2019

The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT (29 August 2019)

Human Rights Legislation Amendment (Freedom of Religion) Bill 2019

No. , 2019

(Attorney-General)

A Bill for an Act to amend laws relating to human rights, and for related purposes
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A Bill for an Act to amend laws relating to human rights, and for related purposes

The Parliament of Australia enacts:

1 Short title

This Act is the Human Rights Legislation Amendment (Freedom of Religion) Act 2019.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.
### Commencement information

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<tr>
<td>1. The whole of this Act</td>
<td>The day this Act receives the Royal Assent.</td>
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</table>

1. Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

2. (2) Any information in column 3 of the table is not part of this Act.

3. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Schedules

4. Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
Schedule 1—Amendments

Age Discrimination Act 2004

1 Section 3
Before “The”, insert “(1)”.

2 At the end of section 3
Add:

(2) In giving effect to the objects of this Act, regard is to be had to:
   (a) the indivisibility and universality of human rights; and
   (b) the principle that every person is free and equal in dignity and rights.

Charities Act 2013

3 Section 11
Before “In”, insert “(1)”.

4 At the end of section 11
Add:

(2) To avoid doubt, the purpose of engaging in, or promoting, activities that support a view of marriage as a union of a man and woman to the exclusion of all others, voluntarily entered into for life, is not, of itself, a disqualifying purpose.

Disability Discrimination Act 1992

5 Section 3
Before “The”, insert “(1)”.

6 At the end of section 3
Add:

(2) In giving effect to the objects of this Act, regard is to be had to:
(a) the indivisibility and universality of human rights; and
(b) the principle that every person is free and equal in dignity and rights.

Marriage Act 1961

7 After section 47B

Insert:

47C Educational institutions established for religious purposes may refuse to make facilities available or provide goods or services

(1) An educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion may refuse to make a facility available, or to provide goods or services, for the purposes of the solemnisation of a marriage, or for purposes reasonably incidental to the solemnisation of a marriage, if the refusal:
   (a) conforms to the doctrines, tenets, beliefs or teachings of the religion of the educational institution; or
   (b) is necessary to avoid injury to the religious susceptibilities of adherents of that religion.

(2) Subsection (1) applies to facilities made available, and goods and services provided, whether for payment or not.

(3) This section does not limit the grounds on which an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion may refuse to make a facility available, or to provide goods or services, for the purposes of the solemnisation of a marriage, or for purposes reasonably incidental to the solemnisation of a marriage.

(4) To avoid doubt, a reference to an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion has the same meaning in this section as it has in section 38 of the Sex Discrimination Act 1984.
(5) For the purposes of subsection (1), a purpose is *reasonably incidental* to the solemnisation of marriage if it is intrinsic to, or directly associated with, the solemnisation of the marriage.

**Racial Discrimination Act 1975**

8 After section 2

Insert:

2A Objects

(1) The objects of this Act are:

(a) to give effect to certain provisions of the International Convention on the Elimination of All Forms of Racial Discrimination; and

(b) to eliminate, so far as is possible, discrimination against persons on the ground of race, colour, descent, national or ethnic origin or immigrant status in a range of areas of public life; and

(c) to eliminate, so far as possible, certain behaviour based on racial hatred; and

(d) to ensure everyone has the same rights to equality before the law, regardless of their race, colour or national or ethnic origin.

(2) In giving effect to the objects of this Act, regard is to be had to:

(a) the indivisibility and universality of human rights; and

(b) the principle that every person is free and equal in dignity and rights.

**Sex Discrimination Act 1984**

9 Section 3

Before “The”, insert “(1)”.

10 At the end of section 3

Add:

(2) In giving effect to the objects of this Act, regard is to be had to:
(a) the indivisibility and universality of human rights; and

(b) the principle that every person is free and equal in dignity and rights.