

21 August 2020

Submission to the Joint Parliamentary Inquiry into the NSW *Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020*

Thank you for the opportunity to make a submission to this inquiry.

The Human Rights Law Centre has serious concerns about this Bill, and endorses the issues raised in the submissions made by Equality Australia and the Public Interest Advocacy Centre.

New South Wales discrimination laws do not adequately protect people of faith from discrimination. People of faith should have legal protection from discrimination on the basis of their religion and other people should be free from having the religious beliefs of others imposed on them. However, this Bill goes too far and fails to strike the right balance.

Our concerns include the following issues:

- The definition of “religious beliefs” is too broad.
- The definition of “religious activities” is too broad and includes unlawful activities.
- The definition of “religious ethos organisation” is too broad and there are serious problems with the proposed section 22M of this Bill which allow discrimination by faith-based organisations.
- The Bill’s proposed changes to the usual indirect discrimination test are not justified.
- The Bill has a selective and unbalanced list of international human rights instruments in the objects clause.
- The Bill fails to protect people of faith from vilification.

Due to the problems that this Bill has in a number of critical areas, and its inadequacies in other respects, the HRLC recommends this Bill should not be passed by the NSW Parliament.

Recommendation: The NSW Parliament should not pass this Bill.

Yours sincerely



Hugh de Kretser
Executive Director