



New South Wales
Council for
Civil Liberties

NSW COUNCIL FOR CIVIL LIBERTIES

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Government acts on religious discrimination

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The Federal Government yesterday released an Exposure Draft of the Religious Discrimination Bill 2019 (and two subsidiary Bills) which would make it unlawful to discriminate against people on the basis of their religious beliefs or activities in areas of public life. The NSWCCL welcomes it being released as an exposure draft to allow community consideration and input before the Bill is finalised.

The Bill is closely modelled on the existing national anti-discrimination legal framework. Its stated objectives are to eliminate – as far as possible – discrimination on the grounds of religious belief or activity, ensure equality before the law regardless of religious belief or activity and, subject to specified limits, protect people’s right to make statements of belief.

NSWCCL supports these objects and the main thrust of Bill. However, we have a significant concern about the breadth of the exceptions that are included and their implications – especially for GLBTI+ students, who appear to be unprotected in religious schools. We are also concerned at the vagueness of some central definitions including that of “religious belief or activity”. It will be important to ensure that the Bill would not enable people to rely on alleged religious beliefs as an excuse for prejudice.

We will give close attention to the interface between this Bill and existing anti-discrimination legislation. It is clearly important for Australia’s discrimination laws to work cohesively together. In that context we note the Bill asserts “the indivisibility and universality of human rights”. The protection and balancing of these human rights would be greatly assisted by the adoption of an Australian Charter of Human Rights – for too long resisted by our political leaders.

This proposed extension of the anti-discrimination laws to encompass religious discrimination provides an excellent opportunity for us to move forward on the underpinning framework of an Australian Charter of Human Rights.

NSWCCL will make a detailed submission to the Attorney General’s Department.

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