

**Submission
No 69**

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

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The Hon. Gabrielle Upton MP
Committee Chair
Joint Select Committee on Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill
Parliament House
Sydney NSW 2000

By e-mail: ReligiousFreedomsBill@parliament.nsw.gov.au

Dear Ms Upton,

Submission to the inquiry

Thank you for your e-mail message of 10 July 2020, in which you invited me to make a submission to the current inquiry into the *Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020*. I am pleased to make the following submission as Director of the PM Glynn Institute.

The Institute has developed a set of ten principles of religious freedom which should guide any approach to law reform relating to this issue. Having reviewed the Bill, I have concluded that it is consistent with all ten principles of religious freedom. I have set out my reasons for this conclusion in Annexure A. From this, it is my submission that the Parliament should proceed to enact the Bill into law.

Background

The PM Glynn Institute is Australian Catholic University's public policy think-tank. It has undertaken work on religious freedom, including preparing a submission from ACU's Vice-Chancellor, Professor Greg Craven, to the Expert Panel chaired by Councillor the Hon. Philip Ruddock AO. This work is contained in *Chalice of Freedom: protecting religious freedom in Australia* (Kapunda Press, 2018). In 2019, ACU made a submission to the Australian Government's Consultation on the first exposure draft of the Religious Discrimination Bills, to which the Institute contributed. This submission draws both on Professor Craven's submission to the Ruddock Expert Panel (as published in *Chalice of Liberty*) and the University's submission to the Consultation on the Religious Discrimination Bills.

Existing rights and legal protections

It is accepted that, in New South Wales, the following statutes provide rights and protections for religious freedom:

- *Anti-Discrimination Act 1977*
 - Protection from discrimination on the basis of ethno-religious origin
 - Protection from vilification on the basis of ethno-religious origin
 - Provision for exemption for religious bodies in certain circumstances
- *Education Act 1990*
 - Provision for exemption from special religious education in schools
 - Provision for exemption from sex education in schools covered by general exemption provision
 - General provision for exemption from classes in schools only on religious grounds

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This statutory regime is further enhanced by the following laws of the Commonwealth:

- *Fair Work Act 2009*
 - Protection from discrimination on the basis of religion in employment
- *Racial Discrimination Act 1975*
 - Protection from discrimination on the basis of ethno-religious origin
- *Criminal Code Act 1995*
 - Protection from vilification caused by urging violence against groups, or members of groups, distinguished by religion

In addition to these statutory rights and protections, the common law might also recognise a right to religious freedom. The Institute is engaged in a project to identify the extent to which the common law of Australia currently protects the right to religious freedom in New South Wales. The findings of this project are not yet available, however, I would be pleased to arrange for them to be made available to the Joint Select Committee in due course if that would be of use to the Committee.

Ruddock Expert Panel recommendations

Recommendations 1, 2, 3, 6, 8, 9, 13, 14, and 16 in the Expert Panel's final report, *Religious Freedom Review* (2018) are relevant to New South Wales. I note that the Commonwealth has accepted most of these recommendations, but indicated that further consultation is required, including with the States, on Recommendations 1, 6 & 8 (Australian Government response to the Religious Freedom Review, December 2018). In the interim, I would respectfully submit that the Parliament of New South Wales should give consideration to implementing Recommendations 2, 3, 9, 13, 14 and 16. In particular, I would submit that the Parliament should have regard to the Siracusa Principles when drafting laws that would limit the right to freedom of religion (Recommendation 2), and should include in anti-discrimination legislation a recognition of the equal status in international law of all human rights, including freedom of religion (Recommendation 3). I would further submit that the Parliament should amend the *Anti-Discrimination Act 1977* to render it unlawful to discriminate on the basis of a person's religious belief or activity, including on the basis that a person does not hold any religious belief, subject to provision being made for appropriate exceptions and exemptions, including for religious bodies, religious schools and charities (Recommendation 16).

The *Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020* goes some way towards implementing some of the recommendations of the Expert Panel relating to reform of anti-discrimination, but the Bill cannot be said to implement the Expert Panel's overall approach to anti-discrimination law reform. If enacted, the Bill would address the following recommendations:

- Recommendation 2, which is explicitly addressed in the proposed section 3 of the Anti-Discrimination Act, which recites that persons making determinations under the Act are to have regard to the Siracusa Principles; and
- Recommendation 16, which is explicitly addressed in the proposed Part 2B of the Anti-Discrimination Act, which renders it unlawful to discriminate on the basis of a person's religious belief or activity.

