



20 December 2021

Legal and Constitutional Affairs Committee
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary,

RE: Religious Discrimination Bill 2021 and related bills

The St Vincent de Paul Society National Council of Australia (the Society) welcomes the opportunity to make this submission to the Parliamentary Joint Committee.

The Society is a lay Catholic charitable organisation that comprises over 60,000 members and volunteers and over 3,000 employees. The Society has operated in Australia for almost 170 years, providing on the ground assistance in the form of emergency relief and accommodation, community housing and other support services to individuals and families.

In any given year, the Society distributes around \$32 million to help people meet their basic needs such as food, utilities, accommodation, transport, medical and educational costs. This is in addition to the assistance provided through Vinnies vans, shops and emergency, transitional and community housing services.

The Society's approach is one of inclusivity and we welcome the diversity that is reflected across our Australian communities.

We welcome and help all in need and do not discriminate on the basis of religion, race, age, disability, gender or sexual orientation.

The Society's aim is to empower people, to help them achieve their full potential. This is not done by shunning or shaming them.

We are committed to respecting the human dignity of every person and to respecting them for who they are. We care for the most vulnerable in our community by providing them a hand up.

We want to acknowledge that the Religious Discrimination Bill 2021 (the Bill) and subsequent debate may cause hurt to those we assist, as well as to some of our members, volunteers, and staff.

We regret this but want to reassure all of our commitment to inclusiveness.

We pride ourselves on working hard to build trust with people from all walks of life. And we want our people to reflect the diversity of the community in which we serve.

Our commitment is to ensure that all who come in contact with the Society feel safe, secure, included and able to participate fully in the life of the broader community.

The Society's doctrine, governance and operations are defined in The Rule and in the various constitutions of its institutions in Australia. We draw on these foundational documents and on Catholic Social Teachings to assess the benefit the Bill will bring to those we serve and to our members, volunteers and employees. All our documents are publicly available on our website.

The Society's Response to the Bill

We consider that the Bill is not best way to protect the human rights of all Australians, including their rights to freedom of religious practice.

While we acknowledge that the third draft is an improvement on the previous two, significant concerns remain.

For instance, the Society has a small number of volunteer positions that must be filled by Catholics and existing laws enable us to do this. And there is a range of Commonwealth anti-discrimination legislation already in place, as well as respective state and territory laws.

The Society is concerned that this Bill overrides existing state and territory anti-discrimination legislation.

Further, amendments to the *Sex Discrimination Act 1984* have not been made.

We note the Prime Minister has committed to fast-tracking amendments to the *Sex Discrimination Act 1984* to protect students from being suspended or expelled from schools based on their sexual orientation.¹ While this is a positive move, we are also aware of concerns voiced by Equality Australia that if this Bill is passed, it will bolster the ability of religious schools to refuse to hire staff who do not affirm or support their beliefs.²

We are concerned that if the Bill is passed, unintended consequences will prevail. People will be hurt, potentially on many levels, and will have no legal remedy. This is what happens when an attempt is made to exclude certain conduct as discrimination. The statement of belief, proffered in 'good faith', leaves the door wide open to people being subjected to offensive remarks, or goods or services being withdrawn, or missing out on employment or educational opportunities. Further, bodies regulating professionals will find it harder to enforce standards aimed at making their professions and industries inclusive and safe places for everyone.³

The Society considers that anti-discrimination legislation should provide a degree of protection and support for those who are vulnerable and marginalised. It should not privilege certain groups over others, who feel their rights need to be protected.

We agree with the public commentary that holds it is wrong to use the law to prioritise one form of speech (in this case religious speech) over other forms of speech. It is difficult to see where the line will be drawn between statements that are 'malicious, harass, threaten, intimidate or vilify' and those made in 'good faith'. As Equality Australia has noted, this is because 'the purpose of this clause is to allow people to say, write and communicate things which could be discrimination today.'

We do not see how this is a step forward.

Call for a comprehensive Human Rights Act

The Society strongly supports the view that the best way to protect the human rights of all Australians including their rights to freedom of religious practice would be to enact a comprehensive Federal Human Rights Act.

No human right is paramount over all other human rights.

The Commonwealth's patchwork of anti-discrimination legislation and the *Australian Human Rights Commission Act 1986* has led to much of the concerns about protection of religious freedom which is not currently the subject of clear protection under any of the Commonwealth legislation.

To again legislate for just one human right and to ensure that such legislation does not lead to further unintended outcomes as compared to other human rights seems to ignore the lessons of a long legislative history.

As the Religious Freedom Review stated at paragraph 1.37 of their report,

31. "Importantly, there is no hierarchy of rights (human): one right does not take precedence over another. Rights, in this sense, are indivisible. This understanding was absent from some of the submissions and representations the Panel received. Australia does not get to choose, for example, between protecting religious freedom and providing for equality before the law. It must do both under its international obligations."

Thank you for the opportunity to make this submission. Please do not hesitate to contact me if you require further information.

Yours sincerely

Mr Toby oConnor
Chief Executive Officer

¹Chambers. G. 1 December 2021. *PM vows to fast-track gay pupil protections*. The Australian.

² Equality Australia. Religious Discrimination Bill. Fact Sheet. Accessed at:
<https://equalityaustralia.org.au/resources/rdbfactsheet/>

³ ibid., p.1