



1 October 2019

Freedom of Religion Consultation
Attorney General's Department
4 National Circuit
BARTON ACT 2600
Email: FoRConsultation@ag.gov.au

To whom it may concern,

Submission: Religious Discrimination Bill

The Northern Territory Council of Social Service (NTCOSS) is a peak body for the Social and Community Sector in the Northern Territory (NT) and an advocate for social justice on behalf of people and communities in the NT, who may be affected by poverty and disadvantage.

NTCOSS has a broad membership base, made up of non-government and community organisations, Indigenous organisations, and community councils across the NT, as well as other organisations and individuals committed to social justice issues for people and communities who are socially and financially disadvantaged in the NT.

NTCOSS recognises the specific expertise of members that provide support services, social spaces and advocacy for people of diverse genders, sexualities and sexes in the NT.

While NTCOSS welcomes the opportunity to make a submission to the Religious Discrimination Bill 2019 (the Bill), the consultation time period of 34 days is insufficient to consider complex changes to Australian law, and to adequately consult with our members.

Given the short timeframe, this submission focuses on the following key areas:

Health Care

NTCOSS is concerned at the inclusion of proposed changes that would protect health practitioners who conscientiously object to providing health care on the basis of religious belief, from the application of work place codes of conduct.

This is of concern in the NT, where there is limited access to specialist health professionals outside Darwin, and of greater concern in remote areas where all health care is generally provided through a single health care provider, either Aboriginal Community Controlled Health Services or the NT Department of Health. If a health practitioner conscientiously objects to providing health care in these locations, patients are unlikely to be able to access care from an alternative provider. Patient health needs must not be compromised, nor supplanted by the personal religious views of a health practitioner. Given the high rate of poor health outcomes and issues such as teenage pregnancy in the NT, NTCOSS recommends against any change that has the potential to decrease access to health services and reduce service responsiveness, particularly for Aboriginal people.

Religious Bodies exempt from religious discrimination

NTCOSS is concerned at the proposed provision that religious bodies or organisations engaging in good faith in conduct that may reasonably be regarded as being in accordance with their religious beliefs cannot be considered unlawful discrimination.

The inclusion of this protection for religious bodies or organisations is of particular concern in the NT context, where religious organisations are the sole service provider and employer in numerous remote communities (including crisis support, counselling, family support and youth services). In the event that people are excluded from accessing these services (generally government funded) they are unlikely to have access to any other support services. Furthermore, given the acute shortage of employment opportunities in remote communities, this has the potential impact on the eligibility of job seekers for employment in certain organisations. For example, under this change a religious institution may choose to only employ people of a particular faith, thereby limiting employment opportunities for people outside that faith. The risk this poses to people experiencing multiple vulnerabilities including poverty, homelessness, unemployment and social exclusion is deeply concerning.

Statement of belief

Section 41 overrides federal, state and territory discrimination protections; departs heavily from Australia's traditional antidiscrimination framework; and privileges the rights of people of faith above the rights of others – including women, single parents, people in de facto relationships, and Lesbian, Gay, Bisexual, Transgender and Intersex people. While this section only applies to statements made in good faith, NTCOSS is concerned that these provisions give licence to a broad range of offensive, humiliating, intimidating and harmful statements of religious belief, with the potential to lead to hostile and non-inclusive workplaces, schools and other public environments.

NTCOSS echoes concerns raised by the NT Working Women's Centre's submission regarding this section and its potential impact on women at work, and the wide range of people who already experience high levels of discrimination, offence, humiliation and intimidation.

Conclusion

While NTCOSS supports protection from discrimination on grounds of religious belief, this Bill goes much further and undermines existing human rights protections and privileges the rights of people of faith above the rights of others. Given that the NT and other jurisdictions have existing, strong protections for religious beliefs and cultural practices, any significant departure from existing discriminatory law models should be scrutinised to assess why religion should be given any special status.

NTCOSS strongly recommends that the Bill be withdrawn.

If the department has any questions regarding this submission, please contact admin@ntcoss.org.au or (08) 8948 2665.

Yours sincerely,



Deborah Di Natale

CEO