



Dear Federal MP,

The 'Religious Freedom Bill' drafted by the Coalition began as a backlash to marriage equality.

It was created by the No Campaign.

It has grown into the biggest attack on existing anti-discrimination protections in our nation's history.

Despite its name, it is not about religious freedom.

It is about enshrining religious privilege.

Prime Minister Scott Morrison promised that his Religious Discrimination Bill "would be a shield and not a sword."

The PM has broken that promise. This Bill is a sword and not a shield.

Freedom of religion means protecting people from discrimination on the basis of faith. It does not mean allowing discrimination in the name of faith.

This Bill overrides State, Territory and Federal anti-discrimination laws, including the Fair Work Act.

This Bill gives special rights to religious people to discriminate against anyone who falls foul of traditional religious dogma.

This includes people with disability, women, LGBTI people, those from minority faiths, single parents, divorced partners and others.

This document explains the four (4) main faults and dangers with this Bill and how it will harm people and organisations.

We call on parliament to oppose this Bill.

We call on MPs and senators to commit to a genuine Religious Discrimination Bill, and not support legislation that enshrines the special religious privilege to discriminate against others.

Sincerely,

Rodney Croome AM

Ms Sally Goldner AM

Endorsed By: Dr Charlie Burton, Mr Daniel Comensoli, Dr Sharon Dane, Dr Angela Dwyer, Mrs Sharyn Falkner, Mr Brian Greig OAM, Mr Ivan Hinton-Teoh OAM, Mr John Klopprogge, Mx Cody Smith.





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Image: Jenny Scott/Flickr



# 1. DENIAL OF SERVICES

The Religious Freedom Bill overrides State and Federal anti-discrimination laws, including the Fair Work Act.

It gives special rights to discriminate against anyone who falls foul of traditional religious dogma. This includes people with disability, women, LGBTI people, people from minority faiths, single parents, divorced partners and others.

Section 8(6)-(7) of the Bill, for example, gives special permission to 'health professionals' to refuse to provide services based on personal religious beliefs.

This will include:

- **Doctors refusing to provide stem cell treatment to patients with a disability.**
- **Chemists refusing to sell oral contraceptives, as well as PrEP (which prevents HIV transmission) because of their beliefs about sex outside marriage.**
- **Doctors refusing to prescribe hormone treatments or referrals for surgical procedures for people who are transgender.**
- **Counsellors refusing to offer sexuality and gender identity affirming care.**

These examples are not exaggerated. In fact, former Attorney-General Porter used the denial of hormone therapies as an example of what the Bill was *intended* to allow.

The discrimination laws rolled back by the Religious Discrimination Bill have been in place for decades.

**We call on parliament to vote against the proposed Bill.**



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**The Bill gives special permission to refuse services based on the personal religious beliefs of the nurse, chemist, psychologist or doctor. This will mostly impact women, people with disability and LGBTI people.**

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## 2. PEOPLE WITH DISABILITY

Section 42 of the Religious Freedom Bill specifically targets section 17(1) of the Tasmanian *Anti-Discrimination Act*. This Act has been in place 23 years.

It has been of particular benefit to people with disabilities.

Section 17(1) of the Tasmanian Act permits complaints from the public against degrading speech. It allows complaints against written and verbal material which, “*humiliates, intimidates, insults or ridicules*” another person.

The Religious Freedom Bill undermines this. It creates a special exemption to excuse and allow abuse in the name of religion.

Reported abuse is frequently done in the name of religion or religious belief. Protected attributes include race, sexual orientation, religion, gender identity and disability.

Between July 2018 and June 2019, for example, 145 people made complaints under section 17(1), most of which were resolved in conciliation to the satisfaction of all parties.

- **Of the 145 individual complaints, one third was from people with a disability.**
- **Almost 50% were collectively on the basis of age, sex or race.**
- **Only 6% were about sexual orientation and gender identity – exposing the myth that this issue will only affect LGBTI Australians.**

People with disabilities, women, single parents, divorced people, people in de facto relationships and many more groups all have something to lose from this legislative attack.

**We call on parliament to vote against this Bill.**



### 3. DISRUPTING THE WORKPLACE

Section 8(3) of the Religious Freedom Bill, makes it almost impossible for large businesses (with revenue of over \$50m per year) to impose codes of conduct on employees to prevent them from publicly expressing homophobic and transphobic views where motivated by religious belief.

The only justification for employers to impose such rules is 'to avoid unjustifiable financial hardship' – meaning businesses must accept *some* financial hardship as a result of their employees' views, including reputational damage and loss of custom.

