Anglican Church Diocese of Sydney

21 August 2020

Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms & Equality) Bill 2020

By email: ReligiousFreedomsBill@parliament.nsw.gov.au

Submission on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020

1. **Who are we?**
   This submission is on behalf of Anglican Church Diocese of Sydney (the Diocese). The Diocese is one of twenty three dioceses that comprise the Anglican Church of Australia. The Diocese is an unincorporated voluntary association comprising 270 parishes and various bodies constituted or incorporated under the *Anglican Church of Australia Trust Property Act 1917* (NSW) and the *Anglican Church of Australia (Bodies Corporate) Act 1938* (NSW). These bodies include 40 Anglican schools, Anglicare Sydney (a large social welfare institution, which includes aged care), Anglican Youthworks and Anglican Aid (which focusses on overseas aid and development). The Diocese, through its various component bodies and through its congregational life, makes a rich contribution to the social capital of our State, through programs involving social welfare, education, health and aged care, overseas aid, youth work and not least the proclamation of the Christian message of hope for all people.

2. The Diocese has considerable interest in this Bill, both for the sake of individual "Anglicans in the pew" (and, similarly, for all other people of faith) and for our 800 or so Anglican entities that will be classified as "religious ethos organisations" by clause 22M of the Bill. It is vitally important that there should be equal protection against religious discrimination as there currently is for other protected attributes, and for this to be done in a way that does not undermine the ability of religious ethos organisations to further their religious purpose.

3. We welcome the opportunity to make this submission and we give consent for this submission to be published. Our contact details are as follows.

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4. **Terms of Reference**
We note that the terms of reference direct the Joint Select Committee to "inquire and report into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020, including whether the objectives of the Bill are valid and (if so) whether the terms of the Bill are appropriate for securing its objectives", having regard to
(a) Existing rights and legal protections contained in the *Anti-Discrimination Act 1977 (*NSW) and other relevant NSW and Commonwealth legislation;
(b) The recommendations relevant to NSW from the Expert Panel Report: *Religious Freedom Review (2018*);
(c) The interaction between Commonwealth and NSW anti-discrimination laws and the desirability of consistency between those laws, including consideration of the Exposure Draft of the Religious Discrimination Bill 2019 (Cth) and the ALRC review into the Framework of Religious Exemptions in Anti-discrimination Legislation.

Our submission addresses these Terms of Reference in two sections:

A) The context of the Bill

B) The content of the Bill

A) The Context of the Bill

5. **Should these reforms be deferred, pending Commonwealth matters?**
The final part of the terms of reference raise an issue that is best addressed first – whether to defer dealing with the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 (hereafter "the Bill") in NSW because of contextual matters – in particular, the pending Commonwealth legislation and reviews.

6. We submit,
    a. given that reform in NSW is long overdue,
    b. given the recommendations of the Ruddock Review,
    c. given that the delayed Commonwealth timeline, and
    d. given the "self-contained" framing of the Bill,

that it is not appropriate for NSW to delay any longer to implement those Ruddock Review Recommendations relevant to NSW that can be implemented now.

7. ***Reform in NSW is long overdue.***
More than 20 years ago, the New South Wales Law Reform Commission recommended the inclusion of religion as a protected attribute in anti-discrimination legislation.[1]

[1] https://www.lawreform.justice.nsw.gov.au/Documents/Publications/Reports/Report-92.pdf

8. NSW and South Australia are the only two States that do not protect their citizens from discrimination on the basis of religious belief. The *Anti-Discrimination Act 1977* (NSW) prohibits discrimination on the basis of race, including "ethno-religious" origin, but this only protects a small subset of people of faith (e.g., Jewish and Sikh people). The *Equal Opportunity Act 1984* (SA) prohibits discrimination on the basis of "religious appearance or dress" in work or study only.[2]

9. To this point in our nation's history, formal legal protections against religious discrimination have been limited. Section 116 of the Commonwealth Constitution does provide a measure of protection, but it is a denial of legislative power that only constrains the Commonwealth not New South Wales.[3] Notwithstanding this, our "live and let live" social compact has made space for people of all faiths and none to express their beliefs without fear of discrimination or persecution, and to form religious institutions which seek to manifest their beliefs to society as a whole. A healthy democracy is built on shared civic virtues such as inclusion, tolerance of diversity and respectful disagreement, which allow all individuals to express and live out deeply held views in public and private. But this is now changing,[4] and legal protections are necessary to protect people from religious discrimination.

10. ***Recommendations of the Ruddock Review***
There are 8 recommendations relevant to NSW from the Expert Panel Report: *Religious Freedom Review* (2018) (hereafter "The Ruddock Review").

Recommendation 1
Those jurisdictions that retain exceptions or exemptions in their anti-discrimination laws for religious bodies with respect to race, disability, pregnancy or intersex status should review them, having regard to community expectations.

Recommendation 2
Commonwealth, State and Territory governments should have regard to the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights when drafting laws that would limit the right to freedom of religion.

Recommendation 3
Commonwealth, State and Territory governments should consider the use of objects, purposes or other interpretive clauses in anti-discrimination legislation to reflect the equal status in international law of all human rights, including freedom of religion.

