Tuesday, 1 October 2019

Via Email to: ForConsultation@ag.gov.au

Freedom of Religion Consultation
Attorney General’s Department
4 National Circuit
BARTON ACT 2600

To whom it may concern,

**RE: Submission regarding Religious Discrimination Bill 2019 (Exposure Draft)**

Tasmanian of Council Service Inc (TasCOSS) holds the view that the proposed *Religious Discrimination Bill 2019* appears to be in conflict with certain articles of the *International Covenant on Civil and Political Rights* to which Australia is a signatory. The Covenant is a fundamental piece of international human rights law that makes it clear the right to ‘manifest one’s religion or beliefs’ is balanced by limitations necessary to protect the fundamental rights and freedoms of others (Article 18).

In addition, the internationally protected freedom of expression (Article 19 of the Covenant) is expressed as carrying with it ‘special duties and responsibilities’ which includes the protection of the ‘rights or reputation of others’. As it is written, the *Religious Discrimination Bill 2019* (the Bill) privileges religious expression over other rights, including the right to access healthcare because the conscientious objection sub-sections (s 8(5) and 8(6)) allow health professionals to refuse a wide range of health services based on a religious objection.

The Bill also allows ‘statements of belief’ (s 41) that are discriminatory if they ‘may reasonably be regarded as being in accordance with the doctrines, tenets, beliefs or teachings’ of their religion. This section of the Bill explicitly overrides Tasmanian law (s 17(1) of the *Anti-Discrimination Act 1998*) that is in line with the *International Covenant on Civil and Political Rights*. s 17(1) prohibiting statements that offend, humiliate, intimidate, insult or ridicule on a number of grounds including race, sexual orientation or disability.

Overriding Tasmanian law’s commitment to the Convenant in this way would have a detrimental impact on many Tasmanians, especially people with disability who bring the majority of complaints under this section and who continue to face stigma and discrimination on the basis of religious beliefs.

While TasCOSS fully supports protection of religious beliefs, we do not support the Bill in its current form. The Bill goes well beyond what is required for this protection because it privileges or gives special status to acts done for religious purposes thereby curtailing the human rights to equality and freedom from discrimination protected through the Covenant.

Sincerely

Simone Zell, A/CEO