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Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

**FECCA submission to Religious Discrimination Bill 2021 [Provisions]; Religious Discrimination (Consequential Amendments) Bill 2021 [Provisions] and Human Rights Legislation Amendment Bill 2021 [Provisions]**

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse communities and their organisations.

FECCA provides advocacy, develops policy, and promotes issues on behalf of its constituency to Government and the broader community. FECCA strives to ensure that the needs and aspirations of Australians from diverse cultural and linguistic backgrounds are given proper recognition in public policy.

FECCA supports multiculturalism, community harmony, social justice, and the rejection of all forms of discrimination and racism to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind.

FECCA would welcome the opportunity to expand on this submission as required. For enquiries, please contact FECCA CEO Mohammad Al-Khafaji at [mohammad@fecca.org.au](mailto:mohammad@fecca.org.au) or on (02) 6282 5755.

## Key Points

- FECCA recommends to the Committee that the *Religious Discrimination Bill 2021* not be passed.
- Any Religious Discrimination Bill must not remove existing discrimination protections.
- FECCA rejects all forms of discrimination and believes our laws should protect all of us equally.
- The Bill may allow increased discrimination without opportunity for recourse including on the grounds of race, religion, sex, marital status, disability, sexual orientation, gender identity or intersex status.
- The Bill review process has involved inadequate timeframe and inappropriate processes for public submission
- The Bill poses a risk that people in Australia will lose discrimination protections at work, school and when accessing goods and services like healthcare, domestic and family violence services, homelessness services, aged care and disability care.
- The Bill may open doors for discrimination by taking away existing anti-discrimination protections on the basis of an individual's interpretation of their religion or faith.

## Discussion

A fair and inclusive society is achieved when everyone is free to participate equally and everyone can belong. Our laws should protect all of us, equally.

FECCA rejects all forms of discrimination including discrimination on the grounds of religion such as being treated unfairly at work, being turned away from a shop or restaurant or being unreasonably prevented from wearing religious dress as part of school uniform. People in Australia must be protected from discrimination in areas of public life.

However, people of faith can be protected from discrimination without removing protections from others. The Religious Discrimination Bill 2021 poses a risk that people in Australia will lose discrimination protections at work, school and when accessing goods and services like healthcare to accommodate people who make discriminatory statements based on 'religious beliefs'. FECCA is concerned the Religious Discrimination Bill will open doors for discrimination by taking away existing anti-discrimination protections, including on the grounds of race, religion, sex, marital status, disability, sexual orientation, gender identity or intersex status.

As the peak, national body representing people in Australia from culturally and linguistically diverse backgrounds, FECCA rejects all forms of discrimination.

We urge the Committee to ensure any Religious Discrimination Bill does not remove existing discrimination protections. It must ensure all workers, students, customers and clients are equally protected from discrimination, no matter who they are, whom they love or what they believe. It must not privilege the rights and beliefs of one group over another.

FECCA recommends to the committee that the *Religious Discrimination Bill 2021* not be passed.

## **Process and Timeframe**

FECCA would like to express our disappointment in the timeframe given for public submission into this inquiry. 2021 has been a challenging year for FECCA, our members and the broader multicultural community full of health, financial and social consequences of the COVID-19 pandemic. As our communities know, crisis often fuels division resulting in heightened instances of discrimination and this Bill only serves to undermines the inclusive society that we have built together.

Given the complicated nature of the proposed legislation, the timeframe given for this inquiry is inadequate and the process inappropriate.

The timeframe given to respond to this Bill has been exceedingly short for organisations and members of the public. Given this Bill has the potential to override existing anti-discrimination laws across the country, ample time should be available to ensure the public understand the implications.

FECCA is concerned with the nature of the online survey allowing members of the public to express their views on the religious discrimination legislative package. The survey design appears to lead respondents to a predetermined outcome and how this reason we reject the validity of the results.

## **Statement of Faith**

FECCA is concerned the Religious Discrimination Bill will open doors for discrimination by taking away existing anti-discrimination protections, including on the grounds of race, religion, sex, marital status, disability, sexual orientation, gender identity or intersex status.

Through the 'statement of faith provision' the proposed laws may protect a boss, colleague, teacher, doctor, taxi driver or other service provider who says to a colleague, student, customer or client:

- 'menstruating women are unclean'
- 'homosexuality is a sin'
- 'disability is caused by the devil'
- 'every child should have a mother and a father who are married'
- 'God made only men and women'
- 'HIV is a punishment from God'
- 'people who don't believe in Jesus can't get into heaven'.

This license to discriminate is unacceptable and our laws should protect all of us equally.

## **Discrimination in Hiring**

FECCA is concerned that this Bill will allow large faith-based government funded service providers (like hospitals, schools, homelessness services, domestic violence services, aged

care, disability care) to discriminate based on faith. This includes individuals of the same faith as the organisation, but differ in their interpretation of some doctrine (e.g. a Christian who has affirming views of LGBTQ+ people).

FECCA understands that allowing religious beliefs or activities to be considered when they are an inherent requirement of the job (e.g. when employing a pastoral worker) or allowing people and organisations to meet the needs of, or reduce a disadvantage experienced by, particular people of faith. However, where religion is not a requirement of the role, employers must not be able to discriminate

FECCA supports fair and equal discrimination laws which protect all of us, including people of faith and those who are not religious, equally alongside other groups

### **Interpretations of Religion**

An individual's relationship to faith and religion is often very personal and regularly people of the same faith may not agree on their interpretations of scripture, doctrines, tenets and teachings as they evolve over time.

FECCA is concerned this Bill will allow:

- people to make certain statements they consider to be based on religion (even if no one else with the same religion agrees with their interpretation)
- religious bodies to discriminate on the basis of religion without requiring that their conduct actually conform to a religious doctrine, belief or tenet

FECCA is concerned the Bill will open doors for discrimination by taking away existing anti-discrimination protections on the basis of an individual's interpretation of their faith or religion.