[2] Section 85T(7).
[3] *Attorney-General (Vic); Ex rel Black v Commonwealth (DOGS case)* (1981) 146 CLR 559 at 652 per Wilson J. See also at 577 per Barwick CJ and *Hoxton Park Residents Action Group v Liverpool City Council (No 2)* (2011) 256 FLR 156; [2011] NSWCA 363 at [38]-[42] per Basten JA.
[4] This is demonstrated, for example, by the 36 cases documented by the Human Right Law Alliance here: https://d3n8a8pro7vhmx.cloudfront.net/acl/pages/11394/attachments/original/1594345836/200708_-_HRLA_Religious_Freedom_Cases_v2_-_Web_version.pdf

Recommendation 6
Jurisdictions should abolish any exceptions to anti-discrimination laws that provide for discrimination by religious schools in employment on the basis of race, disability, pregnancy or intersex status. Further, jurisdictions should ensure that any exceptions for religious schools do not permit discrimination against an existing employee solely on the basis that the employee has entered into a marriage.

Recommendation 8
Jurisdictions should abolish any exceptions to anti-discrimination laws that provide for discrimination by religious schools with respect to students on the basis of race, disability, pregnancy or intersex status.

Recommendation 9
State and Territory education departments should maintain clear policies as to when and how a parent or guardian may request that a child be removed from a class that contains instruction on religious or moral matters and ensure that these policies are applied consistently. These policies should:

a) include a requirement to provide sufficient, relevant information about such classes to enable parents or guardians to consider whether their content may be inconsistent with the parents' or guardians' religious beliefs, and
b) give due consideration to the rights of the child, including to receive information about sexual health, and their progressive capacity to make decisions for themselves.

Recommendation 13
Those jurisdictions that have not abolished statutory or common law offences of blasphemy should do so.

Recommendation 16
New South Wales and South Australia should amend their anti-discrimination laws to render it unlawful to discriminate on the basis of a person's 'religious belief or activity' including on the basis that a person does not hold any religious belief. In doing so, consideration should be given to providing for the appropriate exceptions and exemptions, including for religious bodies, religious schools and charities.

11. Of these eight, Recommendations 1, 6 and 8 were referred to the Australian Law Reform Commission (ALRC) – see further below. It is appropriate to wait until the ALRC has completed this before these recommendations are implemented in NSW.

12. The Bill seeks to implement Recommendation 2 ("Siracusa Principles"), Recommendation 3 ("Objects Clauses") and Recommendation 16 ("discrimination on the basis of religious belief or activity"). See section B for further commentary on these matters. The implementation of Recommendation 9 ("Education Policies") and Recommendation 13 ("Blasphemy") lies outside the scope of the *Anti-discrimination Act 1977* (NSW), and not addressed by the Bill.

13. **Delayed Commonwealth Timeline**
In December 2018, the Federal Government released its response to the Religious Freedom Review, announcing that it would introduce a Religious Discrimination Bill into the Parliament that will provide for comprehensive protection against

discrimination based on religious belief or activity.[5]

14. It also announced that it would refer the Ruddock Report's Recommendations 1, 5, 6, 7 and 8, which relate to exemptions for religious bodies in anti-discrimination law, to the Australian Law Reform Commission (ALRC). The ALRC was asked to consider drafting options "that would achieve the twin purposes of limiting or removing altogether (if practicable) legislative exemptions to discrimination based on a person's identity while also protecting the right of religious institutions to reasonably conduct their affairs in a way consistent with their religious ethos."[6] The terms of reference for the ALRC review were released on 10 April 2019.

15. On 29 August 2019, the Attorney-General released a first Exposure Draft of the Religious Discrimination Bill 2019 and invited public submissions, with a view to bringing a Bill to Parliament in late October 2019.[7]

16. Also on 29 August 2019, the Attorney-General altered the ALRC's Terms of Reference, which had the effect of making the work of the ALRC contingent on the Religious Discrimination Bill passing into law. The ALRC's reporting deadline was extended to 12 December 2020 on the assumption that the Religious Discrimination Bill would be passed by the end of 2019, and this would give the ALRC twelve months to complete its work.[8]

17. On 10 December 2019, the Attorney-General released a second exposure draft of the Religious Discrimination Bill (hereafter RDB2), which had been amended in response to approximately 6000 submissions on the first Exposure Draft, and invited further submissions by 31 January 2020. This elicited a further 7000 submissions.[9]

18. On 2 March 2020 the Attorney-General amended the ALRC's reporting deadline to be 12 months from the date the Religious Discrimination Bill is passed by Parliament.

19. It was widely anticipated that the Attorney-General would introduce the Religious Discrimination Bill in late March or April 2020. Then the COVID-19 crisis hit, and this (rightly) took precedence.

20. On 26 May 2020, the Prime Minister gave an address at the National Press Club about the Government's response to the coronavirus crisis, and in the Q&A that followed he advised that the Religious Discrimination Bill had been displaced from the Cabinet agenda because of the crisis.

