tipping point here... Perhaps somewhat reluctantly, we think that really the only way going forward, given the trends in society, is to actually put a positive framework around this rather than relying upon what I think are fragile exemptions in the anti-discrimination legislation.²⁶
- 4.29 Constitutionally, this could be achieved through the external affairs powers.²⁷
- 4.30 Referring to the Victorian *Charter*, FFF said that human rights instruments have “typically got the limitation provisions wrong”, and that further detail would be required to:
- ensure that it is actually useful within the Australian context and doesn’t give undue discretion to the judiciary over how the provisions might be interpreted at a higher level. I think that is the

24 Mr Wertheim, *Committee Hansard*, Sydney, 2 May 2018, p. 30.

25 Dr Michael Stead, Right Reverend, Bishop of South Sydney, Anglican Church Sydney Diocese, *Committee Hansard*, Sydney, 2 May 2018, p. 55.

26 Freedom for Faith, *Committee Hansard*, Sydney, 2 May 2018, pp. 49-50.

27 Freedom for Faith, *Submission 317*, p 8. See also Neil Foster, *Submission 7*, p 7.

weakness of many of the human rights charters we have: they're just too vague and therefore open to be used politically.²⁸

- 4.31 Mr Spencer of the Christian Schools Association stated that legislation enacting religious freedom would be a "good first step". Noting the concerns CSA and ASA have about the role of courts adjudicating in matters concerning religious faith, Mr Spencer suggested that such a law may need to clarify how courts should define and interpret Article 18.²⁹ Similarly, Robert Wicks said that simply incorporating the wording of Article 18 into federal legislation would not be "granulated quite enough", arguing that there would need to be more:

detail in the religious freedom act – let's call it that – to help us understand what is necessary, for example, in terms of the limitations around religious freedom³⁰

- 4.32 Rev Peter Kurti of the Centre for Independent Studies stated that while the CIS is "not generally supportive of the expansion of federal powers over the states", protecting religious freedom would "best be considered a national matter warranting central government action". CIS is supportive of FFF's recommendation of specific religious freedom legislation.³¹

- 4.33 Some form of religious freedom act was also supported by Catholic witnesses. Dr Michael Casey of the ACU stated:

There's no standalone covenant on religious freedom itself, but perhaps thinking in terms of something like a religious freedom act – I don't suppose you'd call it a religious discrimination act. That may be some sort of instrument which might be worth considering.³²

- 4.34 This view is shared by Mr Francis Moore of the Catholic Archdiocese of Melbourne, who is concerned about "efforts made to chip away at the existing exemptions that religious bodies have".³³ He added that such a law would establish "a contemporary statement of the community's position on religious freedom" and allow for future laws to be

28 Mr Robert Wicks, Chairman, Freedom for Faith, *Committee Hansard*, Sydney, 2 May 2018, pp. 49-50.

29 Mr Mark Spencer, Executive Officer Policy, Governance and Staff Relations, Christian Schools Australia, *Committee Hansard*, Sydney, 2 May 2018, p. 18.

30 Mr Wicks, *Committee Hansard*, Sydney, 2 May 2018, p. 49.

31 Reverend Peter Kurti, Senior Research Fellow, The Centre for Independent Studies, *Committee Hansard*, Sydney, 2 May 2018, pp. 47-48.

32 Dr Casey, *Committee Hansard*, Sydney, 2 May 2018, p. 2.

33 Mr Francis Moore, Executive Director Administration, Catholic Archdiocese of Melbourne, *Committee Hansard*, Sydney, 2 May 2018, pp. 2-3.

