

3 January 2018

Dear Mr Ruddock

Thank you for the opportunity to make this submission.

Australian law generally prohibits discrimination on the grounds of religious belief and these laws appear to be functioning effectively. My key concerns are how far religious freedom extends into everyday life, possibly resulting in discrimination against those who don't share the religion, and what is equitable in Australian secular society.

Australians are free to practice their religious beliefs, associate with like-minded people and conduct their various religious ceremonies without interference. Generally, religious practices outside the group setting align with Australian secular laws and values and the outcome is beneficial for both sides. However, there have been instances where legislation has been used to curtail religious freedom, such as laws prohibiting religious vilification and female genital mutilation. Religious practices such as honour killings or stoning to death for adultery etc. are already prohibited by laws against murder. These restrictions are for the maintenance of civil society and the protection of vulnerable people. The balance between religious freedoms and legal limits reflects both Australia's commitment to human rights and also Australian values of respect for others and a fair go. This system has worked well and I strongly support the current freedoms together with limitations on religious freedom where they conflict with the law and other human rights. I do not believe the law needs to be changed, and definitely should not protect religious practices that diminish human rights and protections in Australia.

However, there is a lack of equity in Australia between groups that voluntarily associate. Australia currently allows religions a number of freedoms or rights denied to other groups. This includes:

- freedom from having to vote (eg: Exclusive Brethren)
- exemption from taxation (without having to show charitable purpose or transparency of accounts)
- the right to genitally mutilate newborn boys (circumcision)
- freedom to discriminate in employment (eg: teachers of non-religious subjects in government-funded religious schools)
- freedom to not report criminal acts to the police (eg: Catholic priests and confession)
- denial of legal rights to patients in government-funded hospitals (eg: all government-funded Catholic hospitals and palliative care centres will refuse to offer voluntary assisted dying).

Religion has historically had a special place in Australian law but it is not clear why this should be perpetuated in the 21st century. The ongoing decline in religious membership increasingly raises the question of why religious groups have privileges that other voluntary groups don't. The solemnity of the religious activity or right should not preclude equity for all Australians and the groups they choose to belong to. Any voluntary group should be free to mutilate male babies, have the right not to vote without a fine, not pay tax, cover up crimes and receive government funding while imposing their strictures on staff or patients. The Constitution prohibits the Commonwealth from interfering in the exercise of religion, so I argue not that religious freedom should be curtailed on these matters, but that all groups should have access to the same privileges that religions enjoy.

Please contact me if you wish to discuss any aspect of this submission.

Regards

Janine Truter