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[5] https://www.ag.gov.au/sites/default/files/2020-03/Response-religious-freedom-2018.pdf, p.17.
[6] https://www.ag.gov.au/sites/default/files/2020-03/Response-religious-freedom-2018.pdf, p.6.
[7] https://www.ag.gov.au/rights-and-protections/consultations/religious-freedom-bills-first-exposure-drafts
[8] https://www.alrc.gov.au/wp-content/uploads/2019/08/alrc_media_release_29_augusta.pdf
[9] https://www.ag.gov.au/rights-and-protections/consultations/religious-freedom-bills-second-exposure-drafts

21. Given the reduced number of sitting days left in the Federal Parliamentary Sitting Calendar in 2020 and the number of more pressing issues, there is little to no prospect that the Religious Discrimination Bill will be introduced in 2020. Indeed, it may be that, because the Religious Discrimination Bill seems likely to face difficulties in the Senate, the Government continues to defer this issue during the current parliamentary term, and is more likely to make it an agenda item for a second term of government, should they win the next election (which, on ordinary scheduling, will occur sometime between 7 August 2021 and 21 May 2022).

22. However, even if the Religious Discrimination Bill is introduced in 2021, it will not be the first order of business, and is unlikely to pass in the first half of the year. Once the Bill passes, the ALRC will then have a further 12 months to complete its work to recommend drafting changes to the *Sex Discrimination Act* 1984 (Cth) and other Federal legislation to balance the right to non-discrimination with the right of religious organisation to reasonably conduct their affairs in a way consistent with their religious ethos. Supposing – optimistically – that the ALRC report is released in the second half of 2022, it then needs to be implemented, which will require amending legislation, which is likely to be as contested as the Religious Discrimination Bill, with all the concomitant delays that this will entail.

23. To summarise – the best-case scenario is that Federal Law reform implementing the Ruddock Report Recommendations might be complete by 2023. The more likely scenario is that a full implementation will stall indefinitely.

24. Therefore, if NSW were to delay consideration of the relevant recommendations of the Ruddock Report that can be implemented now, in order to wait for the Commonwealth reforms to be completed, at best this will defer this matter for 3 years, and at worse might defer it indefinitely.

25. **The "self-contained" framing of the Bill**
There is, however, no need to delay the implementation of Recommendations 2, 3 and 16 of the Ruddock Report, which can be implemented now because of the self-contained framing of the Bill.

26. One of the criticisms validly levelled against the NSW *Anti-Discrimination Act 1977* is the redundancy in its construction, with almost-verbatim provisions sometimes repeated eight times in parallel sections of the Act. This has occurred because successive amendments to add new protected attributes have each replicated the entire framework for every new Part. When passed in 1977, the *Anti-Discrimination Act* only covered Racial Discrimination (Part 2), Sex Discrimination (Part 3) and Discrimination on the Ground of Marital Status (Part 4), with each Part having the same 4 Divisions – Definitions, Discrimination in Work, Discrimination in Other Areas, and Exceptions. Since then, there have eight major amendments to add other protected attributes, as shown in the following table.

Year	Part	Protected Attribute
1981	4A	Disability
1982	4B	Carer's Responsibilities
1982	4C	Homosexuality
1990	4E	Compulsory Retirement from Employment on the Ground of Age
1993	4G	Age
1994	4F	HIV/AIDs
1996	3A	Transgender
1997	2A	Sexual Harassment

27. While it is true that the *Anti-Discrimination Act 1977* (NSW) is in need of rewriting and consolidation, this is not a reason to delay the implementation for protections against religious discrimination. The Act was no less complicated (for example) in 1996 or 1997, when Parts 2A and 3A were added. The complexity of the Act was not seen as a sufficient reason to defer protection against sexual harassment and discrimination on transgender grounds.

28. Moreover, it is precisely because the *Anti-Discrimination Act* is highly partitioned that now is the ideal moment to make amendments to prohibit discrimination on the ground of religion. The Bill follows the established pattern of creating a new part (Part 2B) that is entirely self-contained, which minimises the risk of unintended consequences. Legislatures must always be alert to the dangers of unintended consequences when making changes to legislation. This will particularly be the case if and when the *Anti-Discrimination Act 1977* is consolidated, because of the complex interrelationships between, and balancing of, fundamental human rights. The risks of unintended consequences will be magnified if new and untested provisions dealing with religious discrimination were to be added as part of a comprehensive consolidation exercise at some undefined point in the future.

29. The proposed new Part 2B does not override other existing rights established by other Parts. Part 2B makes unlawful that which is not currently unlawful – to discriminate on the ground of religious beliefs or religious activities in certain specified areas of life (employment, education, provision of goods and services, accommodation etc.), and it provides that "religious ethos organisations" are taken not to discriminate – with respect ONLY to religious discrimination – in certain circumstances. Although technically redundant, section 22M(3) of the Bill expressly provides that nothing granted to religious ethos organisations in Part 2B has any impact on the operation of section 56 (which regulates how religious Bodies are treated in other parts of the *ADA*). This means that any action that is unlawful discrimination under another part of the *Anti-Discrimination Act 1977* will continue to be unlawful. Moreover, Part 2B does not render lawful that which is currently unlawful.

30. The proposed addition of clause 3 does NOT "prioritise the freedom of religion … above other rights and freedoms when applying NSW's anti-discrimination laws."[10] It does nothing more than ensure that anti-discrimination laws are balanced in accordance with internationally recognised principles. To the extent that the NSW *Anti-Discrimination Act* does not protect against religious discrimination and does not have clause 3, it is **unbalanced** in its application of our international treaty obligations.

