



WIKIHOW  
AUSTRALIA

31 January 2019

Kingsford

*[The following text is severely distorted and appears to be a corrupted scan of a document. It contains numerous illegible characters and symbols, including what appears to be a list of items or sections.]*

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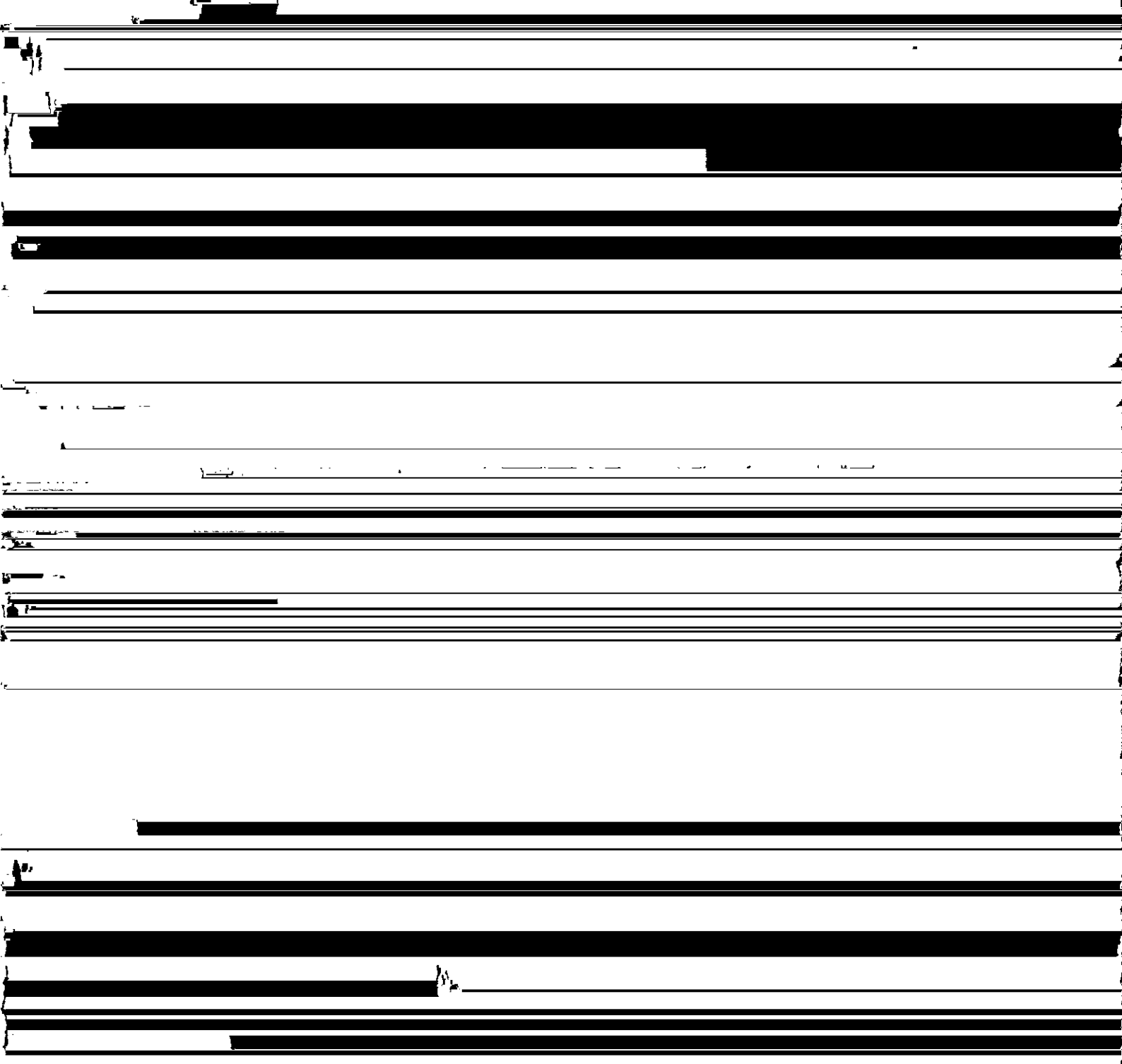
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Religious bodies

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KLC maintains that the government should make laws to protect people from religious



balancing of rights if clause 11(3) were narrowed to align with the more limited exception in section 27 of the SDA. It would also better reflect human rights principles if exceptions

from discrimination protection required consideration of reasonableness, necessity, proportionality and legitimacy of aims.

**Religious hospitals, aged care and accommodation providers**

Religious camps and conference sites

conference sites in clauses 33(2)–(5) of the Bill. These unique exceptions add unnecessarily to the complexity of discrimination law.

are making a conscientious objection and give patients appropriate referrals

Definition of "vilify"

Bill has introduced another new legal test, further fragmenting and complicating discrimination law. Rather than creating new legal tests for religious discrimination, it

religion.

This broader test worsens the problems that were present in the first exposure draft. It takes the test in the Bill further away from the test in section 37 of the Bill and further away from a requirement that conduct actually be in accordance with a given religion. The test is of an uncertain scope, creating difficulties for community members in knowing their rights and responsibilities. It is unclear how a person could get appropriate evidence of "what a person of the same religion ... could reasonably consider" to be in accordance with the religion. Such a broad and uncertain test has the potential to generate substantial

Medea

Byron

Emma Golda

Sean Bowes





## About Kingsford Legal Centre

KLC is a community legal centre which has been providing legal advice and advocacy to people in need of legal assistance in the Randwick and Botany Local Government areas

discrimination and other human rights issues.