While the Bill certainly treats religious freedom on an equal footing with other human rights, it does not directly address the recommendation that the equal status in international law of all human rights, including religious freedom, be included in the objects, purposes or other interpretative clauses in anti-discrimination legislation (Recommendation 2). The Bill could be amended at clause 3 to reflect this principle and to explicitly address this recommendation.

It should be noted that the Bill in its current form would not address the following recommendations:

- Recommendation 9, relating to the development of the Government's education policy rather than law reform; and
- Recommendations 13 and 14, relating to blasphemy.

A case might reasonably be made that these recommendations are not directly relevant to the reform of anti-discrimination law, which is the purpose of the Bill. In other circumstances, the Bill might also address the following recommendations, which are directly concerned with anti-discrimination law, as part of the

Parliament’s attempt to implement the Expert Panel’s recommendations relating to anti-discrimination law reform. However, these recommendations are currently the subject of further consideration and consultation:

- Recommendation 1, relating to exemptions in anti-discrimination laws for religious bodies with respect to race, disability, pregnancy or intersex status;
- Recommendation 6, relating to exceptions in anti-discrimination laws for religious schools with respect to discrimination on the basis of race, disability, pregnancy, intersex status, or entering into a marriage, in relation to decisions about employment; and
- Recommendation 8, relating to exceptions in anti-discrimination laws for religious schools with respect to discrimination on the basis of race, disability, pregnancy or intersex status in relation to decisions about students.

The Explanatory Note on the Bill states that the object of the Bill is, *inter alia*, “to establish principles . . . for the purpose of reconciling conflicting human rights”. The Bill itself might reasonably be characterized as attempting to have regard for the equal status of all human rights, and as attempting to reconcile conflicting human rights. It does not detract from this that the Bill does not implement the recommendations of the Expert Panel *in toto*. While there is in-principle appeal in implementing the Expert Panel’s recommended approach to law reform as a coherent body of law, Recommendations 9, 13 and 14 can be addressed in separate legislation, and the process of further consultation flagged by the Commonwealth on Recommendations 1, 6 and 8 will help to clarify what legislative forms they might take. Within these limitations the Bill nevertheless deals with important recommendations of the Expert Panel relevant to New South Wales and directly relevant to the Act.

Draft Religious Discrimination Bills 2019 (Cth)

In October 2019, ACU made a submission to the Australian Government Consultation on Religious Discrimination Bills. In that submission, ACU observed that the Institute had published ten principles of religious freedom. It then proceeded to assess the proposed Commonwealth legislation in terms of its compatibility with those ten principles. ACU concluded that the proposed Commonwealth legislation was broadly compatible with these principles of religious freedom, while recommending that the legislation could be improved in order to increase its compatibility with seven of the principles. ACU also encouraged the Commonwealth to finalise the legislation after the Australian Law Reform Commission’s report on the Framework of Religious Exemptions in Anti-Discrimination Legislation was completed. I would be pleased to provide a copy of the 2019 submission if it would be of use to the Joint Select Committee.

Anti-Discrimination Amendment Bill’s compatibility with the PM Glynn Institute’s Ten Principles of Religious Freedom

In my opinion the Bill is consistent with the Institute’s ten principles of religious freedom. In Annexure A to this submission, I have itemised each principle, and explained why the Bill is compatible with each principle. On the basis of this analysis, it is my submission that the Parliament should proceed to enact the Bill into law.

If it would be of use to the Joint Select Committee, I would be pleased to provide further particulars either in the form of a supplementary written submission or by providing evidence in person.

Yours sincerely,



Michael Casey | Director

Annexure A:

Analysis of Anti-Discrimination Amendment Bill's compatibility with the PM Glynn Institute's Ten Principles of Religious Freedom¹

1. Freedom of religion and belief is a universal human right.

Intended as it is to extend the protection the Act provides against discrimination to religious beliefs and activities, the Bill clearly accords with this principle. It would require determinations under the Act to have regard to the *International Covenant on Civil Political Rights* (ICCPR) and the *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, both of which acknowledge religious freedom as a universal human right. It would also require determinations under the Act limiting religious freedom to have regard to the *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights* (clause 3), which are intended to ensure that limitations on universal rights set out in the ICCPR are not used in such a way so as to defeat them.