31. Because Part 2B is a "stand alone" provision, it can be introduced without risk of impacting other protections. The effectiveness of the new protections against religious discrimination can be assessed in this self-contained environment, before having to undertake the complex task of consolidating and streamlining the Anti-Discrimination Act.

32. **Indefinite deferral of this Bill is inappropriate**
By not protecting its citizens against religious discrimination, NSW is out of step with almost all other States and Territories, and out of step with Australia's obligations under international Human Rights Conventions. Reform is long overdue. Although there are some recommendations of the Ruddock Review that should be deferred until after the ALRC has completed its work, there are three recommendations of the Ruddock review that can – and should – be implemented now.

33. Although the highly partitioned nature of the *Anti-Discrimination Act* has made the Act overly complex, the partitioning means that the proposed Part 2B will be self-contained. It therefore provides the opportunity for NSW to introduce protections against religious discrimination, without the risk of unintended consequences in relation to the other provisions of the Act.

34. At some point in the future, should both the Religious Discrimination Bill and the legislative amendments recommended by the ALRC be passed by the Federal parliament, each State and Territory will have the opportunity to consider amending their local anti-discrimination laws for the sake of national consistency. That will be the appropriate time for NSW to consider a comprehensive reframing and consolidation of the *Anti-Discrimination Act 1977*. At that point, NSW ought to be in the same situation as other States and Territories, having an anti-discrimination act that covers the full range of protected attributes, including religion.

B) The Content of the Bill

35. Having established in principle that now is the right time to amend the *Anti-Discrimination Act 1977* to prohibit discrimination on the basis of religious belief or activity, the question now is whether the Bill is appropriate for this aim. To consider

[10] https://equalityaustralia.org.au/wp-content/uploads/2020/06/Explainer-on-One-Nation-Bill-1.pdf

this, we turn to the content of the Bill.

36. Previous proposals to include religious discrimination within the ambit of the *Anti-Discrimination Act 1977* have been opposed by people of faith, on the basis that the proposed provisions imposed significant restrictions on the practice of religion. For example, although fully supportive of the principle that people should not face discrimination on the basis of religious belief, the Synod of the Diocese of Sydney expressed concern at the amendments proposed by the NSW Law Reform Commission in 1999, because they did not "respect the principle of 'freedom of religion'" and would "detract from the exercise of that freedom in New South Wales" (Synod Resolution 21/00).

37. Previous proposals failed because they did not allow for the fact that religious belief is manifest in activities, often in association with others. This is recognised in *ICCPR* Article 18, which guarantees the right to manifest religious belief "in community with others and in public or private". This is a particular instance of the more general right to freedom of association (*ICCPR* Article 21). One key way in which Christians and people of other faiths manifest their belief is by associating together to perform good works for the benefit of the society around them, through the formation of religious bodies such as welfare agencies, schools, hospitals and hospices.

38. It is imperative that any legislative reform relating to religious discrimination reflects what is commonly understood by people of faith – that a religious body preferencing staff who share its religious ethos is NOT an act of discrimination against people of other faiths. Rather, it is an appropriate manifestation of the religious ethos of that organisation. When an Islamic School preferences the employment of Muslim teachers, or a Christian school preferences the employment of Christian teachers, this is not religious discrimination directed against Jews, Hindus, Buddhists and Sikhs (for example). Rather, it is a necessary outworking of the religious ethos of that school. Religious welfare agencies, schools, hospitals and hospices would be critically compromised to the point of ceasing to be religious bodies if forced to employ staff at all levels who did not support the religious ethos of that organisation.

39. Previous proposed reforms were unacceptable to faith groups because the act of preferring an employee of a particular faith was characterised as an act of religious discrimination against someone of another faith, and the limited exceptions or exemptions by way of "inherent requirements" or "occupational requirements" provisions were manifestly inadequate. Judicial interpretation of anti-discrimination legislation reads the protections against discrimination widely (in line with the objects of the legislation), and therefore reads any exemptions that allow discrimination narrowly.

40. Moreover, it is intrinsically problematic for the religious ethos of an organisation to rely on "exemptions" to discrimination law. In our current culture, any kind of discrimination is viewed as fundamentally wrong (even immoral), and therefore

forcing religious organisations to rely on exemptions that permit them to discriminate has manoeuvred them into being "on the wrong side of community expectations".

41. Unlike previous proposals, the current Bill has the virtue of being drafted in consultation with faith groups, and has their broad support. The framework of Part 2B strikes the right balance, by prohibiting discrimination on the ground of religion and at the same time providing that a "religious ethos organisation", when acting in accordance with its doctrines, tenets, beliefs or teachings, "is taken not to discriminate" on the basis of religious belief or activity. This is a welcome advance from the exemption-based approaches taken by previous (failed) proposals for reform.

42. It is important to remember that this Bill does not grant any new rights or protections to religious ethos organisations. At present, religious discrimination is not unlawful in NSW, and so it is permissible for religious bodies to preference staff of a particular religious belief – in any circumstances. The proposed Bill will circumscribe this to a degree, in that a religious ethos organisation is only taken not to discriminate when acting on the basis of its doctrines, tenets, beliefs or teachings. Should the Bill become law, it would not be permissible, for example, for a Christian school to refuse to hire Buddhists for a position which is otherwise open to Hindus (for example). That is to say, there is only "upside" in passing this Bill – it will protect all people in non-religious employment from religious discrimination, and it will provide a smaller (but not insignificant) protection in relation to religious bodies. Conversely, there is only "downside" in not passing this Bill – no individual will be protected from religious discrimination in **any** context.

