

**Submission  
No 189**

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

**Name:** Name suppressed

**Date Received:** 18 August 2020

Partially  
Confidential

## Submission re Religious Freedom Bill

Dear Committee Chair,

I am writing to support Mark Latham's NSW Religious Discrimination Bill which is before the NSW Parliament.

Currently, NSW is out of step with most other States and Territories, because it does not protect its citizens against religious discrimination. One of the recommendations of the recent Ruddock Review was that NSW should include religious belief and activity as a protected attribute. We can and should implement this now.

It should be unlawful for an employer to discriminate against a person on the ground of religious beliefs or religious activities. This bill would ensure that no employer or professional accreditation body could fire or take other disciplinary action against an employee for a religious belief expressed on social media, or in some other public forum, when it has nothing to do with the organisation for which they work.

Without the provisions of this bill, some employers might say they are compelled to punish an employee who advocates for their religious views, even if their opinion is expressed separately from their workplace, because their employer fears financial or political pressure from third-party sponsors. This was the situation that was said to arise in the Israel Folau matter. This Bill is welcome because it would prevent another case such as Israel Folau's, in which he had no recourse under state-based anti-discrimination laws.

Workers should be able to freely express their religious views away from the workplace without fear of financial or other penalties or withdrawal or restriction of their employment. There have been numerous other cases where people have been discriminated against in their employment because of expressing their religious views outside of their workplace, even when their opinions have had nothing to do with their ability to perform their work. This kind of discrimination is absolutely unconscionable in a democratic society such as NSW or Australia.

In addition, I could not support the Bill if the differential treatment of "religious ethos organisations" was removed. It is necessary that religious institutions be allowed to pursue their religious purposes by preferencing those who share the same religion in employment and in certain other contexts, and the proposed section 22M does this very well.

I support the Bill's protection of "private" expressions of religious belief, by prohibiting adverse action on the basis of religious belief expressed outside the workplace, or professional or institutional context. This is necessary, subject to limited and clearly defined exceptions, because employers, qualifying bodies and educational institutions are increasingly imposing codes of conduct that improperly restrict private religious activity.

I also support the inclusion of a new clause 3, because it will ensure that all rights are treated equally. We do not seek special rights for people of faith, but want religious belief to be treated on par with other "protected attributes".

I also support clause 22Z, which prevents the State from discrimination on the basis of "religious" grounds. The State should be neutral towards religion, and therefore it should not be able to impose conditions in funding contracts that exclude some religious bodies from receiving funding, tax exemptions or contracts, or forcing them to act in a way that is inconsistent with their religious ethos.

I call on the parliament to pass the bill to ensure religious freedom is protected.

Yours faithfully,

██████████