Inside the workplace, the situation is even worse. Section 42 means 'statements of belief' would not constitute discrimination under any commonwealth, state or territory anti-discrimination law -including the Fair Work Act.

In practice, this will allow:

- **a primary school teacher with children of LGBTI parents in their class could post on social media her views that children born from LGBTI couples are an abomination.**
- **a business manager could tell their Indigenous employee that Aboriginal culture is “inspired by Satan and should be eradicated.”**
- **a disabled employee could be told by their manager that they are “marked by sin” and urged to seek faith healing.**
- **a woman who works with a male manager who says that her divorce was a sin, and that women should submit to their husbands.**

The Religious Discrimination Bill would undermine decades of work by employer groups, unions and workers to create more inclusive workplaces for all Australian employees.

**We call on parliament to vote against the proposed Bill.**



# Harmful speech, can you just keep it to yourself?

In November 2019, Israel Folau made public comments linking the NSW bushfires to “God’s revenge for gay marriage.”

Prime Minister Scott Morrison described these comments as “appalling and insensitive.”

However, sections 8 (3)-(5) and 42 of his proposed Religious Discrimination Bill would legally protect Folau’s ability to say things like this inside and outside the workplace.

Any religious person with strong anti-LGBTI views could be this disruptive in the community and the workplace under the special privileges this Bill affords them.

At the time, the Prime Minister said of Mr Folau:

***“If people don’t have something sensible and helpful to say, can you just keep it to yourself?”***

This is good advice, but is contrary to what his Religious Freedom Bill actually does.

The Bill erodes existing anti-discrimination protections and sanctions harmful speech in the name of religion.

**The Australian, 18 November 2019.**



Image: DFAT | Timothy Tobing



Image: David Molloy/Flickr



## 4. DISCRIMINATION IN SCHOOLS

Around the nation, publicly funded faith schools have a variety of special discrimination exemptions that allow them to discriminate against LGBT students and staff.

In Western Australia, New South Wales, Victoria and South Australia, faith schools are legally allowed to refuse enrolment from, and expel, LGBT students or those raised by same-sex parents. They can also discriminate against LGBT students on a daily basis.

In those states, faith schools can also refuse to hire LGBT staff, and can demote and sack LGBT teachers and administration staff without recourse.

The same special exemptions exist in the federal Sex Discrimination Act.

By contrast, LGBT students are protected against discrimination in Queensland, Tasmania, the Northern Territory and ACT, while discrimination against teachers has also been outlawed in the ACT and Tasmania.

Tasmanian protections go further by not allowing discrimination against LGBTI people by any public service run by a faith group, including aged care, charities, health care and more.

For many years, religious conservatives have been pushing to enshrine the right to maintain this discrimination and expand it to those jurisdictions where it has been prohibited.