43. Many religious institutions currently have significant numbers of employees (in some cases, a majority) who do not hold the faith of the institution, with each organisation free to determine those positions for which it is appropriate to prefer people who share the faith of the organisation. There is no evidence to suggest that these organisations have used their (currently unfettered) freedom to discriminate unfairly on the basis of religion. There is therefore no reason to think that the provisions of this Bill will lead to increased religious discrimination by religious ethos organisations.

Comments on Key Clauses

44. **The Objectives of the Bill**

The Terms of Reference direct the Joint Select Committee to consider whether the "objectives of the Bill are valid and (if so) whether the terms of the Bill are appropriate for securing its objectives". The objectives of the Bill are set out in the Explanatory Note, as follows.

The object of this Bill is to amend the *Anti-Discrimination Act 1977* (***the Act***) as follows—

(a) to establish principles of the Act for the purpose of reconciling conflicting human rights and anti-discrimination provisions, using international conventions and other instruments,

(b) to define religious beliefs and activities in a comprehensive and contemporary way, making religious freedoms and the fair treatment of believers and non-believers possible,

(c) to prohibit discrimination on the ground of a person's religious beliefs or religious activities in work and other areas, so that religion has protections equal to other forms of discrimination in NSW,

(d) to prohibit discrimination against people who do not have any religious conviction, belief, opinion or affiliation,

(e) to provide that a religious ethos organisation is taken not to discriminate on the ground of religious beliefs or religious activities by engaging in certain conduct because of the doctrines, tenets, beliefs or teachings of the religion of the organisation, so as to recognise that religion is integral to the existence and purpose of these organisations; and that religious and associational freedoms are fundamental to a free and democratic society.

(f) to make it unlawful for an employer, qualifying body or educational authority to restrict, limit, prohibit or otherwise prevent people from engaging in a protected activity, or to punish or sanction them for doing so, or for their associates doing so,

(g) to ensure the provisions of the Bill extend to discrimination concerning applicants and employees, commission agents, contract workers, partnerships, industrial organisations, qualifying bodies, employment agencies, education, goods and services, accommodation, registered clubs and State laws and programs, and

(h) to limit exceptions to this part of the Act to those specified, such as for religious ethos organisations and genuine occupational qualifications, rather than encouraging tribunal activism.

45. We submit that all 8 objectives set out above are valid and appropriate for NSW Anti-discrimination legislation. We address the appropriateness of individual provisions to meet the stated objective(s) in the comments below.

46. Where relevant, comparison will also be made with the Second Exposure Draft of the Religious Discrimination Bill 2019 (RDB2).

47. **Clause 3 – Principles of the Act**

We support the Bill's addition of a new clause 3 into the Act.

3 Principles of Act

(1) In carrying out functions and making determinations under this Act, the Minister, Board, President, Tribunal and Courts shall have fundamental regard to the following—

(a) the *International Covenant on Civil and Political Rights*,

(b) the *UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, proclaimed by the UN General Assembly on 25 November 1981; and

(c) the *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights*.

(2) In particular, in interpreting the requirement of the *International Covenant on Civil and Political Rights*, Article 18(3), that limitations upon a person's right to manifest their religion

> or belief must only be made where such are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, the *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights* provide that limitations must, amongst other matters—
> (a) be prescribed by law,
> (b) respond to a pressing public or social need,
> (c) pursue a legitimate aim and be proportionate to that aim, and
> (d) be applied using no more restrictive means than are required for the achievement of the purpose of the limitation.
>
> (3) So far as it is possible to do so consistently with their purpose, all provisions of this Act must be interpreted in a way that is compatible with the international instruments referred to in subsection (1).

48. Clause 3 addresses objective (a) – "to establish principles of the Act for the purpose of reconciling conflicting human rights and anti-discrimination provisions, using international conventions and other instruments".

49. Clause 3 implements Ruddock Recommendation 3 (the "use of an objects … clause in anti-discrimination legislation to reflect the equal status in international law of all human rights") and Recommendation 2 ("Siracusa Principles"). The conclusion of the Ruddock Report is summarised in the following passages.

> 1.150 The Panel is also of the view that, in drafting laws that do have an impact on rights such as freedom of religion, parliaments should consider the inclusion of express provisions that require the interpretation of laws consistently with those rights so far as it is possible to do so in a way that gives effect to the purpose of the law.
> 1.151 This could be achieved in a variety of ways. One approach is through the use of objects clauses. Many discrimination laws refer to their purpose or object as being the promotion of the right to equality or equality of opportunity, but make no express reference to other human rights, such as the right to freedom of religion…
> 1.152 Alternatively, or in addition, appropriate interpretation clauses could be inserted in the relevant legislation or in legislation of general application to ensure that such laws are interpreted in a manner consistent with the equal status of all human rights.

