



2 December 2021

Hon. Mark Speakman SC MP
52 Martin Place
SYDNEY NSW 2000

By email to: cronulla@parliament.nsw.gov.au

Dear Mark Speakman SC MP,

RE: Inquiry into the Religious Discrimination Bill 2021

The New South Wales Council for Civil Liberties (NSWCCL) writes in relation to the Federal government's draft Religious Discrimination Bill 2021, Religious Discrimination (Consequential Amendments) Bill 2021, Human Rights Legislation Amendment Bill 2021 (which we will collectively refer to as "the bills") which seek to strengthen the rights of religious persons to live free from discrimination and in ways which are consistent with their beliefs.

We write to seek an indication as to whether you have formed a view in respect of the bills, particularly because they would allow for state anti-discrimination laws to be overridden.

In addition to the global change that these bills will make to the anti-discrimination landscape, two examples of specific ways in which this could occur are:

1. Clause 11 would allow the Commonwealth to override state provisions with respect to discrimination in religious educational institutions; and,
2. Clause 5(3) which exempts conduct which would otherwise be unlawful under a local council's by-law.

NSWCCL is concerned that the passage of the bills would weaken existing protections for people under state based anti-discrimination laws and urges the state government to take a strong stance against the bills, at least insofar as they will allow for the overriding of stronger protections for individuals under NSW laws.

Yours Sincerely,

Michelle Falstein
Secretary