

**Submission  
No 21**

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

**Organisation:** Rationalist Society of Australia

**Date Received:** 18 August 2020

## PATRONS

Hon. Michael Kirby AC CMG  
Prof. the Hon. Gareth Evans AC QC  
Dr Rodney Syme AM  
Prof. Fiona Stanley AC



**RATIONALIST  
SOCIETY OF  
AUSTRALIA**

Joint Select Committee  
on the *Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020*  
Parliament House  
Sydney NSW 2000  
By email: ReligiousFreedomsBill@parliament.nsw.gov.au

18 August 2020

Dear Committee,

*The Rationalist Society is Australia's oldest freethought group, promoting the use of evidence and reason in public policy since 1906. The RSA bases its policies on universal human values, shared by most religious and non-religious people. We support the democratic ideals of equality before the law, civil rights and the dignified and humane treatment of human beings. Children, in particular, should be protected, nurtured and valued in our society.*

New South Wales' anti-discrimination laws should prohibit religious discrimination (including discrimination against people who are not religious). However, this Bill is not a normal anti-discrimination law. It includes provisions that give people a licence to discriminate rather than simply banning discrimination.

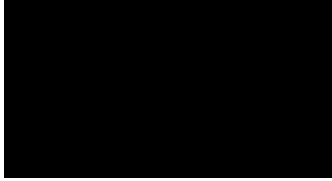
We welcome the fact that the Bill is drafted in a way that means discrimination against a person who is not religious would also be unlawful. However, we are concerned that the Bill is drafted in a way that:

- privileges religion over non-religion: organisations dedicated to non-religious worldviews, such as rationalist, humanist and atheist organisations, do not get exemptions in the same way organisations dedicated to religious worldviews do
- includes criminal conduct and civil wrongs like negligence and workplace bullying as protected religious activities
- makes it unlawful for the NSW Government to require its contractors to refrain from harassing clients on the basis of sex, disability, marital status or sexuality if the harassment is religiously motivated
- grants "religious ethos organisations" broad exemptions from having to comply with generally applicable rules
- appears to mean discrimination against agnostics would not be prohibited.

Anti-discrimination laws should protect people. Anti-discrimination laws should prevent discrimination, not enable it.

**We recommend** that:

1. This Bill be rejected, and
2. The New South Wales Law Reform Commission be asked to undertake an inquiry into how the *Anti-Discrimination Act 1977* (NSW) can be extended in a sensible manner to prohibit religious discrimination.



Yours sincerely

Dr Meredith Doig OAM

President