> 1.423 - The Panel noted the importance of ensuring that the right to religious freedom is given appropriate weight in situations where it is in tension with other public policy considerations, including other human rights. Although not binding at international law, the **Siracusa Principles** form a sound basis for considering any law that limits the operation of freedom of religion. The Panel recommends that legislators have regard to the Siracusa Principles when drafting laws that would limit the right to freedom of religion and other rights. In addition, the Panel recommends that governments consider the use of **interpretive clauses in anti-discrimination legislation to reflect the equal status in international law of all human rights, including freedom of religion**.

50. The effect of clause 3 is to implement the international law standard in NSW law. The Ruddock Report notes in paragraphs 1.55-1.63 that the approach taken by the Human Rights Committee and the European Court with respect the limitations on freedom of religion are "broadly consistent" with the Siracusa Principles, as are the

UN Special Rapporteur's reports on article 18. Clause 3 will help to ensure that all human rights are accorded **equal** status in NSW, in accordance with international law.

51. It is untrue, as claimed by Equality Australia, that "freedom of religion will be prioritised above all other rights and freedoms when applying NSW's anti-discrimination laws" or that "Proposed section 3 introduces an interpretative principle into the Anti-Discrimination Act which prioritises the freedom of religion when carrying out functions and making determinations under the Act."[11]

52. What the proposed section 3 *actually* says is that "In carrying out functions and making determinations under this Act, the Minister, Board, President, Tribunal and Courts shall have fundamental regard to….the International Covenant on Civil and Political Rights", which plainly declares (*inter alia*) that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (Art 26)". That is, the interpretive principle introduced by clause 3 is one of full equality for all people. The purpose of the Siracusa Principles is **not** to "prioritise the freedom of religion" but to ensure that there is an appropriate balancing between rights of equal value when there is an overlap between these rights.

53. We note that the new subclause 3(1) proposed by the Bill lists, in addition to the ICCPR, two other international instruments, which are addressed in particular to religious discrimination. This is appropriate, given the focus of this Bill. However, since clause 3 introduces an interpretive principle for the whole Act, it would be appropriate to expand the list in subclause 3(1) to include other international instruments to which Australia is a signatory. We recommend the inclusion of the following international human rights treaties as new subclauses 1(b) to 1(g), with consequent re-lettering.

International Covenant on Economic, Social and Cultural Rights (ICESCR)
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
Convention on the Rights of the Child (CRC)
Convention on the Rights of Persons with Disabilities (CRPD)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

54. Australia's ratification of the ICCPR includes partial reservations in relation to Articles 10, 14 and 20, which needs to be acknowledged in some way in the Bill. We recommend the following amendment (shown in bold) to subclause 3(1)(a).

[11] https://equalityaustralia.org.au/wp-content/uploads/2020/06/Explainer-on-One-Nation-Bill-1.pdf

> 3(1)
> (a) the *International Covenant on Civil and Political Rights* **(to the extent that it has been ratified by Australia)**,"

55. **Defining "religious beliefs" and determining when a belief is held**

Section 22K(1) provides an inclusive definition of "religious beliefs", as follows.

> ***religious beliefs*** includes the following—
> (a) having a religious conviction, belief, opinion or affiliation,
> (b) not having any religious conviction, belief, opinion or affiliation.

56. By not defining religion, the Bill allows the Australian common law definition of religion as articulated by the High Court in *Church of the New Faith v Commissioner for Pay-roll Tax (Vic)* [12] to apply.

57. The Bill equally protects those having religious conviction, and those not having religious conviction. There is no category of person whose religious beliefs are not protected by the Bill. This definition addresses objectives (b) and (d) in an appropriate way.

58. Section 22KA (informed by the definition of "genuinely believes") determines when a religious belief is held.

> **22KA - Determining when a belief is held**
> For the purposes of this Act, a person holds a religious belief (inclusive of the person's beliefs as to the actions, refusals, omissions or expressions that are motivated or required by, conflict with, accord or are consistent with, that belief) if the person genuinely believes the belief.
>
> **22K(1) - *genuinely believes*** in relation to a person means the person's holding of the religious belief is sincere and is not fictitious, capricious or an artifice.

59. There is significant merit in this subjective test of belief, rather than an objective test that necessarily requires the courts to arbitrate in matters of religion, for which they are ill-equipped. As noted in the Explanatory Note, "the 'sincerity test' (genuinely believes) gives effect to the approach consistently adopted by the highest courts in Australia (specifically in *Church of the New Faith v Commissioner for Payroll Tax (Vic*)), the United Kingdom, United States and Canada as a means to avoid courts determining matters of religious doctrine or disputation."

60. The approach taken in this Bill is significantly better than RDB2 subclause 5(1), which requires recourse to what a hypothetical religious believer would "reasonably consider" is "in accordance with the doctrines, tenets, beliefs or teachings of that religion."

[12] (1983) 154 CLR 120

61. We note that the phrase "genuinely believes" is used in clause 22M with reference to religious ethos organisation. A religious ethos organisation is taken not to have engaged in religious discrimination "if the organisation *genuinely believes* the conduct…" is consistent with/required by/furthers acting in accordance with the religious ethos of that organisation. However, there is no evidentiary mechanism in the Bill by which a religious ethos organisation can prove its genuine beliefs. In light of some judicial statements that a corporate person cannot hold a belief, there needs to be a mechanism by which a religious belief can be attributed to a corporate body. This could be achieved by augmenting the definition in subclause 22K(1) with following subclause.

