



REPORT ON THE SURVEY ONLINE SUBMISSIONS

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Background and Summary

Introduction

1. As part of the inquiry into the *Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020* (Bill), the Committee resolved to use a survey online submission process to encourage public participation in the inquiry in an efficient and accessible manner. The online platform used was "SurveyMonkey" and was the primary mechanism for members of the public to share their views on the Bill with the Committee.
2. Submitters were members of the public that self-selected to participate; as a result it is not designed as a survey and the submitters should not be taken to be a statistically valid, random sample of the state's population. It should be noted some submitters indicated that they reside in other jurisdictions. While the responses should not be considered to be a representative sample of the population, community views are valuable input for the Committee.
3. The survey online submission platform was open from 3 July 2020 to 21 August 2020. The Committee received 19,502 individual submissions. This report provides a summary of the submissions of participants and provides a sample of views on the Bill. This material may be used in the Committee's report.

Questions asked

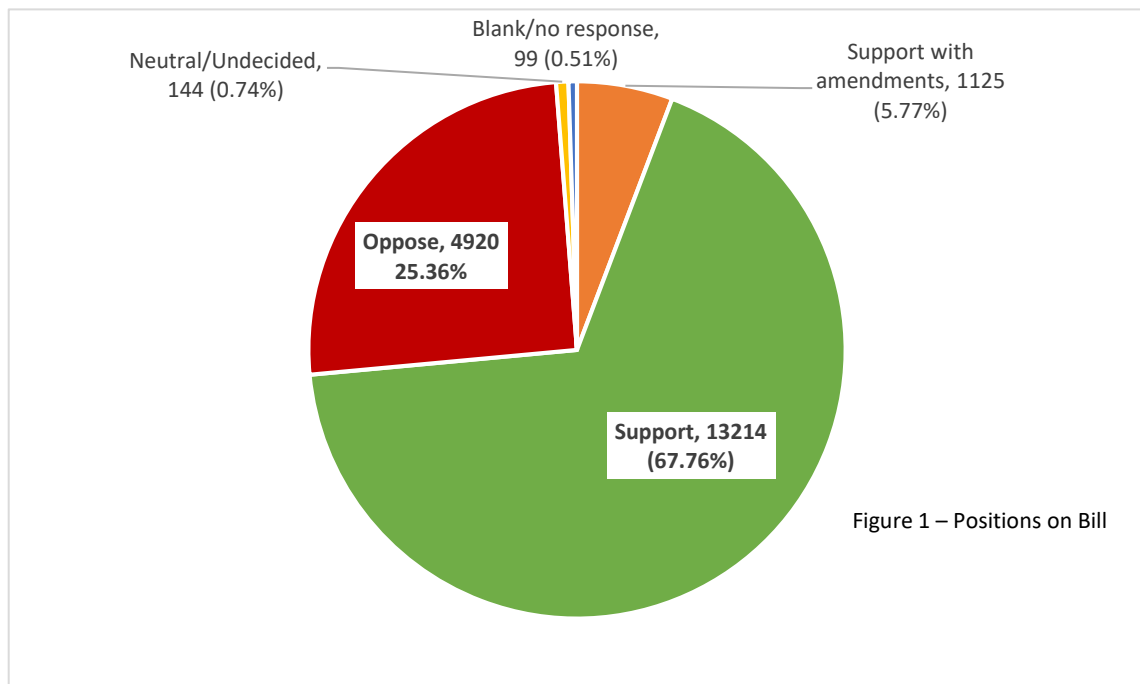
4. The questionnaire asked for submitter details, followed by two questions. These were:
 - "What is your position on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020? Support, Support with amendments, Neutral/Undecided, Oppose."
 - "In relation to the previous question, please explain your position on the Bill (max 750 words)."

Number of responses

5. There were 19,502 responses to the first question: **67.76** per cent of submitters supported the Bill, **25.36** per cent opposed the Bill, **5.77** per cent of submitters supported the Bill with amendments, **0.74** per cent were neutral/undecided, and **0.51** per cent entered a null response. A chart setting out those responses can be found at Figure 1 below.
6. There were 16,916 (87 percent) submitters who provided further comments regarding their position on the Bill via the second question in the questionnaire. The remaining 2,586 (13 percent) submitters did not provide further comments.
7. The average length of all answers was 343 characters. The average duration for submitters to complete their response was 16 minutes and 51 seconds.

