

Thursday, 29 August 2019

Draft Religious Discrimination Bill welcomed by Law Council

The Law Council of Australia has welcomed the release of the Federal Government's draft Religious Discrimination Bill today for public consultation, marking an important step in the national debate about the importance and protection of human rights.

The Bill's release and public consultation to follow will play a vital role in framing its final form, and the Law Council encourages all people to participate in a manner respectful of others' beliefs and views.

"Religious freedom is an important human right and should be protected, with freedom of expression," Law Council President, Arthur Moses SC said.

"But there are other important rights that also need protecting, such as the right to live without fear of discrimination on the basis of other attributes. Striking the right balance between protecting these freedoms and other rights is of concern to the Law Council and the Australian community.

"Australia has a diverse and tolerant community. It is critical we continue to embrace what makes us such a great and peaceful society."

The Law Council believes the best way to protect human rights in Australia is through a legislated, comprehensive Charter of Rights, which would allow competing interests to be balanced.

Such a Charter would not hand power to courts. Rather, it would enable a comprehensive assessment of various rights, leaving a final decision to Parliament.

The Law Council would also like to see a consolidation of federal anti-discrimination laws to preserve or strengthen existing protections and reduce regulatory burden on businesses.

"Surely now is the time for a mature and measured national debate about an Australian Charter of Rights, which would establish a coherent legal framework to express and protect our rights and freedoms," Mr Moses SC said.

"The Law Council notes the government has taken a different view and understands the Attorney-General is seeking to place religious protections within the existing framework of anti-discrimination laws.

"However, the release of this Bill is an opportunity to open the discussion about an Australian Charter of Rights and the Law Council looks forward to engaging in consultation and discussion with the government, Parliament, stakeholders and community to ensure any Bill put before parliament is appropriate and balanced."

The Law Council will carefully examine the draft Bill, especially the proposed exceptions to what constitutes unlawful discrimination and how the Bill would interact with other state, territory and Commonwealth laws.

The Australian Law Reform Commission is currently inquiring into other matters concerning religious exemptions in anti-discrimination legislation and is not due to report until next year. The Law Council is mindful of ensuring nothing in the draft Bill will cut across or undermine the valuable work being undertaken by this review.

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The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.