



IPA Cautions Against Flawed Religious Freedom Laws

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The Institute of Public Affairs has today released a new report, *Religious Liberty and Its Challenges In Australia Today: A Report into the Federal Government's Religious Discrimination Bill 2019*, authored by IPA Director of Research Daniel Wild, and Research Fellow Morgan Begg.

IPA Executive Director John Roskam said, "The proposed *Religious Discrimination Bill 2019* will blur the distinction between church and state by inviting secular courts to define what is considered a "reasonable" and "good faith" religious practice. This will put judges above Priests, Imams, and Rabbi's in deciding the limits of religious freedom."

"The proposed exemptions from the religious anti-discrimination laws do not include bodies which are solely or primarily engaged in commercial activities. This fails to recognise that the manifestation of religious beliefs takes place as much in a commercial environment as in a Church, Synagogue, or Mosque."

"The proposed bill will reverse the onus of proof by requiring a "large business" to justify why their



alleged discrimination against an employee of religious faith was justified. This is an unconscionable reversal of a centuries-old legal tradition which sits at the heart of Australia's legal system to protect individuals' rights against the arbitrary use of government power."

"The proposed bill is unlikely to prevent another Julian Porteous case from arising. The bill intends to ensure "statements of faith" cannot be found to be unlawful under state anti-discrimination law. However, the protection for "statements of faith" does not include speech which is "likely to harass, vilify, or incite hatred". This will render proposed protection for "statements of faith" ineffective because state anti-discrimination laws by definition and intention include speech which "vilifies", itself a notoriously vague and subjective word."

"The proposed bill will expand the role of the Australian Human Rights Commission by requiring an anti-discrimination complaint to be heard by the Commission. This will invite vexatious and frivolous claims of anti-discrimination to be lodged against religious organisations. Even if the Commission dismisses a complaint as it is deemed trivial, vexatious, or lacking in substance, the complainant can still proceed to the Federal Court. The punishment for Australians of faith will be in the process."

"Australians of faith will be subject to the anti-discrimination provisions in the governments proposed *Religious Discrimination Bill 2019*. This means the proposed anti-discrimination laws could be used as a political weapon by secular Australians against Australians of faith, and by one religious group against another. The effect will be to further erode freedom of religion in Australia. "

"Anti-discrimination laws will not protect freedom of religion in Australia. Freedom of religion is a manifestation of freedom of speech and association. Governments should instead remove laws which restrict speech and association, such as Section 18C and state and Commonwealth anti-discrimination laws," said Mr Roskam.

Download the [report](#).