8. Specific sections of the Bill were mentioned approximately 407 times. Sections most commonly mentioned were 22M *Religious ethos organisations taken not to discriminate in certain circumstances* (216 times), 22Z *State laws and programs* (156 times) and 22N *Discrimination against applicants and employees* (35 times).

Figure 1. responses to the question "What is your position on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020?"



This report examines the above categories of submitters in more detail, with the exception of those who did not select a position on the Bill in their response.

Summary of analysis

9. The questionnaire received 19,502 individual responses. Approximately 85 per cent of submitters provided a written response to explain their position on the Bill.
10. There were a number of duplicated responses. These template / pro-forma answers appear to have been used by submitters who selected either 'Oppose' or 'Support'. The template answers were more common from those in support of the Bill. This might be partially explained by the higher participation rate of those who support the Bill. Some submitters inadvertently entered the contents of rallying emails in which they were asked to respond to the questionnaire in a certain way, with examples given for the questionnaire's written response section. These template answers are set out in Appendix A.



11. The themes observed in the responses by category are summarised below:

- **Support:** The strongest theme was that the Bill was needed to strike an effective balance between existing rights in the Anti-Discrimination Act and an individual's religious freedom. A common theme was the desire for a person's freedom to practice their religion to be treated equally to other protected attributes in the Act. The employment relationship was also a key focus, particularly the Bill's intention to limit an employer's control over employees who express their religious views outside the workplace. Less common issues raised were that Australia has deviated from its Christian heritage and the Bill goes toward correcting that course. Some supporters indicated that their own mental health was reliant on their ability to freely express their religious beliefs.
- **Oppose:** The strong message from those who 'Oppose' the Bill was that it fails to adequately balance the rights of religious belief and other members of the community. Of particular concern was the mental health and wellbeing of the LGBTIQ+ community, women and children. Another common theme was the impact on employment, particularly employees in Religious Ethos Organisations (REOs) with personal attributes that did not align with the organisations' religious tenets. Funding and government support for religious ethos organisations was also a key issue. A number of submitters stated religion is already adequately protected and no change is needed. Others thought the Bill to be deliberately misleading or deceptive.
- **Undecided/neutral:** The majority of these responses may be categorised as people wanting more time and consultation before reaching a position.
- **Support with amendments:** Few people, approximately 30, suggested any amendments in their responses. This is possibly a result of the community not understanding the term 'support with amendments', and interpreted it as the 'amendments' mentioned were those contemplated by the Bill rather than any further amendments to the Bill. Of those that understood the question, the submitters were mixed between wanting a more narrow or wider application of the Bill, particularly in relation to Religious Ethos Organisations (REOs).

Further Analysis by category of responses

Support

12. The strongest theme among submitters who selected 'Support' was that they supported the protection of religious freedom, including protections for religious institutions.
13. The majority of submitters who expressed a faith identified as Christian.
14. A number of submitters indicated the Bill was needed to strike an effective balance between existing rights in the Anti-Discrimination Act. For example, statements included:
 - True tolerance is a two way street.
 - Freedom of religion is as important as any other right in maintaining a fair society for all.



