

RELIGIOUS DISCRIMINATION BILL:

Five Biggest Objections Answered

OBJECTION #1: *The Religious Discrimination Bill is Unnecessary*



“...they got Philip Ruddock... a liberal cabinet minister at that time to do a review and that found essentially that this law... that they’re looking to bring in was unnecessary...they’re solving a problem that doesn’t exist.”

PETER VAN ONSELEN, REPORTER – ABC RN BREAKFAST 25 NOVEMBER 2021:
abc.net.au/radionational/programs/breakfast/religious-bill-unnecessary-politics-with-peter-van-onselen/13647654

Fact Check: Incorrect

- Discrimination against people of faith is legal in NSW and SA. A business can put up a sign saying, “No Christians allowed”, and that is not illegal discrimination in NSW or SA. We wouldn’t accept that for any other minority group.
- Australiawatch.com.au documents 44 real life cases of religious discrimination against Australians at work, in education, in businesses and in professions and trades that demonstrate the need for the RD Bill.
- The ECAJ 2020 anti-Semitism report at <https://www.ecaj.org.au/the-ecaj-2020-antisemitism-report/> and the Islamophobia Report 2019 at <https://www.islamophobia.com.au/resources/> also document many recent cases of religious discrimination against Jews and Muslims.
- The Ruddock Review recognised that religious discrimination does exist. It recommended an RDA to fill the gap in existing law. ‘While the Panel did not accept the argument, put by some, that religious freedom is in imminent peril, it did accept that the protection of difference with respect to belief or faith in a democratic, pluralist country such as Australia requires constant vigilance.’¹
- 2021 polling from McCrindle Research shows that 29% of Australians report having experienced discrimination against them because of their “religion or religious views”.²
- In its 2017 Periodic Review of Australia, the United Nations Human Rights Committee expressed ‘concern’ at ‘the lack of direct protection against discrimination on the basis of religion’ and called upon Australia to address this deficiency by enacting Commonwealth discrimination protections. This Bill will not deliver many of the protections Australia has agreed to under the International Covenant on Civil and Political Rights Article 18, but it is a good and long overdue first step.
- There is a gaping hole in federal discrimination law. Sex, age, race, and disability have their own discrimination acts in federal law. Religious belief and practice do not.

¹Paragraph 1.6. Religious Freedom Review, May 2018

²Australias-Changing-Spiritual-Landscape-Report-2021.pdf (mccrindle.com.au)

OBJECTION #2: The Religious Discrimination Bill allows religious schools to fire gay teachers or expel gay students



“...this bill is definitely a sword when it comes to gay teachers or trans workers in a religious agency, to LGBTI kids in faith-based schools, to people who are using religious services, this bill allows potentially wide-ranging discrimination...”

RODNEY CROOME – 2GB RADIO, 28 NOVEMBER 2021:

2gb.com/podcast/discrimination-in-the-name-of-faith

Fact Check: Incorrect

- The Religious Discrimination Bill is not a sword but a shield protecting people against discrimination only on the ground of religious belief or activity. The Bill does not affect any other law against discriminatory actions on the grounds of disability, gender, relationship status, sexual orientation, or any other attribute.
- The Bill does not affect the federal Sex Discrimination Act 1984 or any State or Territory law protecting teachers or students from discriminatory actions on the ground of their sexual orientation or gender identity.
- The Bill lets religious schools preserve their religious character and ethos by ensuring they can prefer to hire and retain staff who support the beliefs of the religion. This is the same protection of freedom of association that lets political parties, MPs and Ministers to prefer to hire and retain staff who have the same political beliefs. The Bill should extend this same legal freedom beyond religious schools to religious bodies like churches, mosques and temples – so they too can hire and retain staff who support the beliefs of the religion.
- Some religious schools (and almost all religious bodies) will choose to create a community and a culture where all staff are expected to support and teach the way of life of the religion. As Professor Patrick Parkinson has stated: “modelling [a religion] within a faith community is as important as teaching [the religion] within a classroom or [a church]. Indeed it may well be more important and have more impact on people’s lives”. A religious school that makes this choice (and publicly discloses that policy as this Bill will require) should not be forced by anti-discrimination law to hire and retain staff who will not support and teach the religious beliefs of the school – it is about whether a staff member shares the beliefs of the religion, not about their sexuality.
- Under Article 18 of the International Covenant of Civil and Political Rights, parents have the right to ‘ensure the religious and moral education of their children in conformity with their own convictions’. Many parents do this by paying fees on top of their taxes to send their children to religious schools. If the State uses anti-discrimination law to force schools to hire and retain staff who don’t support the religion, that undermines the culture of religious schools and closes the option for parents to send their children to a religious school where all staff support the values of the religion. It also undermines the purpose for the existence of such schools. In 2010 more than 1.1 million students (out of a total student population of 3.4 million) attended non-government schools in Australia. More than 90% of these students were in religious schools.