The *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* recognises discrimination on the grounds of religion and belief as a violation of “human rights and fundamental freedoms” (article 3), among other reasons because it impairs the enjoyment and exercise of these rights and freedoms “on an equal basis” (article 2). In providing protection from discrimination on the grounds of religion or belief for religious people and the organisations they establish to manifest their beliefs, the Bill takes important steps to ensure that religious freedom can be enjoyed on an equal basis with other rights and the rights of others. It will help to encourage a fairer balancing between rights, rather than religious freedom being treated as a second-order right which is somehow at odds with the principles of non-discrimination and equal treatment.

Religious freedom is often seen as a suspect right, as a pretext for discrimination itself against other minorities or for imposing religious morality on other people, including those who are vulnerable. By extending the protection of the Act to religious believers, the Bill helps to address this misunderstanding by underscoring that religious freedom is a universal human right and that religious people can also be subject to discrimination because of their religious and moral convictions.

2. Religious freedom is based on respect for individual freedom.

Respect for individual freedom is upheld in the Bill by the inclusion in the definition of “religious beliefs” (clause 22K(1)) both having and *not having* a religious conviction or affiliation. A central element of religious freedom is the right to hold or not to hold religious beliefs, to adopt or reject religious beliefs, and to change religious beliefs. Religious freedom is often described as an indispensable foundation for a free society because it protects the freedom of individuals to form their own convictions about the ultimate meaning and reality of things, and to order their lives in a way which is consistent with what they believe the truth to require. Whether the answers we give to these questions are religious or non-religious, they must be freely thought and freely embraced. They cannot be imposed or coerced, as they have been by both religious and secular authorities throughout history.

Because the definition of religious beliefs in the Bill includes not having any religious belief, individuals without religious beliefs are also protected by the definition of religious discrimination in clause 22L, and the provisions relating to discrimination in work (division 2) and discrimination in other areas (division 3). The definition of “religious activities” includes “an activity motivated by a religious belief”. This means that activities motivated by non-religious beliefs constitute religious activities under the Bill as well. The Bill therefore protects non-religious people against discrimination on the grounds of both non-religious beliefs and non-religious activities motivated by those beliefs.

1. Frank Brennan, M A Casey & Greg Craven, *Chalice of Liberty: Protecting Religious Freedom in Australia* (Kapunda Press, Redland Bay: 2018), 49-53. The ten principles from *Chalice of Liberty* are excerpted at the end of this annexure.

The High Court has defined religious belief as comprising belief in a supernatural being or principle, and “canons of conduct” to give effect to that belief.² Non-religious belief is typically characterised by a rejection of belief in a supernatural being or principle, and while it is not clear what canons of conduct might follow to give effect to that belief, the protection the Bill affords to non-religious belief and activity arising from that belief is an important inclusion.

3. Religious freedom protects human dignity.

The Bill upholds this principle by protecting people from being punished by their employers or excluded from their chosen occupations because of their religious beliefs or activities outside work. It makes provision for “protected activity” which comprises religious activity outside the workplace and outside work hours. For religious activity to be protected, it must not include “any direct criticism of, or attack on” the person’s employer, or cause their employer “any direct and material financial detriment” (clauses 22N(4) (employers) and 22S(3) (qualifying bodies)). The Bill proposes to make it unlawful for employers (clause 22N(3)) or qualifying bodies (clause 22S(2)) to “restrict, limit, prohibit or otherwise prevent a person” from engaging in protected activity, or to “punish or sanction” a person either because of their own protected activity, or the protected activity of an “associate” (as defined in section 4 of the Act).

The provisions for protected activity, together with the more general provisions making it unlawful for employers (clause 22N(1) and qualifying bodies (clause 22S(1)) to discriminate on the grounds of religious belief and activity against employees or people seeking an authorisation or a qualification to practise their occupation, are two of the most important practical protections in the Bill. People should not stand in danger of losing their job or being excluded from their occupation because of their religious beliefs, or for activity they undertake to manifest those beliefs which falls within the bounds of the law and general reasonableness. They should not face restrictions or sanctions from their employer or the qualifying body for their occupation because of religious activities outside work, which do not entail criticism of their employer or qualifying body or cause them material financial detriment.