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- I don't need special consideration I just want to be afforded my basic human rights. Freedom of religion, I want to be able to exercise my faith and my beliefs without being persecuted in any way shape or form.
 - No one should be discriminated in any way based on their religious views. This is equally as important as not discriminating based on age/sex/gender.
15. Many submitters provided further commentary on their position by supporting religious institutions generally without tying those concerns to the Bill. The following are examples of such comments:
- I'm in the ladies committee. Also I'm a church goer. I support my Archdiocese and the clergy and all the priests.
 - I am a christian and I fully agree with my church my pope and my bishop on any decision they take .
 - Allow Christians to attend their churches in Australia.
 - The world in in chaos and God is our only refuge, please protect Christian religion
16. Mental health was also raised as a concern by those in support of the Bill although with a different focus as those opposed to the Bill. For example:
- People are entitled to have choice in the religious beliefs and community's they belong to. Being able to freely speak about those beliefs and standing by them is crucial for my own spiritual and mental well-being.
 - I hold my write religious freedom and no one should dictate what I believe. This is important to my mental health !!!!!
 - To be someone of faith affects your life. It dictates all the decisions you make, how you talk to someone, how you react to situations, your priorities in life. Why is it that you can't discriminate against someone of a different race, but you can discriminate someone who might believe in something different to you? The government is supposedly all for improving our nation's mental health statistics and equity for all, but not protecting the basic human right of faith is just not okay.
17. As suggested by the analysis in Appendix A (pro-forma answers), submitters indicated that the interaction between employers and employees was of key concern. One submitter echoed the concerns of many that employers currently have too much control over the lives of their employees:
- I believe that an employer should not be able to dictate how an employee expresses their religious views in his or her own time (eg. on social media).
18. A separate line of concern for submitters with respect to the employment relationship was the right for a "religious ethos organisation" to selectively hire followers of that religion. As one submitter argued:
- Religious organisations, ie schools, office administration, etc, should have the same abilities as a political party to advertise and hire people that share their beliefs and philosophies. When government agencies advertise for "Aboriginal and Torres Strait Island applicants



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only need apply”, that same ability should be forwarded to religious groups targeting specific candidates. If government can advertise for a specific candidate, political parties can hire specific candidates based on certain criteria, then the same must be applied to religious organisations.

19. Submitters took the opportunity to justify their position on the Bill by explaining their political and ideological beliefs. For example:

- We want our traditions and faith to be protected under this law as not everybody agrees with the way society is heading and we want the ability to be able to practice our Conservative ideologies.
- Why do we amend our laws to incorporate the views which are inferior or appear to promote "equality" in ideology such as Marxism and Socialism but in true essence from historical viewpoint ALWAYS result in fights, clashes with the law/civil war within our society where once was peace? I totally support the Government's stance that any migrant found to terrorise our country and citizens of Australia should be shipped back to where they came from. However, the reason why this country went from good to great was because of foundational and religious values that built a strong ethical foundation of respect for people in our society. Let us continue to uphold religious values that bless and prosper our country and reject any ideologies which corrode/undermine our Judeo-Christian freedoms no matter how great or small these deceptive ideologies are and this also includes same-sex marriage ideologies which produces suicide, depression and mental health issues for its supporters or participants.
- Employers should not be able to determine how their employees express their religious views. Why can people have different left-wing agendas be tolerated but those who are religious become intolerated? It's not fair. I believe that the State should be neutral towards religion, and not be able to discriminate against people or religious organisations on the basis of religious belief when it comes to funding contracts or access to government programs.

20. A large cohort of submitters highlighted the gap between the NSW position and the position in other states. Take for example the following responses, the last of which was a commonly recurring template answer:

- I think it is important to protect religious freedom. I understand NSW is one of only two states that where religious rights are not adequately protected, and I would like to see this resolved quickly.
- There are many reasons why I support this bill but in short these days there are protections for discriminations of all kind. How therefore can there not be protections for religious freedoms like there are in most of the other states. Absolute joke this is even being debated. If equality, fairness and inclusion are promoted for "other" things, the line shouldn't be drawn to exclude religious freedoms. Wake up.
- NSW is behind other states in passing such a bill.
- NSW is out of step with most other States and Territories, because it does not protect its citizens against religious discrimination. One of the recommendations of the Ruddock Review was that NSW should include religious belief and activity as a



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protected attribute, and this should be implemented now. Religious freedom is a critical feature of democracy in Australia.

21. Some submitters who selected 'Support' placed an emphasis on the foundation of the Commonwealth and their view that there is a strong religious basis to that foundation:

- Australia began with a biblical foundation and our constitution was based on the ten commandments.
- I think we do need protection of our freedom rights for our Christian beliefs on which our country was founded. We have had a good country in the past but these good freedoms are trying to be eroded something not good. Protection is needed.
- Religious freedom is an essential fundamental human right and cornerstone of our nations history.
- I am a Christian and are concerned about the rights of other Christians in our Australian community. Our fore fathers established our constitution on Christian values and beliefs which I think have being undervalued in recents times.
- I fully and unequivocally support this bill to enshrine freedom of religion as a key tenet of our democracy, alongside freedom of speech and freedom of association. The struggle for the establishment of these freedoms in our western civilisation has extended over millenia. It would be a travesty and betrayal of the enlightenment to condemn and sanction people for the simple reason that they posses and express their personal religious beliefs
- I am an Anglo Saxon Christian Nationalist. I don't think that needs anymore explanation.

