



Parliamentary Joint Committee on Human Rights
PO Box 6100
Parliament House
Canberra ACT 2600

21 December 2021

Dear Committee Members,

Religious Discrimination Legislative Package

WEstjustice welcomes the opportunity to make a submission in relation to the above Legislative Package and specifically the Religious Discrimination Bill 2021 (“the Bill”).

WEstjustice is a community legal centre servicing the Western suburbs of Melbourne. We provide free legal advice, representation, education, community development, advocacy and policy across four impact areas: youth, employment and equality law, family violence and family law, and economic injustice. Our community is one of the fastest growing areas in Australia and is highly diverse, comprising many newly arrived refugee and migrant communities, a growing Aboriginal and Torres Strait Islander community, and people of many faiths and no faith. It is also a highly vulnerable community, which was exacerbated by the pandemic in 2020 and 2021.

WEstjustice believes in a fair and just society where the law and its processes don’t discriminate against vulnerable people. This is why WEstjustice has significant concerns with the proposed Religious Discrimination Legislative Package, as every day we witness first-hand the long-term social, mental and community impacts that being the victim of discrimination has on a person.

The proposed legislative package would have significant, long-term and wide-reaching negative impacts on communities all over Australia, including many that are already vulnerable, particularly in Melbourne’s West.

While WEstjustice supports freedom from religious discrimination, the Bill creates broad exemptions which go beyond reasonable expectations for accommodating religious belief and practice, and instead will negatively and disproportionately limit the rights of vulnerable areas of our community.

The Bill does not appropriately balance competing rights to freedom of religion with other rights, including the right to equality, nor does it balance the rights of people with different or no religious beliefs who work, study or rely on services provided by faith-based organisations.

Equivalent federal anti-discrimination laws for age, sex, race and disability do not allow freedom to discriminate against others based on these beliefs or identification with these subsections of our community. Instead, they focus on the alleviation of barriers to participation in areas of public life, such as employment and education. The proposed Bill cannot be said to do the same and risks winding back these long fought for anti-discrimination protections, and prioritises institutional religious views over individual beliefs.

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For example, the inclusion of protections for 'Statements of Belief' explicitly overrides existing anti-discrimination protections and authorises a broad array of offensive and harmful statements that could be made against already vulnerable minority groups. If allowed, these statements may perpetuate homophobia, ableism, sexism or other harassment. Workers will be left with little protection or recourse when subjected to offensive, insulting, derogatory, demeaning or humiliating conduct in their workplaces by their employer or co-workers. The same goes for students in their schools and universities, and clients and customers of health and other services and clubs.

WEstjustice is also concerned that the legislative package would limit people's access to public services including health services on the basis of attributes such as their gender identity, religious identity or relationship status. This would lead to unacceptable longer-term negative physical and mental health impacts, on communities which are already vulnerable.

In line with Equality Australia's submission to the Joint Committee which we endorse, we are concerned that the Bill would:

- Override existing discrimination protections, including for women, people with disability, LGBTIQ+ people and people with different or no religious beliefs;
- Introduce complexities and additional financial costs into anti-discrimination complaints, including through interpretation of the new tests, definitions and broad exemptions, which will most likely need to be settled through litigation in the federal courts;
- Make it harder for employers, teachers and services to cultivate inclusive cultures and protect their employees, students, customers and clients from offensive and derogatory comments based on religion;
- Allow health professionals to prioritise their religious beliefs before their patient's health and wellbeing; and
- Extend protections from religious discrimination to corporations associated with religious individuals, ignoring the fundamental principle that human rights are protections for humans, in recognition of the inherent dignity of the person.

We oppose the passage of this Bill in its current form and support the recommendations for amendment in the Equality Australia submission. We also support the Victorian Trades Hall Council and Australian Council of Trade Union's recommendation that all provisions of the Bill that depart from existing anti-discrimination frameworks should be removed, and their concern that the Bill will create unacceptable risk to the safety and wellbeing of workers in Australia. We urge protection of freedom of thought, conscience and religion as provided in international human rights law.

Should you have any questions or require further information, please contact Jennifer Jones, WEstjustice's Legal Director of the Employment and Equality Law Program at jennifer@westjustice.org.au.

Yours sincerely,



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