



Draft Religious Freedom Bills

Darwin Community Legal Service

DCLS is a multi-disciplinary service providing general legal advice and assistance, a Tenancy Advice Service providing support in relation to private, public and community housing, and a specialised Seniors and Disability Rights Service providing advocacy support in the areas of ageing and disability. We create awareness and empower our community, support access to services and rights, and advocate for change that promotes fairness and justice.

We service a highly disadvantaged population in an environment where essential services are not readily available. The NT faces unique challenges in service delivery including the tyranny of distance, the lack of infrastructure, high costs relative to other jurisdictions, and the lack of economies of scale. Over 26% of the NT population identifies as Aboriginal or Torres Strait Islander, of which 79% Live in in remote areas) compared with the second highest jurisdiction of Tasmania at 4.6%. ¹

DCLS opposes the Bills.

The truncated period of consultation means that we are unable to address the Bills in the detail we would have liked. It has also meant that our comments are short and general. It is unclear why consultation has not been meaningful and accessible and raises concerns that bad law will result, tying up our justice system and public resources.

The objective, evidentiary base and intent of the Bills are unclear. Rather than being permissive, they constitute a significant incursion on human rights and seem to create a hierarchy of rights with religious freedom at the top. It changes the focus from the harm caused to the victim of discrimination to the intent of the discriminator, and incorporates a complaints jurisdiction to enable religious organisations to make complaints and not just individuals, as distinct from other discrimination law. It is unclear why religious organisations would be in this privileged position given their record on human rights.

DCLS's major concern is that the Bills override a presumption that in the delivery of services no-one should be discriminated against, and all citizens should have equitable access to essential services.

Many of the basic services provided to remote communities such as housing, health, disability and aged care services, are outsourced to religious charities. In some cases a religious organisation is the only provider of education. There are no choices or alternatives; if you are denied an essential service because of a religious belief there is nowhere else to go.

¹ ABS Census 2016

We work very closely with organisations like Mission, Red Cross, Catholic Care, Anglicare and St Vinnies and respect the work they do. Their service delivery in remote areas may, however, rely on one outposted worker or an occasional fly in/fly out service. Under these Bills, the arbitrary views of one worker in those circumstances could deny individuals and groups within the community desperately needed services. Will religious organisations, therefore, be disqualified from tendering for government service contracts where they will be the sole provider?

Recent consultations across the NT for the Aboriginal Justice Agreement demonstrated the prevalence of racism in service delivery and provided evidence of the profound impact that racism has on Aboriginal people. The religious freedom Bills risk a further layer of discrimination being sanctioned. More than a third of Aboriginal people in remote areas report difficulties accessing services². Legislation that permits further restrictions on service delivery constitutes a denial of justice.

Linda Weatherhead
Executive Director
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² ABS 4714.0 National Aboriginal and Torres Strait Islander Social Survey, Australia, 2014–15, Table 13.3