Oppose

22. The recurring message from those who selected 'Oppose' is that the Bill fails to adequately balance the rights of religious people and other members of the community. As one submitter stated:

I take issue with the Bill overall, because it sends the message that individuals and organisations that seek protection from discrimination (on the basis of religious belief) should be allowed to discriminate against others protected by the Anti-Discrimination Act 1977 (NSW). This fails to recognise the need for anti-discrimination legislation to balance the rights of groups in society, rather than unjustly skew the rights in favour of one group (people who have particular religious beliefs, or religious organisations).

23. An issue proposed by submitters was that the Bill elevates one's right to express a religious belief, which is a choice, over other human rights that are an immutable characteristic. For example:

- An incredibly damaging piece of legislation, and the debate and inquiry alone have real potential to harm people in our community and many others. Religion is a choice, it should NEVER come at the price of anothers human rights. This country is free to believe in what ever we like, that is our strength, we are multicultural and beautiful. This will put faith above the law which is ridiculous and unacceptable.



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- An unintended consequence of this Bill will be the creation of a society which pits one belief against another, and creates division and conflict and exclusion. It is the opposite of anti-discrimination laws which seek to provide equal opportunity for people who face exclusion through no choice of their own i.e. people don't choose to be disabled, or gay, or a minority. Organised religion has been the source of conflict and division throughout history. We simply must resist all attempts to introduce laws which will inevitably lead to discrimination, exclusion and conflict, and which would undermine our relatively peaceful, tolerant society.

24. A large number of those opposed to the Bill identified as members of the LGBTQI+ community, or supporters of that community. Of particular concern were the mental health impacts of the Bill on that community. For example:

This bill is discriminatory and violates human rights. The LGBTIQ community are disproportionately impacted by mental health issues and suicide due to the kind of discrimination, exclusion, and violence that this bill represents. This is appalling and an embarrassment to Australia.

25. Another large cohort of oppose submitters indicated that the Bill would adversely impact women. One submitter stated:

I do not believe religious expression should take precedence over other rights and freedoms. Religion no longer holds an important place for many Australians and it seems ill considered that some people's beliefs should act as a means of elevating their rights over others. I am very concerned on the impact this Bill will have on deep seated discrimination ideals. Particularly I am concerned on the potential impact on female health and freedoms. Coming from a white Catholic background, I am very concerned that this amendment would be used to harm others over and above the already extreme protections proposed due to misconstrued protections by those already entitled to freedom of expression without curtail.

26. There were also those who opposed the Bill on the basis they feared any changes would adversely impact the wider community and that it might be unnecessary. Two religious submitters wrote:

- I believe we should be able to express ourselves how we always have for so many years... I just want to be able to believe and pray like I always have and not have it taken away from me.
- On reading the proposed bill, I find it to be a possible "trojan horse" that will, under the guise of religious freedom, undermine the hard won rights of some of the most vulnerable minority sectors of the community. In its present form, religious groups may find loopholes that enable them to circumvent anti discrimination laws. As a minister of a minority religion myself, I find that the potential detrimental effects of the passage of this bill would outweigh any possible benefit to the community as a whole.

27. One submitter expressed the shared concerns of many with section 22M of the Bill. They stated:

How does the bill account for a person's genuine belief about what they think their religion represents vs actual theological tenants? If such a case were to come before the courts, would a theologian need to present themselves as expert witness to delineate and parse genuinely held belief from theology? If so, from which denomination? And what takes



precedence - the tenent of the religion the Religious ethos organisations is founded upon, or someone's genuinely held belief?

28. Another submitter, when considering section 22M, indicated that their opposition to the Bill did not mean opposition to anti-discrimination reform generally:

22M will foster discrimination and it's flawed. Well drafted anti-discrimination law should include many things, not just religion and especially not exceptions like 22M. Will there be other equivalent bills for every other form of discrimination? It is madness singling out exceptions and escape clauses and putting a faith based mantra above the law. I'm in favour of anti-discrimination law but not in the form proposed.

