

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

Organisation: Western Sydney Community Forum

Date Received: 21 August 2020

The Hon. Gabrielle Upton MP

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

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Dear Ms Upton,

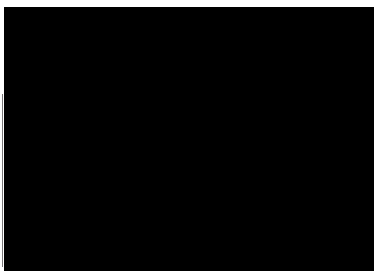
Please find attached Western Sydney Community Forum's submission to the Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020.

Western Sydney Community Forum has reviewed the Bill. Western Sydney Community Forum does not support this Bill, and has developed four recommendations for your consideration.

Thank you for providing the opportunity to make a submission.

If you require further information, please do not hesitate to contact Annukina Warda, Senior Policy and Projects, on [REDACTED] or [REDACTED]

Yours sincerely,



Billie Sankovic
Chief Executive

**Response to the NSW
Anti-Discrimination Amendment
(Religious Freedoms and Equality) Bill 2020**

August 2020

Contents

Background 05

Western Sydney Community Forum 06

Recommendations 07



Background

Leader of One Nation Party in NSW Mark Latham has put forward a private member's bill to amend the Anti-Discrimination Act (NSW) 1977. The Bill follows the Federal Government's Religious Discrimination Bill in 2019, now stalled. The Bill was tabled as "an Act to amend the Anti-Discrimination Act 1977 to make discrimination on the ground of a person's religious beliefs or activities unlawful; and for related purposes."

Executive Summary

The NSW Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 allows for individuals and religious ethos organisations to openly discriminate against others on the basis of religious belief and not be held to account under the law or its provisions.

Allowing for religious ethos organisations to discriminate on the grounds of religion that would otherwise contravene Commonwealth or State anti-discrimination laws and make them exempt from the operation of existing laws and other protections, sets a worrying trend for NSW.

Western Sydney Community Forum does not support this Bill.

Western Sydney Community Forum

Western Sydney Community Forum (WSCF) has led and shaped social policy and service delivery across greater Western Sydney for over 30 years. As a regional peak, we champion solutions that sustain community resilience, health and wellbeing. We work with community organisations, join with business and partner with government across all levels and services.

Western Sydney Community Forum is the regional social development council representing and supporting communities and community groups and agencies in the region. This represents a population of over 2.5 million people and a community services industry that annually invests \$2.7 billion into the Western Sydney economy.

Western Sydney Community Forum has an active and broad member and subscriber base that includes a mix of agencies who connect with and provide services to people across Greater Western Sydney. Members range from small community-based agencies to large charitable groups.



Recommendations

Recommendation 1:

That the NSW Government reject this Bill amendment as protections for religious freedom already exist in NSW.

There are already a number of protections for freedom of religion under Australian law. It is already unlawful in Australia to discriminate on the grounds of religious belief or activity in relation to work and in areas such as education and in providing goods and services.

At the national level a person may make a complaint to the Australian Human Rights Commission or the Fair Work Commission about discrimination on the basis of religion at work or in the context of employment.

In NSW individuals are given provisions for protection under the existing Act (1977) and can make complaints to the NSW Anti-Discrimination Board if they are being discriminated against on the basis of religion. This provision includes ethno-religious groups.

The proposed amendment to the Anti-Discrimination Act (NSW) 1977 makes provisions for freedom of religion to be prioritised above all other rights and freedoms when applying NSW's anti-discrimination laws which sets a worrying precedent for the people of NSW.

Recommendations

Recommendation 2:

That the NSW Government uphold existing employment protections for workers.

The Bill provides that it is unlawful for the following authorities to discriminate against employees on the grounds of religion;

- Employers (including against commission agents and contract workers)
- Employment agencies
- Qualifying authorities
- Education authorities
- Industrial organisations
- Providers of accommodation
- Partnerships of six or more partners

An exception is proposed however for those classified as a religious ethos organisation. A religious ethos organisation is defined in the Act as:

- a private educational authority that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion, or
- a charity registered with the Australian Charities and Not-for-Profits Commission under the Australian Charities and Not-for-Profits Commission Act 2012 of the Commonwealth that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion, or
- any other body that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion.

Discrimination against employees, on the grounds of religious freedom, whether they amount to racial discrimination, sex discrimination or discrimination on any other ground prohibited by law, will no longer be considered unlawful by religious ethos organisations if the amendment is passed. This includes discriminatory statements or actions by religious ethos organisations, whether receiving public funds or otherwise, and discriminatory statements by individuals in the public service.

Western Sydney Community Forum considers that this overriding of all other Australian discrimination laws sets a concerning precedent that would undermine employment parity and put both individuals and communities at risk.

Recommendations

Recommendation 3:

That the NSW Government continue to invest in accessible programs and services for communities.

Accessing social services is a process fraught with barriers for many members of the community. People are not always culturally or gender safe accessing social support services, many of which are provided by religious ethos organisations. Many communities require a tailored response to their needs, for example translated information, LGBTQIA+ safer spaces and bi-cultural staff to support their experience with community and health services. These are beneficial investments for the NSW government to continue to invest in.

The multiple factors that already hinder community members from accessing social services will be amplified if this Bill is passed. This Bill undermines public access investment in the state of NSW. If passed, it will further marginalise vulnerable groups who already experience barriers to healthcare and support provisions. It will undermine sustained effort from community services to increase access for vulnerable people.

Western Sydney Community Forum is concerned that the provisions in the Bill to allow for discrimination based on religious grounds could set a worrying trend in the medical, community service, public sector and other industries with practitioners being lawfully able to refuse to treat patients, see clients or support people based on religious grounds. This provision could create exclusionary practices especially in regional or remote communities where market choice is limited for individuals.

Religious ethos organisations have a significant footprint in Western Sydney. Religious ethos organisations deliver social services including, but not limited to, housing, employment, counselling and emergency relief. Western Sydney Community Forum recognises the value that many religious ethos organisations provide to communities. While it is anticipated that the majority of religious ethos organisations will continue to provide services to all members of the community regardless of religious affiliation, the perceived or actual risk of discrimination on religious grounds could serve as a deterrent to some people seeking support.

Recommendation 4:

That the NSW Government continue to invest in social cohesion programs.

Social cohesion, social inclusion and principles of multiculturalism are the direct result of conscious efforts of intellectual labour, meaningful dialogue, research rigour and robust policy and advocacy. All of this work could be undone with changes in legislation that do not consider the risks for all communities.

It is critical that social cohesion efforts are not taken for granted by the NSW government. Ensuring all people who live, work or reside in NSW have equal access to institutions regardless of religious identity is paramount. Multiple research reports indicate a rise in racism, xenophobia, Anti-Semitism and Islamophobia in NSW. Affording protection to individuals is valuable. However, there are several concerning elements contained in this Bill that could undermine social cohesion efforts in NSW and require immediate review and urgent risk mitigation.

Religious ethos organisations already enjoy protections from any activity that would undermine their doctrine or tenets of belief. Affording religious ethos organisations protections that override current legislation that makes discrimination on the basis of sex, race, age or disability unlawful would result in a rise in divisive rhetoric and hate-speech and undermine more than thirty years of inter-faith dialogue, community harmony efforts and inclusion programs by organisations such as Western Sydney Community Forum and our members.