These provisions would provide protection, for example, to healthcare workers or people seeking admission to healthcare professions who object on religious (or non-religious) grounds to providing or taking part in medical procedures such as abortion or assisted suicide. They would also protect people working in healthcare or related areas who take part in public debate or political activity or express views on social media outside work to promote their convictions about abortion or assisted suicide.

4. Religious freedom should be exercised in solidarity with other people.

No freedom is limitless and this applies to religious freedom as it does to other rights. The Bill reflects the principle that religious freedom should be exercised in solidarity with other people – respecting the rights and freedoms of individuals, and respecting the limitations that are required to sustain a life in common – in clause 3(2), which incorporates both the principles of the ICCPR concerning the limitations that may be imposed on the right to manifest religion or belief, and the relevant principles from the *Siracusa Principles* on how the limitation provisions of the ICCPR are to be applied.

Clause 3(2) expressly provides that limitations on the manifestation of religious belief (which in this instance means religious activities as defined in the Bill) must only be made when “necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others”. Under the specific *Siracusa Principles* also expressly included in this clause, any such limitations “must, amongst other matters”, be not only “prescribed by law” and “respond to a pressing public or social need”, but must also “pursue a legitimate aim and be proportionate” to it, and “be applied by no more restrictive means than are required for the achievement of the purpose of the limitation”. The express inclusion of these particular principles of interpretation from two of the international instruments stipulated in this clause is an important measure for trying to ensure that the reconciliation of religious freedom with other rights is undertaken on an equal

2. *Church of the New Faith v Commissioner of Pay-Roll Tax (Vic)* (1983) 154 CLR 120.

footing, recognising that religious freedom is not a lesser or second-order right that should usually yield to considerations of non-discrimination and equality, but a fundamental human right on a par with others.

Further provisions in the Bill also acknowledge this principle of religious freedom. Clause 22K(1) defines religious activities to “not include any activity that would constitute an offence punishable by imprisonment under the law of New South Wales or the Commonwealth”, which appropriately reflects that the exercise of religious freedom must be within the bounds of the criminal law. The Bill also provides that employers may prohibit or restrict the wearing of religious symbols and clothing in circumstances where it would be unreasonable, having regard to factors such as workplace safety, productivity and communications and industry standards (clause 22N(6)(b)).

5. Religious freedom is more than freedom of worship.

The Bill protects the right of religious people to manifest their beliefs in community with others. It makes provision for “religious ethos organisations”, which encompass private educational authorities, charities registered with the Australian Charities and Not-for-profits Commission, and “any other body” which are “conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion” (clause 22K(1)). The Explanatory Note indicates that one of the objects of the Bill is to provide that religious ethos organisations can make decisions and engage in conduct in accordance with their beliefs and teachings without this constituting discrimination on the grounds of religious belief and activity (“Overview of Bill” (e)). In this way, the Bill recognises “that religion is integral to the existence and purpose of these organisations” and that freedom of association is important both for religious freedom and for “a free and democratic society”.

Clause 22M gives effect to this object of the Bill. It provides that conduct by a religious ethos organisation, including “giving preference to persons of the same religion” as the organisation, does not constitute discrimination on the grounds of religious belief and activity “if the organisation genuinely believes” it is consistent with its beliefs and teachings, is required “because of the religious susceptibilities” of its co-religionists, or helps the organisation to act on its beliefs. This provision clarifies that religious schools, charities and other organisations can undertake their activity in line with their religious beliefs, and employ staff or engage volunteers who share these beliefs when this is necessary. In this way, it allows religious ethos organisations to maintain their religious character and the religious commitment and purpose which led to the establishment of these organisations. It treats this conduct as an essential part of religious freedom rather than as a form of discrimination which is permitted under an exception, but would be otherwise unlawful.

6. Religious freedom allows individuals to practise their religion freely and publicly as citizens and not just in private life.

