

SPEECH

Date Tuesday, 8 February 2022	Source House
Page 54	Proof Yes
Questioner	Responder
Speaker Webster, Anne MP	Question No.

Dr WEBSTER (Mallee) (17:02): On behalf of the Parliamentary Joint Committee on Human Rights, I present the following reports: *Human rights scrutiny report: report 15 of 2021* and the inquiry report into the Religious Discrimination Bill 2021 and related bills, incorporating dissenting reports. I ask leave of the House to make a short statement in connection with the reports.

Leave granted.

Dr WEBSTER: I am pleased to present the Parliamentary Joint Committee on Human Rights inquiry report into the Religious Discrimination Bill 2021 and related bills, which was tabled out of session last Friday, as well as the committee's 15th scrutiny report of 2021, which was tabled out of session in early December.

As members know, following a referral from the Attorney-General, the committee inquired into and reported on the Religious Discrimination Bill 2021 and two related bills. These bills seek to remedy a significant gap in our discrimination laws to protect people of faith against discrimination. While we have federal antidiscrimination laws relating to sex, race, disability and age, there is no dedicated federal law to protect against discrimination on the grounds of religious belief or activity, despite our international human rights obligation to do so. International human rights law protects the right to freedom of thought, conscience and religion, and this right is the essence of a free society. It includes the freedom to have or to adopt a religion or belief, and the freedom, either individually or in community with others, to manifest one's religion or belief in worship, observance, practice and teaching. Protecting the right to enjoy religious freedoms requires constant vigilance in a democratic, pluralist country like Australia. This is particularly relevant for minority religious groups, who are currently more likely to suffer from direct discrimination, but also for Christians, whose genuinely held religious views are increasingly being silenced.

In this inquiry the committee received 205 public submissions and one confidential submission and held three public hearings, receiving evidence from religious organisations, peak bodies, community groups, academics, legal experts and the Attorney-General's Department. The committee also conducted a survey, enabling members of the public to easily express their views on the issues of these bills. The committee received over 48,000 responses, with 82 per cent of respondents supporting the bills currently before parliament. I would like to thank all those individuals and groups that generously gave their time to assist the committee in this inquiry.

Almost all submitters and witnesses recognised the importance of protecting the right to be free from discrimination on the grounds of religious belief and activity. However, differences arose regarding how best to achieve these protections. The committee acknowledges these bills are contentious and considers there has been substantial confusion and misinformation about parts of the legislation. In particular, there has been confusion around statements of belief and how the legislation will apply in the context of schools and workplaces.

In relation to religious schools, the committee considers it is important that schools can act in accordance with their faith, including by upholding their ethos through employment and enrolment, as this is an essential element of the right to freedom of religion. Indeed, it is often said that religious values are more caught than taught.

In relation to statements of belief, it is important to note that freedom of expression is necessary for the meaningful enjoyment of the right to freedom of religion. While the committee heard different perspectives as to the likely impact of this provision, the committee considers few, if any, of the examples of types of statements that would be protected by this bill would be protected in reality. The committee considers it is important that people are able to explain, discuss, share and express their moderate, genuine, faith based beliefs without fear of being silenced and that the bill contains significant safeguards. However, to alleviate some of the confusion surrounding the statement of belief clause, the committee has recommended the explanatory memorandum be amended to provide greater clarity about what sort of statements this bill would protect.

Of course, the right to freedom of religion must be balanced against other fundamental human rights to ensure all human rights are protected as far as possible. Drawing on a decade of experience in applying a human rights lens to proposed legislation, and assisted by submitters and witnesses to this inquiry, the committee is well placed to consider this important balancing act. Recognising the wide variety of views in relation to this topic, the committee considers it important to continue the conversation with the Australian people as to how to balance these rights and has urged future governments to monitor the impact of this legislation.

After carefully considering the evidence, the committee has concluded that, subject to the recommendations made by the committee, the religious discrimination legislation package remains essential to protect and uphold the fundamental right to freedom of religion and belief and should be passed.

Turning finally to the committee's 15th scrutiny report: in this report the committee considered 24 new bills and six legislative instruments, commented on three bills and concluded examination of one legislative instrument. I encourage all parliamentarians to carefully consider the committee's reports. With these comments, I commend these reports to the chamber.