

**Submission  
No 137**

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

**Name:** Graham Anson

**Position:**

**Date Received:** 25 August 2020

Thank you for the invitation to make this submission related to the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020. I apologise for my lateness, and appreciate this means my submission may not be included in the work of your committee.

Also, I feel the need to be clear that this is not a response on behalf of The Wayside Chapel, or our pastoral team. The three religious/pastoral leaders of our organisation attempted to submit a collaborative joint response, but were unable to do so in the time frame. So the following comes from myself, as a Minister of the Uniting Church, placed at Bondi Beach, as part of Wayside.

Whilst I see some value in some Sections of the Bill, and no real impact in other parts, I hold serious doubts that it will achieve the purpose it is designed to address in one particular aspect. In fact I believe it will result in wilful damage being thrust upon many vulnerable people, something that I hope is in contradiction to the intention of the Bill.

To be specific, if I am reading it correctly, my concern is with part of Section 22K. I refer to 'Explanatory Note' related to 22K(1), which states that the definition of 'religious activity' is intended to include:

*"1(e) any activity or manifestation motivated by a religious belief, whether in public or in private, and whether individually or in community with others."*

My presumption is that this definition is designed to give clarity as to where an individual or an organisation can expect to be able to speak and act from their religious conviction, and have protection under the law. My nervousness is that it seems to give the right, and protection on the grounds of a religious belief, to hold private beliefs, and then make public speech or action, without reasonable accountability for what is said or done, unless it contravenes Commonwealth or NSW law: *"...including an activity motivated by a religious belief, but does not include any activity that would constitute an offence punishable by imprisonment under the law..."* (First Print, p.4, 22K Definitions.)

At its worst, this seems to allow what I would classify as 'hate speech' or vilification, to be dressed as a proclamation of religious beliefs. If I read this correctly, under the Bill, individuals and organisations will be free to express their view in the public sphere in a powerful, normative, hurtful and damaging manner. If challenged on their view, it is then possible that the perpetrator will then be able to take legal protection as the aggrieved, a stance afforded to them because their religious beliefs are considered a private matter. In this scenario, push-back from attacked parties on such public declarations and actions will be defined as discrimination against the original perpetrator. That for me is the heart of the Israel Folau and Margaret Court examples on this issue. They have the freedom to express a private 'religious belief' that is clearly judgemental, shrouded in discrimination and vilification, and confusingly defended as love, into the public arena. Any push-back on them as the perpetrator, in this Bill allows them to take the stance of the aggrieved. The irony is that the freedom to express religious beliefs in such a way for one, surely contravenes the freedom to live in peace for others.

Proposed Section 22L (XN Anti-Discrimination, p.2), *"sets out what constitutes discrimination on the ground of religious beliefs or religious activities..."*. But I don't think the Bill defines, or goes far enough, when it comes to outlining what constitutes discrimination by people on the basis of their religious beliefs and activities (as the perpetrator, not the aggrieved). The only offering is that it would be "an offence punishable by imprisonment under the law". I think it is highly unfortunate that this will be the boundary. Christianity has been the dominant religion in this country since white settlement, and history has shown that the Church has unfortunately proven itself to often be poor custodians when exercising the power it holds.

There is a line that is part of the final blessing I share in my Sunday chapel services each week. Among other things, congregants are charged to “support the weak” as part of being sent into their daily lives. The “weak” in our church and wider community include people from all parts of the LGBTQI spectrum. It includes transgender, transsexual and transitioning people, and people who don’t affiliate with such labels. There are young and old people, people who are financially destitute, homeless, struggling with mental health issues or addiction. It includes sex workers, ex-workers, permanently unemployed, people on benefits, people who choose not to receive any government benefits - even though they qualify. We have adulterers, thieves, drunkards and fornicators. We have people from many cultures, races and religions, and there are people of no religion. And many of the “weak” people who we support, have past or present experiences where they seek refuge, protection or freedom from vocal, aggressive, judgemental, vilifying people expressing religious beliefs. In practice, I believe the Bill risks legitimising and legalising that speech and behaviour, by failing to illegitimise or at least restrict it.

There is a huge difference between having the right and the protection to speak publicly and point out the wrong in someone else, and loving them regardless of difference. I believe that if Christians were living to the task we are called to, to love unconditionally, there would be little need for this Bill at all.

**Graham Anson**

Executive Minister – Bondi Beach  
Wayside Chapel

██  
██  
██

We at Wayside Chapel pay respect to the traditional custodians of the land on which we work, and pay respect to elders both past, present and future.

The above information is confidential to the addressee and may be privileged. Unauthorised access and use is prohibited. Internet communications are not secure and therefore this company does not accept legal responsibility for the contents of this message. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted in reliance on it, is prohibited and may be unlawful.