First, we are concerned that the government seems to have consulted on this Bill only with religious organisations -- such as PM Scott Morrison well publicised for his meeting in August with 21 religious leaders. No such invitation has been offered to key secular and non-religious organisations. This demonstrates a lack of interest and "balance" by the government -- it reflects only on its bias towards faith-based institutions, for what is groundbreaking legislation which will affect all Australians, just a minority of religious conservatives.

There are just 27 points we wish to make: Links were provided for most of the points, to support and verify the statements to be made. Regrettably this form does not accept them, and there is no provision for 'supertext' references.

1. This Bill unnecessarily diverts the Morrison government away from the real business of education, health, job creation, climate change and the economy, simply to appease religious conservatives unable to accept the will of the people on legalising same sex marriage. 78% of citizens support the separation of Church and State.

2. The Bill puts religious rights above "secular equality" by failing to mandate Human Rights General Comment 22, which protects secularists and atheists against discrimination by theists, and their right to be free FROM religion.

3. Blanket media coverage of “religious freedom”, over recent years, demonstrates the power of the “religious voice” in the “public square”. The “secular voice” is rarely heard since same-sex marriage was legalised in 2017.
   With endless religious privileges, grants, and tax-breaks from governments, Australia is now a “Soft Theocracy”.

4. The Bill is also duplicitous. Under Conduct by Religious Bodies (p4), theists are not seen to discriminate when acting “in accordance with the doctrines, beliefs or teachings of their religion”. That’s carte blanche! Secular and atheist bodies – by their very nature – do not have “doctrines or teachings”. They may be open to discrimination charges, under this law, if a religious body or person is offended when their foundational beliefs are challenged.

5. Human Rights barrister, Simeon Beckett, SMH on 18.9.19, says the draft Religious Discrimination Bill is badly framed and wholly unworkable. It creates a fractious divide between federal and state laws. Even minor disputes will become an expensive lawyers picnic. We cannot have one model of special protection for religion, and a lesser model of protection for other people – based on race, gender, age, or disability.

6. Section 8 (3) is the "Israel Folau" clause: This exclusively protects religious statements by an employee – outside working
hours – that others find offensive. Folau was sacked by Rugby Australia for posting that gays will go to hell. Employers with a $50m-plus turnover must prove “financial loss” before sacking an employee.

7. Section 8 (5) This is the “conscientious objection” clause: It allows religious professionals in the health sector (as one example) to refuse certain services, when those services conflict with a practitioners’ religious beliefs.

8. Section 10 (1 and 2) allows religious bodies to discriminate, based on their faith: Church-run institutions, (collectively) are the largest non-government employers in the nation. Hiring and firing may now be based on a “religious test”, in accordance with the organisation’s faith.

   And; Section 116 of the constitution states: “no religious test shall be required as a qualification for any office or public trust under the Commonwealth.” This must apply equally to religious employers.

9. Section 10 enshrines religious privilege: Where religious bodies act in good faith they “may reasonably be regarded” as acting in accordance with their religious beliefs. Such acts cannot be unlawful discrimination. And s.10 (3) states: “This section applies despite anything else in this Act.”

10. Section 11 (1) is a blanket excuse for any religious person to discriminate – based on it being “reasonable”, or that it is “intended to meet a need arising out of a religious belief...” So “religious faith” is put on a pedestal.

11. Combined, religious institutions are the largest non-government employer in Australia -- covering health, education, aged-care and welfare. This Bill allows religious bodies to grow their commercial businesses and charities and feel entitled to only employ those who conform to their "doctrines, tenets, beliefs or teachings".

12. All “religious service providers” either receive government funding or are exempt from paying the full range of federal or state taxes. Taxpayer funded religious institutions should not have the power to hire and fire based on their religious faith. This is a form of employee apartheid, your worth is based on your religious belief.

13. Religious institutions that receive government funds, grants, or tax exemptions – which run into billions – should not have special privileges to override ‘secular laws’ that prohibit any form of discrimination.

14. Women will be disadvantaged: The Bill can allow a person to use their religious belief as a cover for sexism and prejudice. Unnecessarily complex clauses seem to provide new avenues for religious “anti-choice” conservatives to attack access to abortion, and other forms of gender bias.

15. The Conversation 13.9.19: Explains why women may find it harder to get an abortion if the proposed Religious Discrimination Bill is made law. Doctors of ‘faith’ may object to referring women to another provider.

16. This Bill protects religious discrimination, not only against LGBTI people, but against all those who do not adhere to the faith of a particular institution. Under this Bill, religions may justify discrimination against those in de-facto relationships (“living in sin”), pregnant women, divorcees, people of other faiths, agnostics, and atheists.

17. It excuses any “religious body” from discrimination simply by its hierarchy declaring that discrimination is “permitted”, based on its religious dogma. Basically, any religious organisation can virtually write its own rules.

18. This Bill purports to protect non-believers but it provides exemptions and privileges only for faith-based institutions. These are the very groups most likely to discriminate against those of other faiths, or no faith at all.

19. Reuters 1.7.19: The Vatican reaffirms that Catholic priests cannot reveal what they learn in confession, “because this duty comes directly from God.” This openly defies the new law in Victoria to report child abuse.

20. In his review, Philip Ruddock found there is no systemic religious discrimination in Australia, and he did not recommend the introduction of a 'Religious Freedom Commissioner'. Ruddock says it is unnecessary.

21. While this is a "religious discrimination bill", in the sense that it disallows discrimination against people on the basis of
religious belief, it is also a "religious liberty bill" in that it gives religious groups and individuals a legal privilege to override basic rights of others to be free from discrimination – and to be Free From Religion”.

22. It is not acceptable to exclusively protect the “choice” to be religious – over and above the free “choice” to be non-religious. Faith is a conscious decision; it is not “innate”. This Religious Discrimination Bill is completely out of step with all other anti-discrimination laws that are not based on “choice” – race, gender, age, or disability.

23. This legislation will be a minefield in terms of protecting competing rights – for example: in cases where the rights of people of two opposing religions come into conflict. Deciding an outcome will necessarily require legal entanglement and, finally, one religion will be favoured over another. That contravenes the meaning of the Bill.

24. If enacted, this legislation will override state laws as well as overriding laws in other areas, such as contract law and employment law. Australian discrimination law is largely premised on there being concurrent federal and state systems, neither of which overrides the other. The Bill simply complicates all discrimination law.

25. PM meets with 21 Christian leaders but NOT ONE pro-secular organisation. While the PM is a devout Pentecostal, his persistent promotion of Christianity is at odds with the spirit of s.116 of the constitution.

26. The Bill does not validate Article 18 of the ICCPR, giving equal rights to “freedom of thought and conscience”. The Human Rights addendum, Comment No 22 (2), states that Article 18 includes non-theistic and atheist beliefs which is completely ignored within the current draft of this Religious Discrimination Bill – favouring “religion”.

27. This Bill is fundamentally wrong both socially and morally. Its drafting is a complete disaster – and a shameful piece of legislation. A handful of amendments will not fix it. The Bill should be rejected in its entirety.

Brian Morris
Director
Plain Reason