



RELIGIOUS DISCRIMINATION BILL
– SECOND EXPOSURE DRAFT

SUBMISSION TO THE ATTORNEY-
GENERAL'S DEPARTMENT
31 JANUARY 2020

The Australian Progressives

Our mission is to build a fairer Australia.

Our aim is to refresh Australia's national discourse to rebuild our political and economic landscape as a more engaged, empowered and ethical democracy.

We will do this through a values driven policy platform founded upon evidence, empathy and equality, empowerment, engagement and ethics. We are a group of dedicated Australians, advocating for the election of candidates at each level of government who reflect those values.

Our efforts are supported by engagement of with senior thinkers and community leaders in our party, whose interests are tied to equality of opportunity and equitable outcomes.

We invite all likeminded Australians to support or join us.



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31 January 2020

Dear Attorney General

Religious Freedom Bills – Second Exposure Drafts Submission

In August 2019, you released a package of bills, known as the Religious Freedom Bills (the Bills), which included:

1. Religious Discrimination Bill
2. Religious Discrimination (Consequential Amendments) Bill
3. Human Rights Legislation Amendment (Freedom of Religion) Bill.

The Australian Progressives are pleased to submit a response to the Australian Government's invitation to make submissions on the second exposure drafts of the Bills.

We commend our submission to you.

A handwritten signature in black ink, appearing to read "Robert Knight".

Robert Knight

National President

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Introduction

The Australian Progressives support the advancement of a modern, secular Australian parliamentary democracy. We believe all Australians are free to privately engage in their personal beliefs and faith.

The Australian Progressives support the introduction of standard anti-discrimination protections based on religion, including protections for those who do not have a religion or who refuse to engage in religious activity. However, we do not support laws that empower discrimination, nor do we not accept instances where beliefs and faith are contrary to Australian values or the rule of a secular law and practice. This would be the effect of enactment of the current bills.

In our view, the second draft Religious Freedom Bill is such an example of enshrining discrimination on to law .

As progressives, our core policies are premised on the separation of church and state.

About the Australian Progressives

The Australian Progressives was established in September 2014 and registered in February 2015. We contested the 2016 and 2019 Australian Federal Elections, as well as the 2017 Bennelong By-Election. The Canberra Progressives, a Branch of the Australian Progressives, will be contesting the 2020 Australian Capital Territory and Queensland elections.

We believe in the advancement of an empathetic society - one in which all citizens of Australia can reach their full potential and find fulfilment in their lives within a thriving environment. We will be a government with the guts to advance society through laws, services and infrastructure, for the benefit of all people. Government and communities should work together to develop creative and passionate individuals who can improve the world around them, embracing education, technology, science, culture and global leadership.

Positive Aspects of the Bills

The Australian Progressives support the principal of improved protections against religious discrimination. Religious discrimination should be afforded similar levels of protection as we have against discrimination on the basis of race, sex, disability and age. However, it is vital our laws do not empower discrimination for religious purposes, thereby undermining the other discrimination protections for vulnerable Australians.

As made clear by the UN Human Rights Committee's General Comment 22 (the official interpretation of Article 18 of the International Convention on Civil and Political Rights) "... the right to 'freedom of religion' is not meant to enable religion to be elevated to a privileged place. Rather, while commonly abbreviated in discussion to 'freedom of religion', Article 18 of the ICCPR is meant to cover theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.

Negative Aspects of the Bills

These bills are inconsistent with Australian community standards and the principles of International human rights. The Australian Progressive believe every Australian should feel safe and free from discrimination at work, school and in the community or when accessing goods and services.

All Australians should be free from discrimination and access to services. This access should not be affected by gender, sexuality or gender diversity, cultural or linguistic diversity or faith. These Bills would undermine that.

The Religious Discrimination Bill is broadly consistent with existing Australian laws that prohibit discrimination on grounds such as sex, age and disability. The bill would prohibit direct and indirect discrimination on the ground of religious belief or activity (including having no religious belief or refusing to engage in religious activity). However, aspects this Bill introduce unprecedented, unbalanced and unethical provisions which protect the religious beliefs of some, while silencing those of different or no faith. It licences discrimination against certain people in their workplace, at school, and in care and service settings across Australia. This is unacceptable.

The Bill also purports to extend protection against religious discrimination to corporations. The purpose of discrimination laws is to protect human rights. It would be inconsistent with international law to utilise human rights legislation to protect corporations, including protecting them from people and a person's ability to sue a corporation. The Australian Progressives reject this fundamental change in the purpose of discrimination legislation.

Concluding remarks

The Australian Progressives note the Report of the Expert Panel on Religious Freedom (Religious Freedom Review) did not support the enactment of a standalone Commonwealth Act to enshrine the right to freedom of religion. This would be out of step with the treatment of other rights in Australia. We do note it did conclude there is an opportunity to further protect, and better promote, the right to freedom of religion under Australian law and in the public sphere.

Our general view is the bill still seeks to advance one right at the expense of others in our secular democracy and the bill exceeds the intent from the Religious Freedom Review recommendations. Our view is that the Religious Freedom Bills – Second Exposure Drafts (and first Exposure Drafts) are contrary to the values of all Australians and our policies as Progressives.

We urge the reconsideration of the Religious Freedom Bills – Second Exposure Drafts with the inclusion of our recommendations on page six of this submission.

Australian Progressives Recommendations

We propose the following amendments to the Religious Discrimination Bill. Removing these problematic provisions would make the Bills consistent with other discrimination laws, while still giving strong protection against religious discrimination.

1. Delete section 41 from the Religious Discrimination Bill enabling people who wish to express prejudiced, harmful or dangerous views about women, people with disabilities, LGBTQI+ people and others to hide behind the guise of religious beliefs, free from consequences for their conduct.
2. Deleting subsections 8(2)(d), 8(3), 8(4) and 31(6) from the Religious Discrimination Bill empowering religious discrimination in the workplace.
3. Deleting subsections 8(5), 8(6) and 31(7) from the Religious Discrimination Bill, reducing access to healthcare for all Australians by enabling health practitioners to refuse treatment on religious grounds, particularly those in remote areas
4. Delete or significantly revise section 10 of the Religious Discrimination Bill, allowing religious organisations to discriminate against people of different or no faith, and using religion to enable discrimination against people on the basis of sex, marital status, pregnancy, sexual orientation or gender identity.
5. Deleting proposed section 47C of the Marriage Act from the Bills ensuring exemptions for religious educational institutions are considered together.
6. Deleting the proposed section 11(2) of the Charities Act 2013 (Cth) from the HR Amendments Bill, which privileges views regarding marriage between a man and a woman and is contrary to the results of the plebiscite and consequential amendments to the Marriage Act 1961 (Cth) (the Marriage Act).