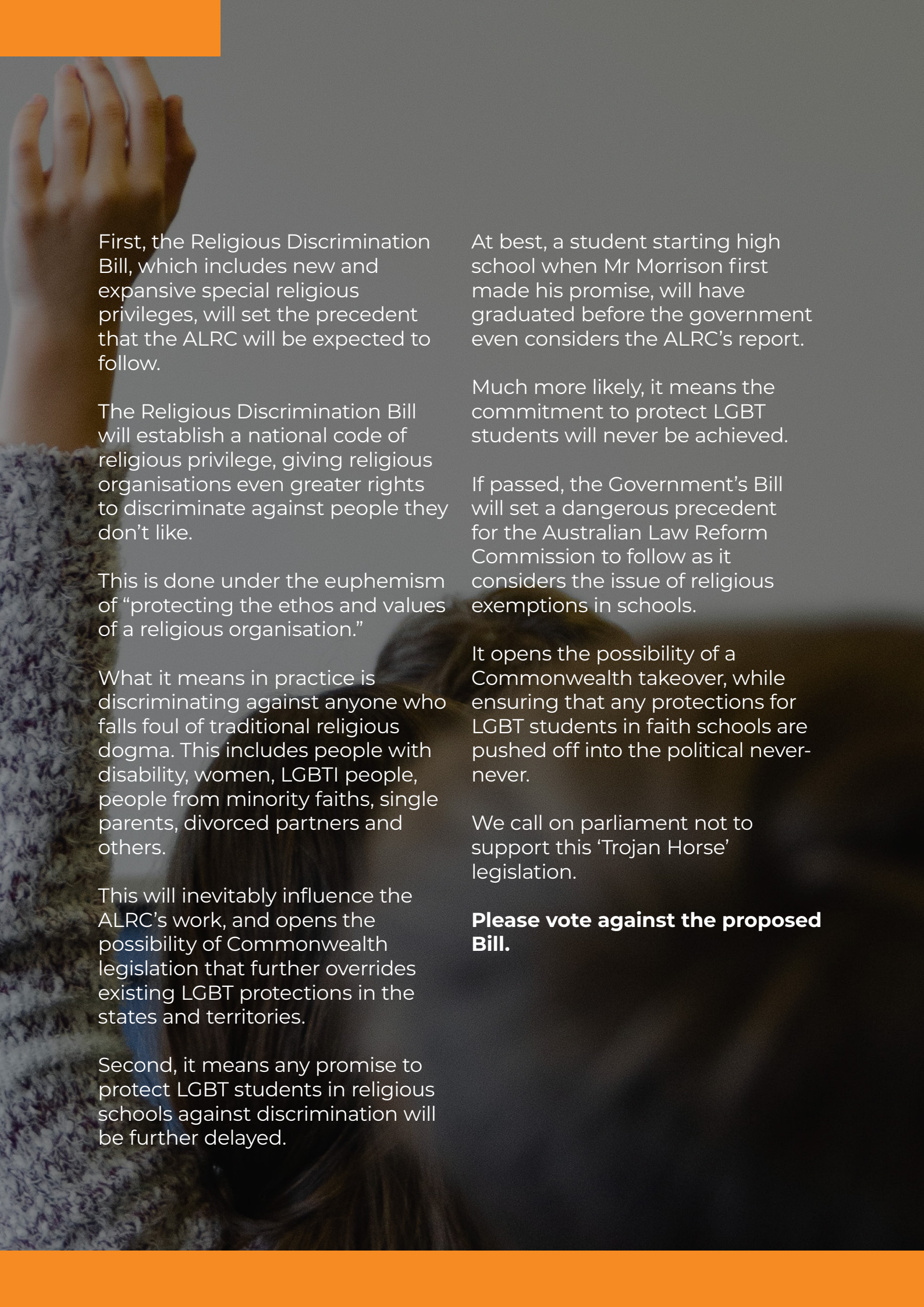
In October 2018, Prime Minister Scott Morrison promised federal legislation to ban discrimination against LGBT students in faith schools, to be passed by the end of that year. However, his Government never introduced a Bill to make that commitment a reality.

The previous Attorney General, Christian Porter, then directed the Australian Law Reform Commission to investigate and report on the situation around Australia with regard to special religious exemptions and to propose a commonwealth legislative framework, with the possibility that it would lead to laws overriding existing state and territory protections.

Since then, the ALRC's work has been delayed. In March 2020 Attorney General Porter changed the Commission's reporting timeline to be '12 months after the Religious Discrimination Bill has been passed'.

There are two main consequences of this delay.





First, the Religious Discrimination Bill, which includes new and expansive special religious privileges, will set the precedent that the ALRC will be expected to follow.

The Religious Discrimination Bill will establish a national code of religious privilege, giving religious organisations even greater rights to discriminate against people they don't like.

This is done under the euphemism of “protecting the ethos and values of a religious organisation.”

What it means in practice is discriminating against anyone who falls foul of traditional religious dogma. This includes people with disability, women, LGBTI people, people from minority faiths, single parents, divorced partners and others.

This will inevitably influence the ALRC's work, and opens the possibility of Commonwealth legislation that further overrides existing LGBT protections in the states and territories.

Second, it means any promise to protect LGBT students in religious schools against discrimination will be further delayed.

At best, a student starting high school when Mr Morrison first made his promise, will have graduated before the government even considers the ALRC's report.

Much more likely, it means the commitment to protect LGBT students will never be achieved.

If passed, the Government's Bill will set a dangerous precedent for the Australian Law Reform Commission to follow as it considers the issue of religious exemptions in schools.

It opens the possibility of a Commonwealth takeover, while ensuring that any protections for LGBT students in faith schools are pushed off into the political never-never.

We call on parliament not to support this 'Trojan Horse' legislation.

**Please vote against the proposed Bill.**



## Children can be expelled for having gay parents

In 2015, the principal of Foundation Christian College (WA), pushed a seven-year-old girl from the school when he learned she was being raised by two gay dads.

Principal, Mr Andrew Newhouse, told the child's father, "If I'd known at the interview you were gay, I would never have enrolled her."

Mr Newhouse later told local media that "same-sex parents were not welcome."