29. Several submitters were concerned about the impact in relation to schools, education and children. For example:

- Firstly this Bill is anti-science. It is akin to prohibiting schools from teaching about evolution, in case this might upset some parents who believe in the Biblical creation story. It is disingenuous to suggest that teaching children about gender issues is a matter of "morality" that is more appropriately left to parents. Most importantly it risks marginalising (and endangering the health and safety of) some of the most vulnerable children in our schools.
- As an educator who happens to not be heterosexual, I am highly concerned about institutions using the proposed amendments to engage in systemic bullying, abuse and erode workers' rights. The vast majority of Australians understand that a person's sexuality or gender has no bearing on their suitability for work.

30. A number of submitters thought the Bill contains loopholes or is designed with an ulterior motive. Take the following examples:

- Our current anti-discrimination laws are very important for the safety and wellbeing of all the people of NSW and Australia and they must not be tampered with by those with very narrow and discriminatory agenda however they try to disguise their intent.
- You could be mistaken for thinking this bill is a good thing. Everyone has the right to religious freedom and expression (as long as they don't kill others in the name of it). But look closer and this bill is sneaky. It's the kind of law that elevates one group and suppresses another. No thanks.
- The bill is fundamentally oppressive and, antithetical to the title of the bill, seeks to create a legal infrastructure that grants the right to discriminate based on individual identities.

Neutral/undecided

31. Responders in this category may be characterised as requiring further time and consultation before reaching a position. For example:

- I have been told nothing of it or it's impacts
- Don't have enough details to comment on the matter.



- From what I've read, I'm actually against it - I think it sounds bigoted - but I want to read further and see the sorts of questions asked here. Just trying to avoid a knee-jerk reaction.
- I haven't had a chance to read it all at this point in time.

32. There was also a very limited number of more nuanced positions (as distinct from not knowing about the contents of the Bill), such as:

- I think there are some good points and definitely concerns. There should not be a hierarchy of rights and indeed freedom of religion should not exempt people from respecting those who disagree or make choices they disagree with. As a religious person though, I think it is important that people are allowed to have differing points of view so long as those do not hurt others. The same is true of all rights and freedom.

33. This category appears to have a number of submitters who may be confused about the Bill. For example:

- Please do not pass any legislation that turns this nation into a nation where freedoms won by our forebears are taken from us the people. You have a responsibility to the Australian people as a whole not a minority bent on taking away freedoms from the majority. Please can this bill for good.
- There should always be freedom of religion and we should never have this changed. We should not change our beliefs for a bill. But at the same time all religion should be seen as equal.

34. There was also a limited number of responses who may have (inadvertently or otherwise) mischaracterised their response. For example, a clear oppose response read:

I do not believe there is any need for this bill. It appears to be an add on that offers nothing significant to laws already available in anti discrimination. In fact the new bill appears to favour inequalities.

Support with amendments

35. A small number 1125 (5.77 per cent) of submitters supported the Bill with amendments.

36. Of those who supported the Bill with amendments, few actually suggested any amendments in their responses. This is likely a result of the community not understanding the term 'support with amendments'. For example, a submitter selected 'support with amendments' but went on to state that there should be no amendments:

- "Please pass this bill as it is."

37. A better illustration of the linguistic confusion with the question is shown by the following three examples:

- People of religious belief's need more protections. This bill discriminates against those of faith which is why an amendment is necessary.
- We would like to see it passed with the amendments included.



- Strongly supportive of the proposed amendments.

38. Of the small number of submitters who indicated what amendments were desired, there was a mixed view on whether the Bill ought to extend protections to religious ethos organisation or not. Take the following example where the submitter appears to be indicating that while they support the Bill in relation to protections for natural persons, they do not support extending protections to organisations:

I support the bill. I support being able to speak, and make statements without being punished/ reprimanded by your employer for statement made outside of your working hours. I dont support the right of religious groups being able to discriminate based on your beliefs or lack of. Religious organisations cannot be ruled out of the anti discrimination laws.