By protecting individuals from discrimination on the grounds of their religious beliefs and activities in a broad range of circumstances, the Bill allows them to live out their beliefs in the public and social dimensions of their lives. The Bill protects people against discrimination because of their religion in the various forms that work and employment may be organised (division 2), as well as in membership of industrial organisations (clause 22R) and in the conferring of qualifications and authorisations for practising different occupations (clause 22S). It also provides protection against religious discrimination in education (clause 22V), the provision of goods and services (clause 22W), accommodation (clause 22X), membership of registered clubs (clause 22Y), and in carrying out functions and responsibilities under State laws and programs (clause 22Z).

As discussed at principle 3 above, the Bill’s provision’s concerning religious activity outside work is one of the its most important protections. Clause 22V extends this protection to students at schools and universities under similar conditions; namely, that the religious activity must occur outside the place and hours of their education and not include “any direct criticism of, or attack on” the place of education to which they belong, or cause it “any direct and material financial detriment” (clause 22V(4)). The concept of protected activity in the Bill is an example of a reasonable protection for religious freedom and the principle that religious belief should not be quarantined to private life. It provides protection for individuals and their religious activity from pressure brought to bear by employers, qualifying bodies or educational authorities; while also protecting the

rights of these entities by stipulating that to be protected, the activity must take place outside work or education and not entail an attack on them or cause them a direct and material financial detriment.

7. Religious freedom means people are entitled to live out their beliefs in the way they serve the rest of the community.

As discussed under principle 5 above, in clause 22M the Bill recognises that it is not religious discrimination for religious ethos organisations to act on and uphold their beliefs, including in exercising a preference for people who share the religious faith of that organisation. This provision is an important acknowledgement that religious freedom is a fundamental right, not merely a form of discrimination which is exempted in certain circumstances (as it is sometimes characterised). It recognises that religious freedom entails the right for religious ethos organisations to maintain their particular character and ethos in the decisions they make on matters such as staffing and volunteers. The clause also preserves the existing exemption for religious organisations in section 56 of the Act, which remains an important protection for religious freedom in a broader context where it is understood by some people primarily (and erroneously) as a form of discrimination against other people.

The Explanatory Note states that the definition of religious activity in the Bill is intended to include (among a number of other things) “any activity or manifestation motivated by religious belief, whether in public or in private, and whether individually or in community with others”. Part of the intention in doing so is “to clarify in anti-discrimination law that, for many religious believers, religious convictions that impact on or motivate behaviour can extend to the whole of their personal lives and lived experience” and are not confined to sacred acts or religious rituals (“Examples of Legislative Coverage”, 1). The services that religious communities establish to provide education, assistance for the poor and vulnerable, and care for the sick, the disabled and the elderly, manifest (or put into action) their fundamental convictions. They are also examples of how personal religious convictions, brought together “in community with others” who share them, can generate significant public action to benefit society more broadly.

Clause 22M would ensure that religious communities could continue to establish and operate services according to their religious beliefs, and to exercise a preference in employment or promotion for staff and volunteers who share their faith or otherwise support their beliefs and teachings. This protection would extend to the range of organisations included in the definition of a religious ethos organisation in clause 22K, which encompasses not only educational authorities and registered charities but also other bodies conducted in accordance with the beliefs and teachings of a particular religion, in the many and diverse forms that they may take.

8. Religious freedom is not a claim for special treatment.

It is basic fairness for people to be able to put their most important beliefs into practice and not to be forced to act against them. This basic form of fairness extends to religious believers as well. Laws which help to ensure this are not granting privileges to religious communities but treating them equally with other groups. Together with other groups, the rights of religious believers are limited by the need to protect both the fundamental rights and freedoms of others, and those things that make a life in common possible.

The Bill reflects this principle of religious freedom by proposing amendments to the Act which extend the protections against discrimination it affords to members of other minorities to members of religious communities. As discussed at principles 5 and 7, it provides for religious ethos organisations to exercise a preference in employing staff and selecting volunteers for people of the same religion, under certain conditions, so that the religious character and mission of the organisation can be preserved and advanced. It is taken for granted that other belief-based organisations – such as political parties and social and political advocacy groups – can exercise a preference for members, staff and volunteers who are committed to their ethos and vision of life. It is the way social, political and community life works: people come together in all sorts of associations around shared beliefs and work to further them through public argument and activity, usually because they think it will make society as a whole better. Religious communities do exactly the same sort of thing and should be treated equally.

