

**Submission  
No 142**

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

**Name:** Chris Walker

**Date Received:** 3 August 2020

*The proposed religious discrimination bill proceeds upon an inverted logic that would undermine all anti-discrimination frameworks. This is at odds with our democratic standards and imposes an unreasonable stratification of social discourse.*

*By exempting religious expression from standards exacted by these other frameworks, it elevates expression and practice of religious belief above them.*

*Freedom of religious practice \*is\* important, but must the extent thereof nevertheless must remain informed by community standards. Antidiscrimination frameworks are a legal reflection of these standards, and are subject to refinement by public discourse. To create separate legislation that puts religious expression above other forms of antidiscrimination therefore delineates it from, and elevates it above, these community standards. This is not only at odds with democratic ideals, but has ample precedent in history to warrant concerns that such a move may be likely to lead to 'heretical' persecution. Subsequent legislative drift may also be expected to increase the magnitude and implications of this. Many religious texts include both crimes and punishments that are at odds with current legal frameworks and community standards; not only will it be impractical (and I'd argue impossible) for legislation to present logically coherent bases for 'where to draw the line', but, importantly, it isn't the place of legislation to do so. That is a matter for theological and public discourse, which necessarily must have equal protections for all parties.*

*The question at hand is NOT how to protect religious expression, but WHETHER religious expression is indeed impinged in a manner that is inconsistent with public sentiment. Submissions to this questionnaire are not answering that question.*

*Then, IF constraints are found, it would be necessary to evaluate whether constraint upon religious discourse is consistent with forms of discrimination. It does not follow that this is necessarily so, and the form of constraints upon religious expression (if they indeed exist) will necessarily inform effectively improving our discursive frameworks to redress it.*

*By jumping straight to the legislative stage that this bill does, it makes the implicit argument that religious people are being persecuted, effectively entirely sidestepping a crucial part of the fact-finding upon which any solution needs to be based.*

*Additional frameworks should be considered with great care and hesitation. Only if existing frameworks cannot be amended to redress any \*proven\* existing harms should additional frameworks even be considered, and, again, these should nevertheless not override the community standards indicated in existing frameworks.*

Thanks,

Chris Walker