

**Submission
No 11**

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

Name: Adam Johnston

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Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality)
Bill 2020

Dear Committee members,

This is a silly Bill that seeks to solve a problem that does not exist. Not only does it seek to supposedly 'protect' belief but also non-belief. This is shown by the inherent contradictions in Sections 22K, 22KA and 22KB. It starts by defining religious belief or conviction, and then a concern that this be genuinely held belief. By the time we arrive at 22KB however, we are deliberating about whether a belief is thought to be held and, even whether it was held in the past, present or future. How can anyone come to a considered view about beliefs and discrimination against them, when a person may not yet hold such beliefs or may only be thought to hold such views (which makes the genuine nature of belief a problematic concept).

The examples in the Explanatory Memorandum also give me little comfort. Why should a business not have reasonable reservations about hiring someone with high profile religious views? They may not want to become entangled in such things. Equally, why should business 'virtue signal' with 'mission statements' and other values statements? Their employees may not wish to buy into those matters unrelated to the productive aims of an enterprise. Additionally, the examples in the Explanatory Memorandum seemed highly contrived.

For example, printing of Satanic worship materials could well violate publication or broadcasting classification rules and may be refused any classification at all. Therefore, it may not proceed to press and a point where a printer is able to refuse service. If it did, service might be refused on good taste and public interest grounds, without ever invoking any religious component. Again, there is not necessarily a religious problem to be solved here that cannot be addressed by others means.

There are also two remaining issues here which in my view have not been addressed. Firstly, is faith (be it majority Christian or any other groups) persecuted in NSW or Australia? Look at the places of worship, charitable status, and vast amounts of public money that religious bodies receive from State and Federal Governments to run an equally vast array of social services. These organisations may deal with many marginalised individuals and families but the churches and charities are not marginal themselves; they have far better access to government than do the citizens in their care (this should be the other way around). Indeed, over the past 20 to 30 years many formerly government functions have been outsourced to the charitable sector – the National Disability Scheme is a classic recent example of absolute reliance on charity to deliver what were formerly publicly funded *and delivered* services.

Secondly, consider whether Australia's institutions were meant to be based on religion? Helen Irving makes a compelling claim that Australia was always meant to have secular governments: [Australia's foundations were definitely and deliberately not Christian](#) (On-line Opinion). Add to this the many and varied failures of religious bodies to protect people (particularly children) documented in the Wood and McClelland Royal Commissions. Are these religious institutions or their adherents really worthy of further legislative protection? Not in my view.

In the end, I come back to my original premise – this Bill fixes a non-existent problem. Furthermore, I'm happy to regard my religious beliefs as my private business and am equally happy to leave you to the quiet contemplation of your own religious views. Indeed, Australia is well advised to look at its own fortunate history. We are unlike Northern Ireland, the Middle East or the United States – religion does not play a toxic or partisan role in our political or wider civic life. We should strive to

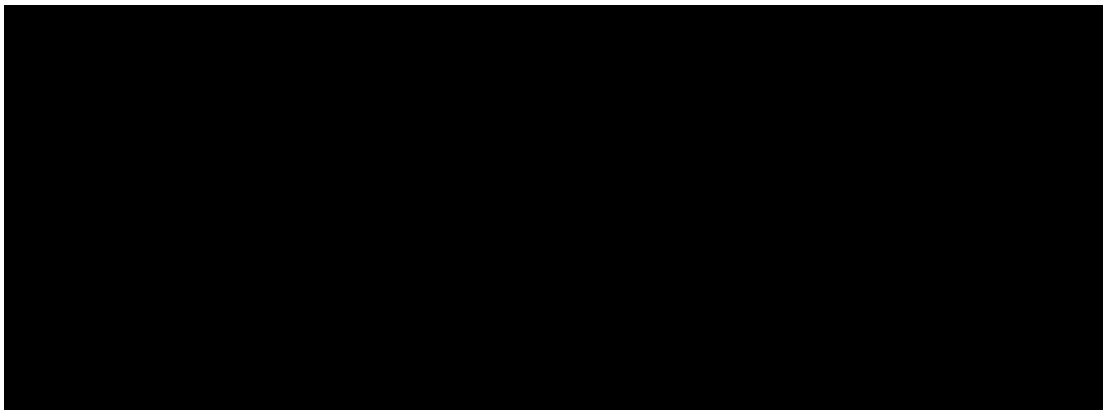
keep religion out of our civil and political life. This Bill does not achieve that end, and it should be rejected by the NSW Parliament.

Yours truly,


Adam


Adam

Adam Johnston



Macquarie University, Macquarie Park, Sydney, Australia:

https://law.mq.edu.au/current_students/higher_degree_research_students/adam_johnston/

You can see my paper on the University of New England (UNE), Armidale e-publications at <http://e-publications.une.edu.au/1959.11/11369> and the Social Science Research Network (SSRN) at:

<http://ssrn.com/abstract=1855924>

Libertas inaeestimabilis res est - Liberty is a thing beyond all price. (Corpus Iuris Civilis: Digesta) (Latin-English Phrase)

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