39. In contrast, the following example indicates the submitter believes the Bill ought to have a wider coverage than currently drafted:

I would like to add that I would like to see all religiously affiliated organisations protected and not just those which were not created by an Act of Parliament or the State and I would want all religiously affiliated organisations protected and not just those which could be proven to be teaching precisely every tenet of its their stated religious group. It should be enough that a person or group or organisation states its religious persuasion in order to be protected under this law.

40. Two submitters indicated that they believed certain provisions should be amended, specifically that subsection 22N(9) include subsections 22N(1)(2)(4) and (5). This picks up a possible drafting error. One such example reads as follows:

I opine that subsection 22N(9) should include subsections 22N(1) & 22N(2) in addition to subsections 22N(4) & (5) so that religious ethos organisation such as a Christian church cannot be challenged for not employing an atheist or persons of other faith.

41. One submitter requested that the Principles section of the Bill be modified.

Don't use the UN Declaration as the legal basis at point (b) in the principles. We don't need UN Declarations to know what is self evident truth.

42. A small number of submitters indicated that the Bill's purposes were valid, but also called for further protections. For example:

- The bill itself has merit, but without protections for certain groups it poses a danger to religious freedom.
- I agree that we should have freedom of speech and religion.... That we can follow our beliefs and live according to them (which don't hurt others). our ways should be respected as we respect those who may think differently. We should be able to practice our beliefs and carry them out in the right manner and not be stood against when no harm is being done to us or others.... That we may respect each other and live in cohesion with one another



Appendix A (Pro-forma answers)

A review of the submissions suggests that pro-forma or template answers and commentary were circulated among both those in support and opposition to the Bill. There were a number of repeated answers in identical forms, or template answers amended in minor ways. For example, sections of text that appeared more than 200 times in various separate instances include:

| Instances | Position | Text |
|-----------|----------|--|
| 1454 | Support | I call on the parliament to pass the bill to ensure religious freedom is protected. |
| 679 | Support | We do not seek special rights for people of faith, but want religious belief to be treated on par with other “protected attributes”. |
| 548 | Support | I believe that religious schools, hospitals and charities should be able to operate according to their religious beliefs, and should be able to preference the employment of staff who share the religious faith of that organisation |
| 472 | Support | NSW is out of step with most other States and Territories, because it does not protect its citizens against religious discrimination. One of the recommendations of the Ruddock Review was that NSW should include religious belief and activity as a protected attribute. We can and should implement this now. |
| 465 | Support | I believe that an employer should not be able to dictate how an employee expresses their religious views in his or her own time (eg. on social media). |
| 408 | Support | I believe that the State should be neutral towards religion, and not be able to discriminate against people or religious organisation based on religious belief when it comes to funding contracts or access to government programs. |
| 347 | Support | I was shocked to discover that citizens in NSW could be denied service in a shop or a contractor sacked because of their religious beliefs, and not have any legal remedy. People of faith don’t need special rights, but it is only fair that our rights are respected equally with other rights. The current Act is lopsided and unfair, because it protects some rights, but does not protect religious belief. |
| 331 | Support | This Bill is welcome because it would prevent another case like Israel Folau’s from not having recourse under state based anti-discrimination law |
| 220 | Support | We are not asking for special treatment, we are asking for equal treatment |



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| 225 | Oppose | It creates double standards in employment, education and service delivery: faith-based organisations will be able to discriminate on the grounds of religion in employment, education and service delivery, even when receiving public funding. |
| 216 | Oppose | It places religion above the law: it gives protection to religious activities which may be unlawful, such as religious activity that vilifies others or breaches civil obligations. |
| 203 | Oppose | It allows religion to override government rules: faith-based organisations and commercial bodies which define themselves as religious will be able to challenge NSW government programs, policies, contracts and decisions which contradict their particular religion. |
| 200 | Oppose | This bill would ensure that an employer or professional accreditation body could not fire or take other disciplinary action against an employee for a religious belief expressed on social media when it had nothing to do with the company for which they worked. |
| 198 | Oppose | It means there are no consequences for conduct: it will be almost impossible for government and non-government employers, educators and professional and licencing bodies to foster inclusive cultures, or meet shareholder, customer or community expectations, when their employees or members use their religion privately to hurt others. |