**Nine Publishing, 30 October 2015.**

## Teachers can be sacked just for being LGBTI

In 2017, History and English teacher, Mr Craig Campbell, was dumped from a Rockingham school (WA) when his same-sex relationship became known during the postal survey on marriage equality.

Despite also having been a student at the school, the principal of South Coast Baptist College, Mr Des Mitchell, said Craig had been "loved and respected by both staff and students" and, like the rest of the community, the school was on a "respectful journey of understanding" on this issue. This "respectful journey" resulted in Mr Campbell's dismissal.

**West Australian, 21 November 2017**

## Same-sex couples can be sacked just for getting married

In 2021, Ms Karen Pack was sacked from her teaching job at Morling College (NSW), despite having been open about her sexuality for the two years she had worked there.

When news that Ms Pack was to marry her long term partner, she was accused of "demonic actions" from an anonymous source within the school.

The College described her in a letter to students after they sacked her, as "an excellent and committed educator", a "good friend, teacher and colleague" who would still be "warmly welcomed on campus."

**ABC, 8 April 2021.**







# Australians oppose LGBTI discrimination in faith schools

YouGov Galaxy Polling

Faith schools are not 'private' in the true sense. They are managed privately but funded by the commonwealth. Taxpayers do not support LGBTI discrimination in faith schools.

A survey of more than 1,000 people across Australia by YouGov Galaxy in 2018, found:

- **82% do not support religious schools expelling LGBTI students.**
- **79% said teachers should not be dismissed from religious schools if they marry a same-sex partner.**
- **78% said religious schools should not be entitled to taxpayer funding if they discriminate against gay, lesbian and transgender teachers and students.**

Read more at [www.equal.org.au](http://www.equal.org.au)



**The Victorian state Labor government and Tasmanian opposition have both criticised the bill as an encroachment on the states.**

*"We have fought hard to provide a shield that protects against discrimination for not only LGBTIQ people, but women, those with a disability, and minority multicultural and multi-faith groups,"*

*"In Victoria, equality is a non-negotiable, and we will fiercely defend the rights our LGBTIQ Victorians have fought so hard for."*

**Victorian Minister for Equality, Martin Foley, September 2019.**

**Tasmania's shadow Attorney General, Ella Haddad criticised the federal Coalition, saying the state law had operated successfully for more than 20 years.**

*"It protects people's freedom of religious expression while also ensuring people are protected from hate speech. On first reading, it appears the federal change will increase the likelihood of hate speech... humiliation and hate speech are not welcome in Tasmania and should not be welcome anywhere in Australia."*

**Tasmanian Shadow Attorney General, Ella Haddad, September 2019.**

**Several Coalition MPs have warned that any new draft of the Religious Discrimination Bill cannot compromise marriage equality or become a faith-based 'Bill of Rights'.**

**West Australian senator Dean Smith said the bill must not roll back any existing anti-discrimination measures.**

*"The success of any bill will depend heavily on a sound parliamentary process, which would include the release of an exposure draft and thorough examination by a Senate committee or specifically formed joint parliamentary committee."*

*"A baseline for many Australians will be a commitment to not rolling back Australia's very effective anti-discrimination laws, which are already in place."*

**The Australian, 18 June 2021.**

**Queensland MP, Mr Warren Entsch MHR, said gay rights must continue to be protected, and the government must be "very careful" on how it proceeds with a religious discrimination bill.**

*"I don't see it as a religious discrimination bill. I see it as a Christian bill of rights. I didn't waste 19 years of my political life removing discrimination from elements of our community just to sit back and let them discriminate again. I will not do it, and I will cross the floor."*

**Radio JOYfm, 30 June 2021.**

**Victorian MP Tim Wilson MHR said Senator Cash's new bill should avoid becoming a "Bill of Rights" for people of faith.**

*"I suspect developing a religious discrimination bill consistent with other anti-discrimination laws and treats all Australians equally should be a relatively straight forward exercise and would bring together people in good faith. Reinterpreting our promise to advance a religious bill of rights is less likely to do so."*

**The Australian, 18 June 2021.**

**NSW Liberal for Wentworth, Dave Sharma MHR:**

*"We cannot have a situation where one set of rights is prioritised over another, or where hate speech and discrimination is given legal sanction under the guise of religious freedom."*

*"I support a Religious Discrimination Bill that is narrowly focused on its main purpose, which as I see it is to protect people against discrimination on the basis of their religion, but this cannot be the expense of the hard-fought rights of the LGBTIQ+ community."*

**Star Observer, 20 July 2021.**



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