“benchmarked against that framework”. This could “[set] a standard or a tone for debate that might not be present at this time”.³⁴

4.35 The Islamic Council of Victoria supports a religious freedom act approach “if we are not so bold as to go down” the path of a Bill of Rights.³⁵

4.36 The Australian Baha’i Community recommends a Religious Freedom Act which explicitly recognises the right to freedom of religion or belief as set out in the UDHR, and should contain prohibitions of both discrimination on the grounds of religion or belief and incitement to religious hatred or violence.³⁶

4.37 Some witnesses have expressed concern about legislation that would provide protection for the right to freedom of religion or belief but not other human rights. Professor Carolyn Evans warned against “cherrypicking”:

The danger at the moment is that various religious groups say, ‘We need a religious freedom act,’ then the media say, ‘We need a media protection act,’ and you could end up multiplying the problem rather than resolving it.³⁷

Anti-discrimination legislation

4.38 While federal law could create a positive right to freedom of religion or belief, the law could also be used to protect against discrimination based on religion or belief. This has been supported by a number of contributors. Ms Robin Banks, a former Tasmanian Anti-Discrimination Commissioner from 2010 to 2017, argued:

It is critical that we have discrimination protection at all levels of government. At the moment of course we don’t have it at the federal level, and I think that causes problems. I suspect if we had had religious discrimination protection under federal law in the past that some of the debates we’re having now would be less likely to have arisen.³⁸

4.39 This inquiry has heard discussion of three approaches to how religious freedom could be protected in federal anti-discrimination legislation. Firstly, there have been proposals for a religious discrimination act (or for a single, consolidated anti-discrimination act which would encompass

34 Mr Moore, *Committee Hansard*, Sydney, 2 May 2018, pp. 2-3

35 Mr Salman, *Committee Hansard*, Melbourne, 30 April 2018, p. 8.

36 Australian Baha’i Community (ABC), *Submission 332*, p. 6.

37 Professor Carolyn Evans, Private Capacity, *Committee Hansard*, Melbourne, 7 June 2017, p. 9. JSCFADT, *First Interim Report*, p. 73.

38 Ms Banks, *Committee Hansard*, Hobart, 5 June 2018, p. 7.

existing legislation as well as include religious discrimination). Secondly, some have suggested amending the *Racial Discrimination Act* to include protection against religious discrimination, or discrimination based on ethno-religious origins. Finally, the role of religious exemptions within existing anti-discrimination law has been a topic of much discussion, with disagreement on whether these exemptions are adequate.

- 4.40 The Victorian Multicultural Commission has supported introducing specific religious discrimination legislation,³⁹ echoing the recommendations of the Australian Human Rights Commission.⁴⁰
- 4.41 The Australian Baha'i Community has argued:
 Australia should enact federal legislation to make direct and indirect discrimination on the basis of religion and belief unlawful in all areas of public life.⁴¹
- 4.42 The Refugee Council of Australia states that protection against religion-based discrimination and vilification is "more necessary than ever" and is desirable whether through additional legislation or the amendment of existing legislation.⁴² The Ethnic Communities Council of Victoria also recommends this approach.⁴³
- 4.43 The Islamic Council of Victoria has argued that the *Racial Discrimination Act* could be expanded to include religion. As discussed in Chapter 4, Jewish and Sikh communities are protected in New South Wales from discrimination on the basis of their "ethno-religious" origin, which is included in the definition of "race" in the NSW *Anti-Discrimination Act*. The ICV argues that although section 18C of the RDA is a strong protection for ethnic communities against discrimination, "religious freedom [is] a glaring omission which we want to see included in any future amendments to the RDA".⁴⁴

Amendments to religious exemptions

- 4.44 Current anti-discrimination law, both at federal and state level, contains certain exemptions for religious organisations.
- 4.45 These exemptions are supported by some religious organisations. The Executive Council of Australian Jewry commented that "Whilst those

39 Victorian Multicultural Commission, *Submission 329*, pp. 7-8.

40 Australian Human Rights Commission, *Submission 12*, p. 13; JSCFADT, *First Interim Report*, pp. 73-74.

41 ABC, *Submission 332*, p 7

42 Refugee Council of Australia, *Submission 190*, p. 10; Ms Olliff, *Committee Hansard Melbourne*, 30 April 2018, pp. 14-16.

