



2 December 2021

Hon Michaelia Cash  
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West Perth, WA, 6005

By email to: [senator.cash@aph.gov.au](mailto:senator.cash@aph.gov.au)

CC: Anne Webster MP  
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By email to: [anne.webster.mp@aph.gov.au](mailto:anne.webster.mp@aph.gov.au)

Dear Senator Cash,

**RE: Inquiry into the Religious Discrimination Bill 2021**

The New South Wales Council for Civil Liberties (NSWCCL) writes in relation to the recently announced Inquiry into the Religious Discrimination Bill 2021 (the Inquiry) and related bills by the Parliamentary Joint Committee on Human Rights (the committee) which is due to report to Parliament on 4 February 2022.

**The Inquiry**

We write to express concern about three aspects of the Inquiry:

1) Truncated timeframe.

The short timeframe for the filing of submissions before the inquiry has left stakeholders only 22 days to draft and file submissions to the Inquiry and would require them to prepare their evidence over a period that is commonly taken as a summer break.

The timeframe is inadequate in allowing enough time for stakeholders to properly consider the bills, draft careful submissions and prepare for giving evidence in a way that would assist the committee. Moreover, the extremely short time frame between the receipt of submissions and the public hearings, and then the public hearings and the release of the final report place unnecessary pressure on the parliamentarians involved in the Inquiry. We seriously doubt that the appointed timeframes will allow for the proper and serious scrutiny that these bills deserve.

We ask that you reconsider the reporting timeframe to allow stakeholders and parliamentarians sufficient time to consider the bills in the detail that they deserve.

2) In person hearings only.

The committee has indicated that hearings will be held in person only. Given the fast moving nature of the COVID-19 pandemic, particular with the detection of Omicron variant, and

differential approaches to imposing border restrictions, we urge you to recommend that the committee reconsider this decision and allow parties to appear remotely.

3) The terms of reference.

The committee has indicated that it will only 'accept submissions strictly addressing its terms of reference: that is, relating to the religious discrimination legislative package'. The bills are inextricably linked, however, with a review into the *Sex Discrimination Act 1984* and state laws which could be superseded by the bills, if they were to pass. It does not stand to reason that the terms of reference can be so narrowly construed in a context where the bills, if passed, will have a significant ripple effect across a number of jurisdictions. The committee should be properly apprised of all matters that relate to the bills and their consequences.

We call on you to allow the committee to broaden the terms of reference and clarify that submissions can extend beyond technical legal analysis of the bills alone to explore the consequences of their passage.

**The bills in the House**

There are reports that the bills will be voted on in the House of Representatives today.

The committee will report before the next sitting of Parliament.

To rush the bills through the House of Representatives today, would subvert the very purpose of the Inquiry, to scrutinise bills and seek stakeholder feedback before the bills make their way through Parliament.

The review of bills by committees, particularly the Parliamentary Joint Committee on Human Rights, is a cornerstone of our Westminster system and ensuring that human rights and civil liberties are protected in all legislative instruments.

We strongly urge you to refrain from putting the bills to a vote in the House of Representatives until the Inquiry has delivered its report.

Yours sincerely



**Michelle Falstein**  
**Secretary**