OBJECTION #3: *The Religious Discrimination Bill will legalise hate speech*

JUNKEE.

"So a statement that is discrimination today could be lawful tomorrow. Say, things like a nurse saying to a patient with HIV that AIDS is a punishment from god, or a disability worker saying to a girl with a disability that her disability is caused by the devil."

JUNKEE 25 NOVEMBER 2021:

junkee.com/religious-discrimination-bill-explained/315993

Fact Check: Incorrect

- The quoted examples are fanciful, hateful hypotheticals. No nurse or disability worker believes these things or would say these things because they would be rightly subject to complaints and workplace discipline. The Religious Discrimination Bill will not change that.
- The RDB will protect statements of belief (or unbelief) which are made in good faith, not malicious, not harassing, threatening, intimidating, or vilifying (referred to as moderate statements below). The quoted hypotheticals completely fail that test and will receive no protection under the Bill.
- The RDB protects people who make moderate statements of belief or unbelief from being taken (often by activists) to an anti-discrimination tribunal. Catholic Archbishop Porteous in Tasmania gave parents of Catholic school students a document with moderate statements on standard Catholic doctrine on sexuality and man-woman marriage. He was taken by an offended non-Catholic transgender person to the Tasmanian anti-discrimination tribunal for 9 months of compulsory conciliation before the person dropped the complaint. The RDB will prevent that misuse of anti-discrimination law to shut down moderate statements of belief and unbelief.
- The RDB will also protect people who make moderate statements of belief outside work contexts from professional body conduct rules that would prevent or punish such statements. Some health practitioners have been disciplined or deregistered for moderate statements of their religious beliefs on human sexuality or gender made outside a work context.
- The RDB does not protect people who make moderate statements of belief or unbelief from sanctions under employer codes of conduct (but it should protect moderate statements of belief or unbelief outside work from employer sanction).
- The RDB won't change any other existing restrictions on speech like:
 - an employer's reasonable and lawful directions to be courteous and respectful to customers and other staff;
 - laws against speech that incites violence, severe ridicule, or contempt (vilification);
 - laws against statements that harm a person's reputation (defamation).

OBJECTION #4: The Religious Discrimination Bill will threaten healthcare for minorities



"The Religious Discrimination Bill strengthens the ability for doctors, nurses, midwives and pharmacists to refuse treatment to patients on religious grounds, and protects certain religious statements made by health providers which are discriminatory."

EQUALITY AUSTRALIA

equalityaustralia.org.au/resources/religious-discrimination-bill-healthcare-fact-sheet/

Fact Check: Incorrect

- The RDB protects people from religious discrimination. It does not provide any right or protection for a medical professional to discriminate against their patients in type or quality of medical care or to refuse to provide treatment on religious or conscience grounds.
- The RDB does not amend healthcare laws or health practitioner regulations. Health professionals are bound by their own professional conduct laws. Breach of such laws can result in discipline by AHPRA and the Medical Board.
- The Bill does not affect these rules and responsibilities except to protect health professionals who make moderate statements of belief or unbelief outside their work context from professional body sanctions, as explained above. The Bill does not protect statements of belief made by health workers to patients or colleagues in a work context from professional body sanction or from complaints to their employers.

OBJECTION #5: The Religious Discrimination Bill will wind back protections for women, disabled and LGBTIQ+



"It will wind back hard-fought protections for women, people with disability, LGBTIQ+ people, and even people of faith."

**ANNA BROWN, CEO EQUALITY AUSTRALIA – THE JERUSALEM POST
25 NOVEMBER 2021:**

www.jpost.com/international/australia-introduces-contentious-religious-anti-discrimination-bill-686935

Fact Check: Incorrect

The RD Bill does not change any existing protections against discrimination on the ground of sex, disability, sexual orientation or gender identity

- The Bill only relates to discrimination on the grounds of religious belief or activity. It does not authorise discrimination on the grounds of any other protected attributes such as race, sex, sexual orientation, gender identity, or disability. And it does not change the protection against discriminatory acts based on those protected attributes under any other laws.
- The attribute of sexual orientation is protected under the federal Sex Discrimination Act. The RD Bill does not affect or take away the rights of LGBT people protected under the SDA. The SDA will remain unchanged.