KLC has a specialist discrimination law service (NSW wide), a specialist employment law service and an Aboriginal Access Program. In addition to this work, KLC also undertakes

**Maintaining the correct balance in discrimination law**

KLC has been advised that there is no domestic protection for students in NSW

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religious discrimination in Australia. This is exacerbated in NSW where there is insufficient coverage at the state level.<sup>1</sup> KLC has extensive experience providing legal advice to

The creation of broad exceptions has the effect of reducing discrimination protection in other areas and for groups vulnerable to discriminatory practices and conduct. KLO is

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'goods and services' and 'accommodation'. This process would have significant cost benefits in reducing the complexity of the differing legal tests, would allow an opportunity

Recommendations

4. Australia adopt an Equality Act, with harmonised tests across attributes;

For the alternative clause 9 (2)(d) of the Bill to be removed to ensure

consistency with the SDA

attributes of age, sex, sexual orientation, gender identity, intersex status, marital or

**Statements of Belief – Clause 41**

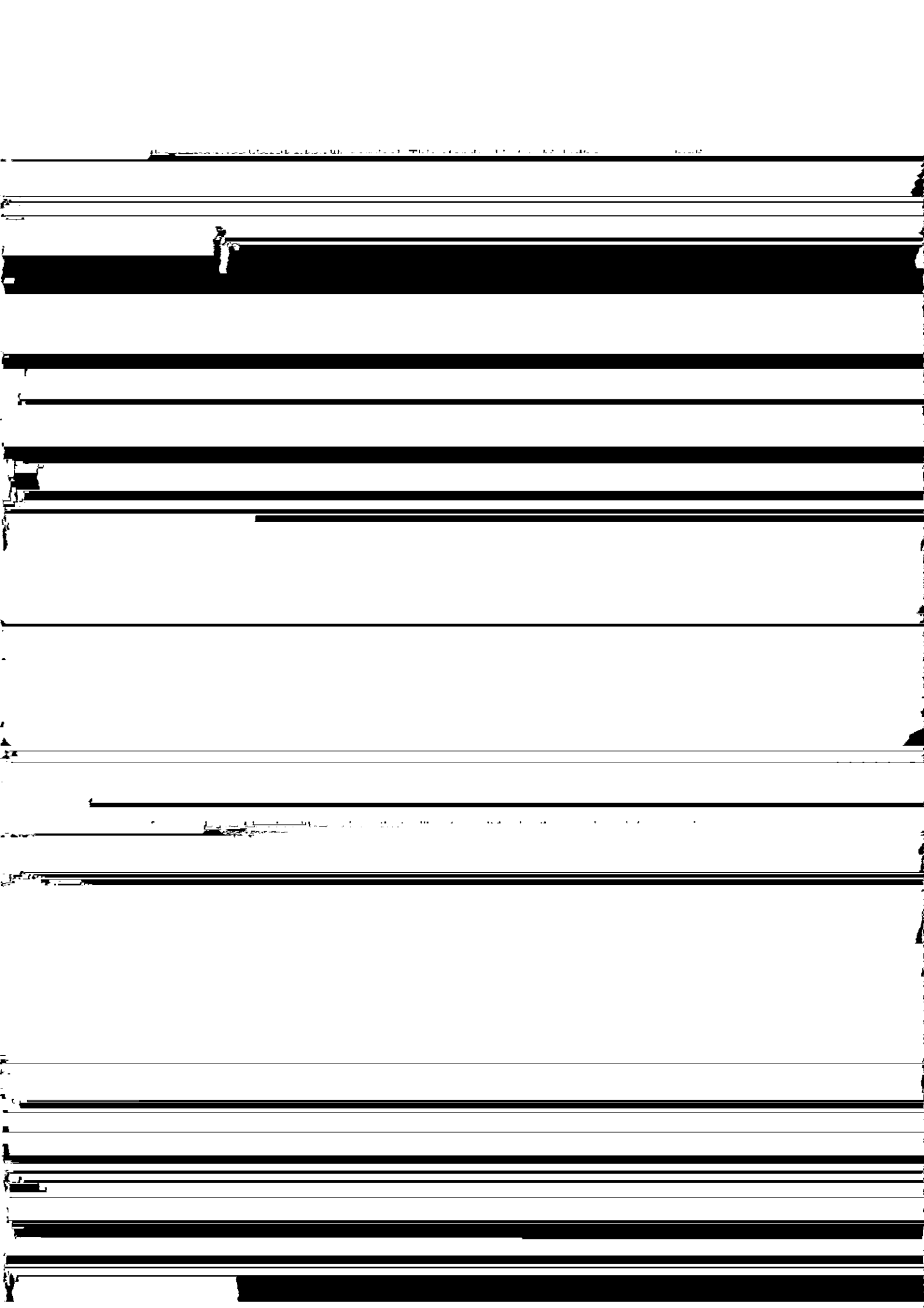
KLC believes that a starting point for addressing discrimination is that the Bill should not erode current discrimination law protections. However, the proposed Bill and clause 41 specifically outlines that it will override other State and Territory discrimination law

of options for people who experience discrimination and will erode rather than increase discrimination protection overall. It has always been the case that individuals who have experienced discrimination have a range of state based and federal laws, and this



for an employer exceeding \$50 million revenue. This is a high threshold for relevant employers to meet, and will restrict their ability to implement diversity and inclusion policies that prohibit statements of belief that would offend, insult, humiliate or

sets the wrong message in relation to all employees about the importance of ensuring



Rights Institute standing.<sup>13</sup> KLC notes that there are other significant areas of discrimination that do not have a standalone Commissioner function and we do not see the need within the context of current budgetary cuts to appoint a separate Religious

Freedom Commissioner.

**Recommendation:**

13. That the Attorney General's Department increase funding for the