> ***genuinely believes,*** in relation to a Religious Ethos Organisation, means that a doctrine, tenet, belief, or teaching is:
>
> (a) included in the governing documents, organising principles, statement of beliefs or statement of values of the organisation; or
>
> (b) included in a statement of beliefs (or similar) which has been adopted by the governing body of the organisation; or
>
> (c) established through consistent conduct in accordance with that doctrine, tenet, belief, or teaching.

62. **The Definition of "religious activities"**

Subclause 22K(1) defines "religious activities" as follows

> ***religious activities*** includes engaging in religious activity, including an activity motivated by a religious belief, but does not include any activity that would constitute an offence punishable by imprisonment under the law of New South Wales or the Commonwealth.

63. The purpose of this clause is to define the boundaries of what may legitimately be considered religious activities. Any activity that is punishable by imprisonment is disqualified from being a religious activity for the purposes of the Bill.

64. It is important to be clear that the effect of this clause is ONLY to define what may legitimately be considered a religious activity – it does NOT necessarily authorise that activity over against other prohibitions. This definition does NOT provide authorisation for religious activities that "breach civil obligations… such as: breaches of contract and tort laws, such as a negligence and confidentiality [and] breaches of civil obligations, such as professional obligations and anti-discrimination and vilification obligations".[13] For example, Section 20C of the ADA makes it unlawful to "to incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group." Nothing in the proposed Part 2B provides any defence for a person who engaged in racial vilification on the basis of a religious belief.

[13] https://equalityaustralia.org.au/wp-content/uploads/2020/06/Explainer-on-One-Nation-Bill-1.pdf

65. **Definition of "religious ethos organisation"**

Subclause 22K(1) defines "religious ethos organisation" as follows.

> ***religious ethos organisation*** means—
> (a) a private educational authority that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion, or
> (b) a charity registered with the Australian Charities and Not-for-profits Commission under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion, or
> (c) any other body that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion.

66. This clause is a significant improvement over the definition of "religious body" in clause 11 of RDB2, as informed by subclauses 32(8)-(12), which has a hybrid definition of 'religious bodies' that excludes a range of faith-based and religious charities, but then grants bespoke exemptions for certain faith-based institutions such as hospitals and aged-care providers.

67. This definition of "religious ethos organisation" only applies "in this Part", and therefore only operates with respect to Part 2B. It does not interact in any way with the definition of Religious Bodies in section 56 of the ADA (NSW). This is also stated explicitly (albeit redundantly) in subclause 22M(3).

68. **Religious ethos organisations taken not to discriminate**

Clause 22M declares that a religious ethos organisation, when acting in accordance with its doctrines, tenets, beliefs or teachings, is taken not to discriminate on the grounds of religion.

> **22M Religious ethos organisations taken not to discriminate in certain circumstances**
>
> (1) For the purposes of this Part, a religious ethos organisation is taken not to discriminate against another person on the ground of the person's religious beliefs or religious activities by engaging in conduct if the organisation genuinely believes the conduct—
>
> (a) is consistent with the doctrines, tenets, beliefs or teachings of the religion of the organisation, or
>
> (b) is required because of the religious susceptibilities of the adherents of the religion of the organisation, or
>
> (c) furthers or aids the organisation in acting in accordance with the doctrines, tenets, beliefs or teachings of the religion of the organisation.
>
> (2) Without limiting subsection (1), conduct referred to in that subsection includes giving preference to persons of the same religion as the religion of the religious ethos organisation.
>
> (3) Nothing in this section, or any provision of this Act that refers to a religious ethos organisation, affects the operation of section 56 (Religious bodies).

69. As argued above in paragraphs 37-43, the approach taken in this clause (rather than an exemption-based approach) is the appropriate way to balance the rights of a religious body to act in accordance with its religious ethos with the rights of individuals to be free from religious discrimination.

70. Clause 22M is similar in approach, but better in execution, to clause 11 of RDB2. This table highlights the key similarities and differences.

11(1)	'a person of the same religion as the religious body could reasonably consider [that the conduct is] in accordance with the doctrines, tenets, beliefs or teachings of that religion.' subject to a 'good faith' test	22M (1)(a)	The 'organisation genuinely believes the conduct … is consistent with the doctrines, tenets, beliefs or teachings of the religion' Not subject to a 'good faith' test
11(3)	Engaging in 'conduct to avoid injury to the religious susceptibilities of adherents'. subject to a 'good faith' test	22M (1)(b)	The 'organisation genuinely believes the conduct … is required because of the religious susceptibilities of adherents' Not subject to a 'good faith' test
		22M (1)(c)	The 'organisation genuinely believes the conduct … furthers or aids the organisation in acting in accordance with the doctrines …'
11(2) & 11(4)	The exception specifically includes 'giving preference to persons of the same religion as the religious body'.	22M (2)	The exception specifically includes 'giving preference to persons of the same religion as the religion of the organisation'.

71. This clause appropriately addresses objective (e) – "to provide that a religious ethos organisation is taken not to discriminate on the ground of religious beliefs or religious activities by engaging in certain conduct because of the doctrines, tenets, beliefs or teachings of the religion of the organisation, so as to recognise that religion is integral to the existence and purpose of these organisations; and that religious and associational freedoms are fundamental to a free and democratic society."