9. Religious freedom reinforces other fundamental rights.

The Bill provides an example of how protecting the right to religious freedom helps to reinforce other important rights for everyone, including the rights set out in the ICCPR. Protecting people from discrimination on the grounds of their religious beliefs and activity helps to protect the right to equal protection of the law without discrimination (ICCPR article 26). The provisions protecting people from discrimination at work and in other areas of life help to protect not only the right to freedom of religion but the rights to freedom of thought and freedom of conscience as well (article 18).

The provisions for religious ethos organisations protect the right of people to manifest (live out) their religion and beliefs (*id.*), and the provisions for selecting staff and volunteers who share the beliefs of these organisations protect the right to freedom of association (article 22). These provisions also help to ensure that religious schools can teach and operate according to their beliefs, thereby respecting the right of parents and guardians to provide education for their children in accordance with their religious and moral convictions (article 18(4)). The protections for a person's religious activity and the expression of their religious beliefs outside work or education protect the right to freedom of opinion and freedom of expression (article 19), and their right to take part in public affairs (article 25).

These various ways in which the Bill helps to reinforce other important rights in a free and democratic society reflect the indivisibility of human rights. Rights can certainly be contested by competing claims between them, but even in these situations they should be approached as part of an integrated whole rather than being seen as standing inevitably in opposition to each other. It helps in working towards this to recall that when the rights of some groups are weakened or disregarded, the rights of all in the community are eroded.

10. Religious freedom makes democratic societies stronger.

In protecting people from discrimination on the grounds of religious belief or activity the Bill is intended to make democratic society stronger. One practical way it does this, as discussed in a number of places above, is by protecting certain religious activity outside work and education. One of the conditions that religious activity outside work and education must meet to be protected is that it must not cause "any direct and material financial detriment" to the person's employer, qualifying body, or place of education. The Bill stipulates that direct and material financial detriment is not constituted by boycotts and withdrawal of sponsorship or other financial support because of the person's protected activity (eg: clause 22N(5)).

These particular provisions will no doubt attract much comment, which will be helpful in determining whether or not the burden they impose is too onerous. Whatever decision is made about this, however, it is important to note that they seem to be intended to encourage employers, qualifying bodies and educational authorities to resist the pressure that is frequently brought to bear on them from outside to punish or sanction those under their authority who have said or done something that others find objectionable or "offensive". At a time when there is much concern about the emergence of a "cancel culture" and the effect this is having on freedom of speech and public discussion in a democratic society, these provisions attempt to adjust the settings so that they are more in favour of withstanding, rather than yielding, to this form of pressure.

More generally, the Explanatory Note expressly recognises "that religious and associational freedoms are fundamental to a free and democratic society" ("Overview of Bill", (e)). In addition to the way the Bill reinforces other rights, as discussed at principle 9 above, the protections it offers to individual believers and to religious ethos organisations are important for fostering strong and diverse communities. Communities at all levels depend on "civil society" or non-government organisations, large and small, local and state-based, to support people in need, to care for neighbours, and to provide services which are better delivered by a range of agencies, voluntary groups and institutions outside government and business. Enabling religious believers and communities to contribute their part to this, without fear of discrimination or punishment because of their beliefs and activities, is important to ensuring that their work for the general community can continue and that democratic society remains strong.

Ten Principles of Religious Freedom

In 2017, the PM Glynn Institute published *Chalice of Liberty: Protecting Religious Freedom in Australia* (Kapunda Press). The book sets out ten principles of religious freedom in an attempt to clarify what religious freedom is and why it is important. These principles start from the fact that religious belief is a considered and deeply-held conviction which powerfully informs the way believers live, the actions they take, and the shape of communities. It is not just another form of subjective or personal opinion significant only for the individual who holds it. Religious freedom arises from the universal human search for the truth about our nature, the world we live in, and how we should live.

This submission has offered some observations on the Bill based on these ten principles. The principles as they are explained in *Chalice of Liberty* are set out below:

1. Freedom of religion and belief is a universal human right.

Religious freedom belongs to every person, because most people look for answers to questions of meaning and value in something greater than themselves. Many religious people look to God, but non-religious people also draw on ultimate sources of meaning which are not of their making, such as ideas about human dignity, justice, freedom, equality, and the environment. In one sense, questions of meaning and value are religious questions even when our answers are atheism or agnosticism.

