

**Submission
No 83**

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

Organisation: Humanist Society of New South Wales

Date Received: 21 August 2020

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

This is a submission on behalf of the Humanist Society of NSW (HSNSW). It will not be a detailed submission, but given several promptings, including from the Clerk of the Joint Committee, it appears HSNSW is entitled to make a corporate submission.

HSNSW has strained resources but has national connections. A more detailed approach, aimed at the very similar Bill at the federal level, can be found at : <https://dontdivideus.com.au/> I recommend and request the ideas at that site be understood as part of this submission.

Keeping it simple, Humanists and others distinguish between 'rights' needed for vulnerable individuals, classes and minorities, and 'privileges' that majority populations of various kinds wish to retain or extend. Traditionally rights and privileges were both applied only to members of ruling and/or propertied classes, but over time the word 'rights' is more commonly associated with human and civil rights available for all. The word privilege now tends to be mostly used to indicate an unfair non-universal kind of 'right'. Those having had traditional or habitual privileges often come to see these as normative, and allege their 'rights' are infringed when their privileges are questioned or are diluted among generalised rights.

In the opinion of most members of HSNSW, the pressures giving effect to the contents of this and the similar federal Bill are driven by this concern for privilege by a dominant (privileged) but dwindling Christian culture. Very often the same privileged groups would abhor similar behaviour based on traditional privilege in, say, Islamic countries, where police might turn a blind eye to majority mob behaviour. While not so bloody perhaps, the Australian Bills do seek to protect group A's privilege to persecute group B, while restricting group B's scope for appeal against this treatment – wherein group A is a traditionally dominant group.

The hypocrisy is well illustrated by certain facts. Religious bodies have already been given the PRIVILEGE of significant exemptions to various provisions of existing anti-discrimination legislation (something HSNSW also opposes) yet still wish to claim further special privileges for religious beliefs (over, say, political or cultural preferences). In both Australian Bills, religious bodies (very broadly defined!) are also given the privilege of exemption from accountability for religious discrimination. This makes as much sense as saying a 'White Club' shouldn't have to employ a black man - the obnoxious character is more obvious in this example! Surely it is those holding a strong identity with a religious position who are most likely to feel superiority to those with other views on religious affairs, and who need greater oversight.

Under this kind of Bill it seems likely a gay baker wouldn't be able to refuse to provide a cake embossed with the text "God Hates Fags", or perhaps not able to picket a church bearing such a hateful slogan on its billboard. A religious group could picket a gay bar without inhibition.

The privilege extended to 'religious activity' is absurdly broad enough to fully cover such behaviour. It's all very well to protect the right of a Muslim to attend Friday prayers (ditto Jew on Saturday and Christian on Sunday), or a Sikh to wear his turban (although his dagger may present some problems). But protecting a right to use Bible quotes in a deliberately provocative, disingenuous and selective manner - overlooking hundreds of other ignored commandments – opens a can of venomous worms. And the protection further extends to mere opinion with a vague whiff of religion.

It might be countered that 'non-religion' receives the same privileges, but anyone can see that 'organised non-religion' is almost an oxymoron, and that in any case seriously important industries like education, employment, and health have profuse involvement from churches, whereas explicitly non-religious (as opposed to neutral) involvement in such sectors is all but non-existent. Yet even those few, such as abortion clinics, could be forced to hire applicants who refuse to do abortions for religious reasons! This is explicit in the federal Bill, but I think implicit in Mark Latham's Bill.

Perhaps the Hon Mark Latham MLC indicates more important priorities in his speech on the Bill. He is elected under the banner of Pauline Hanson's party, and she has been notable for appealing to disgruntled members of privileged groups – Men, Anglos, Christians etc. Populist movements cultivating disgruntled 'majorities' are distorting democratic politics all over the world. In his speech the MLC repeats the tropes associated with such privileged groups' claims of victimhood. There is little he cites of actual 'discrimination' that any law enforcer could untangle, resolve or punish. Criticising on Facebook cannot be criminalised in itself - although vilification, defamation and such may apply - but these are covered by other laws. Threats of murder go unpunished on social media, let alone annoying criticisms.

The examples the MLC gives in his speech seem more to appeal to the irritations of the groups his party seeks to win over. If it were to turn out that the most significant effect of the whole business of these Bills were to boost support for Mark Latham's party or the Morrison government, then it is reasonable to suspect that the actual content is unnecessary, or even harmful, in terms of the practical needs of Australian citizens.

The Humanist Society of NSW calls for the rejection of this Bill. Given the opportunity we would also favour removing ALL exemptions in anti-discrimination law. Given such a condition we would become amenable to a review of antidiscrimination provisions to cover any groups which may need further protections.

Best regards
Murray Love, President HSNSW