

**Submission
No 8**

**ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND
EQUALITY) BILL 2020**

Name: Dr Patrick Quirk
Position: Associate Professor
Date Received: 17 August 2020

17 August 2020

To: The Committee on the Religious Freedoms and Equality Bill (NSW)

Dear Committee,

THE UNDEFINED REMAINS UNPROTECTED

Please accept this brief submission in relation to the above Bill, together with associated references.

- The concepts of conscience and religious liberty play a critical role in the formation of a common culture.
- Internationally, there are many examples of religious conscience being protected in law: taking witness oaths, wearing religious clothing, circumcision ceremonies, display of religious symbols (e.g. Christian crucifixes) in classrooms, etc.
- That NSW has (effectively) no religious freedom guarantee is a serious gap in the law when compared to many countries (and states within federations) overseas.
- Parliaments in Australia have been slow to develop religious freedom laws. NSW has been especially sluggish in this area.
- Other comparable countries (such Germany and the United States) have multicultural social environments similar to ours and provide far superior protections against discrimination on the basis of religious belief and activity.

REFERENCES:

1. Quirk, Patrick, *Protecting Religious Freedom and Conscience: What Australia Might Learn from Germany*, 43 Fordham International Law Journal 163 (2019).

Available at: <https://ir.lawnet.fordham.edu/ilj/vol43/iss1/5/>

2. Quirk, Patrick, *The Undefined Remains Unprotected: Tensions Between Conscience and the Law in Germany by Way of Joseph Isensee*, 27 Tulane Journal of International & Comparative Law, 55 (2018).

Available at SSRN: <https://ssrn.com/abstract=3339003>

With thanks.

Sincerely,

Patrick Quirk PhD.