2. Religious freedom is based on respect for individual freedom.

“The act of faith is of its very nature a free act” (*Dignitatis humanae* §10). Religious freedom is the right to believe or *not* to believe, to adopt, reject or change beliefs as we decide for ourselves. It protects freedom by protecting people from having the beliefs of others —religious, secular or political — imposed on them. Catholic beliefs too are not to be imposed on anyone, but proposed for people to accept or reject as they decide freely for themselves.

3. Religious freedom protects human dignity.

Religious freedom upholds the intrinsic dignity of people who think, believe, worship and live differently. It protects them against pressure to hide their beliefs, or from being forced to censor themselves or limit their participation in society to avoid bullying or intimidation. It defends them from discrimination, exclusion or punishment because of their beliefs. Religious freedom is especially important in protecting people whose beliefs or ideas others find strange, ridiculous or even “offensive”, and particularly communities which may be hated and feared because of their beliefs.

4. Religious freedom should be exercised in solidarity with other people.

Like many rights, religious freedom is not an absolute. It is limited by respect for both the rights of others and the common good. Because our sense of autonomy is often stronger than our sense of the common good, agreeing on the limits of rights can be fraught. Tensions between rights should be resolved wherever possible in a spirit of mutual respect, not suspicion, and with generosity towards beliefs and ways of life we do not share or even oppose. Restrictions on religious freedom should be made only on the basis of principles which apply to everyone.

5. Religious freedom is more than freedom of worship or a right to tolerance.

The persecution of people in different parts of the world because of their religious beliefs shows how important basic protections such as freedom to worship and the right to be tolerated are, but religious freedom does not end there. It is a much larger freedom which makes it possible for individuals and faith communities to witness to their beliefs with integrity and as full members of their society, not only in worship but in professional life, public life and service to the wider community.

6. Religious freedom allows individuals to practise their religion freely and publicly as citizens, and not just in private life.

The claim that religious people should quarantine their beliefs from public debate and even from the way they carry out their profession or occupation is unfair and discriminatory, because it allows everyone except religious people to act on their beliefs. No human being lives in neatly divided public and private worlds.

Beliefs about meaning and truth, right and wrong — religious and non-religious alike — are conclusions about what is real and important in life. For everyone, they serve as a basis for their action in the world.

7. Religious freedom means people are entitled to live out their beliefs in the way they serve the rest of the community.

Coming together around a common purpose and shared beliefs to help those in need is one of the main ways in which religious communities encourage participation in society and work to build up a sense of solidarity. Religious freedom protects not only the right of people to live out their beliefs in co-operation with others who share their faith, but also the right to establish and operate services for the wider community that are faithful to the beliefs which inspired them, and which are reflected in their work.

8. Religious freedom is not a claim for special treatment.

It is a basic fairness for people to be able to put their beliefs into practice and not to be forced to act against them. Religious freedom protects this basic fairness. It is not a claim for a special privilege or an exemption for religious communities from laws which apply to everyone else, and describing it in these terms is misleading. Religious freedom is a fundamental right which ensures there is a space for religious communities to live out their beliefs, while also respecting the dignity and freedom of other people.

9. Religious freedom reinforces other fundamental rights.

Religious freedom is part of a larger whole. It does not sit in isolation but is an integrated and essential part of human rights. Because these rights protect the different things we need to make a full life possible, they have to go together and they should not be placed in opposition to each other. Freedom of religion both depends on respect for rights such as freedom of conscience, freedom of thought, freedom of expression, and freedom of assembly, and supports and reinforces them in turn. Placing religious freedom in doubt places these other rights in doubt as well.

10. Religious freedom makes democratic societies stronger.

Religious freedom protects not only the right of individuals and religious communities to fully participate in the life of a democratic society, but also the contribution they make to building it up. Because religious freedom and related protections such as conscientious objection protect people from being compelled to co-operate with activities which they hold, as a matter of conviction, to be wrong, they also help to encourage people to speak out against injustice and evil when no one else will. Good societies need these voices.