

EXPOSURE DRAFT

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

3 The Parliament of Australia enacts:

4 **1 Short title**

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

7 **2 Commencement**

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

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details

1. The whole of this Act	The day this Act receives the Royal Assent.	
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1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

3 Schedules

8 Legislation that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

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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:
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Schedule 1 Amendments

- 1 (a) the indivisibility and universality of human rights; and
2 (b) the principle that every person is free and equal in dignity
3 and rights.

4 *Marriage Act 1961*

5 **7 After section 47B**

6 Insert:

7 **47C Educational institutions established for religious purposes may** 8 **refuse to make facilities available or provide goods or** 9 **services**

- 10 (1) An educational institution that is conducted in accordance with the
11 doctrines, tenets, beliefs or teachings of a particular religion may
12 refuse to make a facility available, or to provide goods or services,
13 for the purposes of the solemnisation of a marriage, or for purposes
14 reasonably incidental to the solemnisation of a marriage, if the
15 refusal:
- 16 (a) conforms to the doctrines, tenets, beliefs or teachings of the
17 religion of the educational institution; or
18 (b) is necessary to avoid injury to the religious susceptibilities of
19 adherents of that religion.
- 20 (2) Subsection (1) applies to facilities made available, and goods and
21 services provided, whether for payment or not.
- 22 (3) This section does not limit the grounds on which an educational
23 institution that is conducted in accordance with the doctrines,
24 tenets, beliefs or teachings of a particular religion may refuse to
25 make a facility available, or to provide goods or services, for the
26 purposes of the solemnisation of a marriage, or for purposes
27 reasonably incidental to the solemnisation of a marriage.
- 28 (4) To avoid doubt, a reference to an educational institution that is
29 conducted in accordance with the doctrines, tenets, beliefs or
30 teachings of a particular religion has the same meaning in this
31 section as it has in section 38 of the *Sex Discrimination Act 1984*.

- 1 (5) For the purposes of subsection (1), a purpose is *reasonably*
2 *incidental* to the solemnisation of marriage if it is intrinsic to, or
3 directly associated with, the solemnisation of the marriage.

4 *Racial Discrimination Act 1975*

5 **8 After section 2**

6 Insert:

7 **2A Objects**

- 8 (1) The objects of this Act are:
9 (a) to give effect to certain provisions of the International
10 Convention on the Elimination of All Forms of Racial
11 Discrimination; and
12 (b) to eliminate, so far as is possible, discrimination against
13 persons on the ground of race, colour, descent, national or
14 ethnic origin or immigrant status in a range of areas of public
15 life; and
16 (c) to eliminate, so far as possible, certain behaviour based on
17 racial hatred; and
18 (d) to ensure everyone has the same rights to equality before the
19 law, regardless of their race, colour or national or ethnic
20 origin.
- 21 (2) In giving effect to the objects of this Act, regard is to be had to:
22 (a) the indivisibility and universality of human rights; and
23 (b) the principle that every person is free and equal in dignity
24 and rights.

25 *Sex Discrimination Act 1984*

26 **9 Section 3**

27 Before “The”, insert “(1)”.

28 **10 At the end of section 3**

29 Add:

- 30 (2) In giving effect to the objects of this Act, regard is to be had to:
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Schedule 1 Amendments

- 1 (a) the indivisibility and universality of human rights; and
2 (b) the principle that every person is free and equal in dignity
3 and rights.