43 Ethnic Communities' Council of Victoria, *Submission 19*, p. 2.

44 Islamic Council of Victoria, *Submission 191*, p. 8 and Recommendation 5, p. 9.

exemptions still exist, the general position of religious communities in terms of observing and living out their beliefs is safe.”⁴⁵

- 4.46 Many religious organisations believe religious exemptions are inadequate should be replaced by positive protection of religious freedom.

Archbishop Porteous said:

I would prefer there were no exemptions. I would prefer that there was enshrined in law a recognition of the right of religious freedom, so somebody could hold a consciously held religious belief and the law would actually support that belief.⁴⁶

- 4.47 The Australian Catholic Bishops Conference stated that exemptions present religious freedom as “a right to get out of something rather than the right to pursue our religious mission”, adding:

The language of exemptions is misleading and fails to recognise that religious freedom is not a special permission to discriminate granted by the government in contradiction to the general law, but a fundamental human right that government is obliged to protect.⁴⁷

- 4.48 The ACBC argued that exemptions or exceptions should be “replaced in legislation with language that recognises and accommodates the overlapping rights and freedoms that co-exist in a pluralist society such as Australia.”⁴⁸ The same argument was made by the Australian Catholic University.⁴⁹

- 4.49 Christian Schools Australia and Adventist Schools Australia called exemptions “inherently problematic”. Rather than exemptions, religious freedom “could be tackled as a definitional issue”, with discrimination defined to clarify that:

activities done in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, undertaken in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed, would not constitute discrimination.⁵⁰

45 Mr Wertheim, *Committee Hansard*, Sydney, 2 May 2018, p 30.

46 Archbishop Julian Porteous, Archbishop of Hobart, Archdiocese of Hobart, *Committee Hansard*, Hobart, 5 June 2018, p. 29.

47 Australian Catholic Bishops Conference (ACBC), *Submission 10*, p. 5.

48 ACBC, *Submission 10*, p. 5.

49 Australian Catholic University (ACU), *Submission 11*, p. 10.

50 CSA and ASA, *Submission 30*, pp 10-11.

- 4.50 Other contributors share this belief that exemptions are inadequate safeguards of religious freedoms.⁵¹
- 4.51 On the other side of this issue, a number of contributors believe that religious exemptions can be inappropriate because they preference religious freedom over other rights. They should be limited in their scope, or amended or removed.
- 4.52 Rodney Croome highlighted the Tasmanian Anti-Discrimination Act, noting that while it permits discrimination by religious organisations on the grounds of religion, it “does not extend to discrimination on the grounds of sexual orientation or gender identity or intersex status”. Mr Croome argues that the Tasmanian Act should:
- act as a model nationally when it comes to removing those existing exemptions which do explicitly allow discrimination by religious organisations against vulnerable minorities.⁵²
- 4.53 In a similar context, Ms Banks questioned how exemptions should work in a society governed by the rule of law and where we are all expected to obey and be bound by the same laws”.
- 4.54 She added:
- I think we need to be very careful about going any further than discrimination law protections. I think it raises the spectre of privileging some groups over others, whether it’s one religious group over other religious groups or one group in society, people of faith, over people who are not of faith. ⁵³
- 4.55 Ms Hilkemeijer argued in the context of exemptions:
- a law that allows businesses refuse to provide goods and services because of a conflict with core beliefs is not supported by article 18 of the ICCPR... to allow such discrimination would be a radical departure from the law and practice in other Western liberal democracies. ⁵⁴

Other measures

Multicultural legislation

- 4.56 The Victorian Multicultural Commission recommended consideration of

51 Anglican Schools, *Submission 326*

52 Mr Rodney Croome, Just Equal, and, Tasmanian Gay and Lesbian Rights Group, *Committee Hansard*, Hobart, 5 June 2018, p. 8.

