



19 November 2021

Senator the Hon Michaelia Cash
Attorney-General and Minister for Industrial Relations
PO Box 1966
West Perth WA

By email: senator.cash@aph.gov.au

Dear Attorney-General,

Religious Discrimination Bill

We are writing to express our serious concerns about the Government's proposed Religious Discrimination Bill. We understand from media reporting this is expected to be introduced to Parliament during the final sitting weeks of the year.

We are writing to you to ask you to not proceed with the Bill. We are extremely concerned that the impact of the Bill will be that it will allow discrimination and compromise Australia's human rights protections.

The Government has not publicly released the version of the Bill that it is expected to introduce to Parliament. However, the drafts of the Bill released on 29 August 2019 and 10 December 2019 were extremely alarming in allowing discrimination and increasing legal complexity in this area. In our view this Bill has the effect of significantly winding back existing discrimination protections in Australia, when the Australian Government should be increasing legal protections in this area.

Kingsford Legal Centre is a community legal centre, providing free legal advice, casework and community legal education to people in south-east Sydney. We specialise in discrimination law and run a state-wide Discrimination Law Clinic. In 2020, we gave 297 discrimination advices and provided intensive assistance with 71 discrimination matters. This letter is also endorsed by Community Legal Centres Australia and Community Legal Centres NSW.

Our organisations support protection from discrimination and increasing human rights protection in Australia. We believe that protection from discrimination should be increased in Australian law, including through a Charter of Human Rights. However, this Bill does not have this effect and will increase discrimination and reduce human rights protection. For example, from what we understand the Bill may protect an employer or co-worker who says:

- To women in the workplace: That they should be at home caring for children
- To an LGBTQI+ staff member: That they are going to hell
- To a person with a disability or health condition: That they need religious intervention to 'cure' them

This will have significant implications for the inclusion, safety and wellbeing of people experiencing marginalisation in the workplace and realisation of equality for many members of the community in Australia.



We also oppose the Bill as it will interfere with the provision of vital social services – many of which fall within publicly funded areas of government responsibility. For example, the draft Bill may:

- Allow a doctor in a public hospital to refuse to provide the morning after pill to a woman
- Allow a nurse in a public hospital to refuse to provide COVID-19 vaccinations
- Allow a doctor in a public hospital to refuse to provide fertility advice to an LGBTIQ+ person
- Compromise the health care of many people in Australia if the health professional has certain 'religious beliefs'

Even more worrying, in the above examples, there would be no requirement to provide appropriate referrals or even to disclose that the decision to refuse treatment was for religious reasons. This compromises the right to health care that all people in Australia have for no real compelling reason.

The Bill will allow religious hospitals, aged care facilities and accommodation providers to hire a person because they have a particular religion, rather than because they are the best person for the job – for example, a Christian aged care provider could give preference to a Christian job candidate over a more qualified candidate of a different religion. We don't think qualified professionals should be denied work on this basis.

The Bill also increases legal complexity making it a nightmare to understand and negotiate for employers and other organisations bound by them. We need simpler and clearer protections in this area, not more complex laws that lawyers need to interpret.

Religious discrimination laws must not enshrine new forms of discrimination or weaken existing discrimination protections. It is for these reasons that we urge you to not proceed with the Bill.

If you have any questions, please contact Emma Golledge at legal@unsw.edu.au.

Yours faithfully,

Emma Golledge
Director, Kingsford Legal Centre

Nassim Arrage
Chief Executive Officer, Community Legal Centres Australia

Tim Leach
Executive Director, Community Legal Centres NSW



19 November 2021

The Hon Mark Dreyfus QC, MP
Shadow Attorney-General
566 Main Street
Mordialloc VIC 3195

By email: mark.dreyfus.mp@aph.gov.au

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