



Patron, the Hon. Chief Justice Susan Kiefel AC

31 January 2020

**Australian Women Lawyers – Submission on the second exposure draft of the Religious
Discrimination Bill 2019**

1. Australian Women Lawyers (**AWL**) was established on 9 September 1997 in Melbourne, Victoria. AWL is incorporated under the *Corporations Act 2001* (Cth) and is a company limited by guarantee.
2. AWL is governed by a board of directors comprising representatives from each State and Territory Women Lawyers' Association and the Women Barristers' Association of Victoria.
3. The objects of AWL are to:
 - (a) achieve justice and equality for all women;
 - (b) further understand and support the legal rights of all women;
 - (c) identify, highlight and eradicate discrimination against women inherent in the legal system and in the community generally;
 - (d) advance equality for women in the legal profession;
 - (e) create and enhance awareness of women's contribution to the practise and development of the law; and
 - (f) provide a professional and social network for women lawyers.

Comments on the draft Religious Discrimination Bill

4. AWL supports and endorses the work and commentary of Equality Australia.
5. AWL is concerned that the current draft of the Religious Discrimination Bill would reduce existing protections, including against the discrimination against women.
6. AWL is particularly concerned that the draft Bill, if enacted, would compromise:
 - (a) access to healthcare for women, on the basis that medical practitioners, nurse practitioners and pharmacists may refuse to treat women on the basis of the women's religious beliefs. This is particularly so in respect of women's health needs

in relation to contraception, abortion, and fertility services such as assisted reproductive treatment, and even more so for women in remote and regional communities who are already disadvantaged by virtue of the limited range of services they can access; and

- (b) access to family violence support (including financial support and advice) on the basis of a woman's relationship status, marital status, sexual orientation, gender expression, or parenthood experience. All women – and indeed, all people – should be able to access these services regardless of their sexuality, sexual history, marital status, religiosity or lack thereof, and AWL strongly recommends that the Government only provide grants to those organisations that disavow discrimination on religious grounds in the provision of services.
7. AWL considers that the above matters have the potential to affect people's human's rights, and impact upon the services providers' duty of care obligations.
 8. AWL is further concerned that the draft Bill would lawfully permit discriminatory statements to be made about women on the basis of religious grounds.
 9. AWL is deeply concerned that the proposed legislation will override the current and hard fought for protections that women have under existing state and federal laws. AWL supports a more comprehensive, nationwide discussion about the promotion and protection of human rights; for instance, a human rights charter or other statutory vehicle that properly covers and better balances rights, so that people are free to practice their beliefs without extending that freedom of religious practice to include a freedom to discriminate against others.
 10. AWL considers that the likely negative impacts of this Bill will be felt more keenly by those people whose intersectionality exposes them to discrimination on religious grounds - women, people of colour, the gender diverse or gender non-conforming, unmarried mothers and soon-to-be mothers. The more layers to a woman's life, the more exposed she becomes. Rules against miscegenation were justified on religious grounds, as are prohibitions on abortion, same-sex relationships, and gender non-conformity. An individual's right to form their own views on the basis of another person's gender, sexuality, religion, or ethnicity is one thing, but the right to discriminate against that person on those grounds should not be protected.
 11. AWL does not support the Bill going through in its current form. AWL is available to participate in any further consultation in respect of the proposed Bill.

For any queries, please contact our President, Adrienne Morton, on the above details.

Adrienne Morton

President, Australian Women Lawyers