53 Ms Banks, *Committee Hansard*, Hobart, 5 June 2018, p. 8.

54 Ms Anja Hilkemeijer, *Private Capacity, Committee Hansard*, Hobart, 5 June 2018, p. 9.

a multicultural act at the federal level that enshrines multiculturalism in the Australian context.⁵⁵

- 4.57 The VMC supports this measure at a federal level because it provides consistency across the states and territories and “embeds multiculturalism”.⁵⁶
- 4.58 Ms Blades-Hamilton said that a Multicultural Act could “very well sit within a bill of rights or other human rights legislation to bolster it”.⁵⁷ She points to the *Canadian Multiculturalism Act 1988*, which enshrines religious and other freedoms in its preamble, as well as establishing multiculturalism as official Canadian policy.⁵⁸
- 4.59 Amnesty International also urged political leaders to “demonstrate genuine support for multiculturalism”, although did not specifically recommend legislation.⁵⁹

Religious freedom ambassador and/or commissioner

- 4.60 The possibility of instituting a religious freedom ambassador was discussed during a number of public hearings and via submissions, potentially to sit within the Department of Foreign Affairs and Trade.⁶⁰
- 4.61 As a result of the Religious Freedom Review conducted by an Expert Panel led by The Hon Phillip Ruddock (see chapter 5 for further discussion), Australian Government responded by proposing (amongst other things) to create a Religious Freedom Commissioner role, to sit within the Australian Human Rights Commission.
- 4.62 A Religious Freedom Ambassador role would seek to promote religious freedoms outside of Australia, in a similar manner to the United States’ Ambassador at-large for International Religious Freedom. The Subcommittee was interested in learning more about how such a position could work in Australia, and would be open to further dialogue on this topic. The US Ambassador at-large for International Religious Freedom seeks to:

55 Victorian Multicultural Commission, *Submission 329*, p 6.

56 Mr Antony O’Hea, Research and Policy Manager, Multicultural Affairs and Social Cohesion Division, Office of the Victorian Multicultural Commission *Committee Hansard*, Melbourne, 30 April 2018, p. 20; Ms Blades-Hamilton, *Committee Hansard*, Melbourne, 30 April 2018, p. 20.

57 Ms Blades-Hamilton, *Committee Hansard*, Melbourne, 30 April 2018, p. 18.

58 VMC, *Submission 329*, p 5; preamble and section 3 of *Multiculturalism Act 1988*.

59 Amnesty International, *Submission 378*, p. 5.

60 Senator Fawcett and Dr Zirsak, *Committee Hansard*, Melbourne, 30 April 2018, p. 37; Senator Moore and Mr Gore, *Committee Hansard*, Sydney, 2 May 2018, pp. 13-14; Human Rights Law Alliance, *Submission 156*, pp.68-70; Seventh Day Adventist Church in Australia, *Submission 327*, pp. 17-18

- Promote freedom of religion and conscience throughout the world as a fundamental human right and as a source of stability for all countries;
- Assist emerging democracies in implementing freedom of religion and conscience;
- Assist religious and human rights NGOs in promoting religious freedom;
- Identify and denounce regimes that are severe persecutors on the basis of religious belief.⁶¹

4.63 A Religious Discrimination Commissioner would function in a similar manner to the other human rights commissioners, such as the Disability Discrimination Commissioner or Sex Discrimination Commissioner, investigating complaints of religious discrimination within Australia and promoting religious freedom throughout the community.

Sub-Committee Comment

- 4.64 Most contributors to this inquiry agree that freedom of religion or belief needs to be given greater legal protection at a federal level. The Sub-Committee recognises the various ways this could be achieved and the arguments for and against each of these methods.
- 4.65 The Sub-Committee refers to the First Interim Report, and particularly Chapters 6 and 7, which discusses the issues raised in this chapter

61 US Department of State, *Office of International Religious Freedom*
<https://www.state.gov/j/drl/irf/> accessed 2 February 2019.