72. **Preventing Discrimination on the basis of religion in work and other areas**

Clauses 22N – 22U address religious discrimination in relation to work, and clauses 22V-22Z address religious discrimination in relation to other areas, following a similar pattern to the provisions in other Parts of the act. These clauses address objectives (c) and (g) of the Bill. Subsequent paragraphs will address particular elements of these clauses that are unique to religious discrimination.

73. **Preventing Employers discriminating on the basis of private religious activity**

Subclauses 22N(1)-(2) are in the standard form, prohibiting religious discrimination by employers. Subclauses 22V(3)-(5) provide an additional protection against adverse action on the basis of private religious activity.

Clause 22N

(3) Without limiting subsection (1) and (2), it is unlawful for an employer to—

(a) restrict, limit, prohibit or otherwise prevent an employee from engaging in a protected activity, or

(b) punish or sanction an employee:

(i) for engaging in a protected activity, or

(ii) because an associate of the employee engaged in a protected activity.

(4) In subsection (3), ***protected activity*** means—

(a) a religious activity performed by the employee that:

(i) occurs at a time other than when the employee is performing work and at a place other than the employer's place of work, and

(ii) does not include any direct criticism of, or attack on, or does not cause any direct and material financial detriment to, the employer.

(b) a religious activity performed by an associate of the employee that does not include any direct criticism of, or attack on, or does not cause any direct and material financial detriment to, the employer.

(5) For the avoidance of doubt, the following do not constitute direct and material financial detriment to an employer for the purposes of subsection 4(a) and 4(b)—

(a) any boycott or secondary boycott of the employer by other persons because of the employee's protected activity, or the protected activity of their associate, or

(b) the withdrawal of sponsorship or other financial or corporate support for the employer because of the employee's protected activity, or the protected activity of their associate.

74. Subclause 8(3) of the RDB2 has been dubbed the "Israel Folau" clause. Subclause 22N(3) is the equivalent (though improved) clause in this Bill. This clause protects an employee against adverse action by an employer in response to "private" religious activity (not during work hours and not at a place of work). It also protects "an associate of that employee" (e.g., Israel Folau's wife cannot be sacked because of the religious activities of her husband).

75. Religious activities that involve any direct criticism of, or attack on, or cause any direct and material financial detriment to, the employer are not protected. "Direct and material financial detriment" is defined to exclude boycotts and withdrawal of sponsorship.

76. The approach taken in this clause is a significant improvement on subclause 8(3) of *RDB2*, because subclause 8(3) only applies to companies with turnover exceeding $50 million, requiring the courts to consider the beliefs of a "hypothetical religious believer", and which uses the imprecise and undefined concept of "unjustifiable financial hardship to the employer".

77. There is a drafting error in subclause 22N(9).

> **Subsections (4) and (5)** do not apply to employment by—
> (a) a religious ethos organisation, or
> (b) a body established to propagate religion under section 56.
>
> It should read
>
> **Subsections (3)-(5)** do not apply to employment by—
> (a) a religious ethos organisation, or
> (b) a body established to propagate religion under section 56.

The intention of subclause 22N(9) is to allow religious bodies to have employee codes of conduct defined by religion (for example, requiring Anglican school chaplains not to bring the Christian faith into disrepute by their conduct). Subsection 3 makes it unlawful to restrict "protected activity", and subsections 4 and 5 define "protected activity". To exclude the definition in subclauses (4) and (5) without also excluding the unlawful act itself in subclause 3 does not make sense. The parallel provisions in in 22S(5) ("Subsections (2)-(4) do not apply…") and in 22V(6) ("Subsections (3)-(5) do not apply…") have the correct drafting, which demonstrates that the omission here is an error.

78. **Religious Symbols and Religious Dress**

Subclause 22N(6) prevents employers refusing an employee permission to wear religious symbols or religious clothing during work hours.

> (6) It is unlawful for an employer to discriminate against a person on the ground of religious beliefs or religious activities by refusing the employee permission to wear any religious symbol or any religious clothing during work hours, but only if—
>
> (a) the symbol or item of clothing is of a kind recognised as necessary or desirable by persons with the same religious beliefs or who engage in the same religious activities as that of the employee, and
>
> (b) wearing the symbol or item of clothing during working hours is reasonable having regard to the circumstances of the employment, including—
>
> (i) the workplace safety, productivity, communications and customer service requirements of that employment, and
>
> (ii) the industry standards of that employment.

79. Unlike RDB2, the Bill provides explicit protection for employees who wish to wear religious symbols and religious clothing during work hours. This clause is consistent with the European Court of Human Rights decision in *Eweida*.[14]

[14] *Eweida and Others v The United Kingdom* (European Court of Human Rights, Chamber, Application Nos. 48420/10, 51671/10 and 36516/10, 15 January 2013).

80. **Preventing qualification bodies discriminating on the basis of religious activity**

Subclause 22S(1) is in the standard form, prohibiting of religious discrimination by a qualifying body. Subclauses 22(2)-(4) provide an additional protection that prevents a qualifying body from taking adverse action on the basis of private religious activity. These provision are similar to the employment provision in subclauses 22N(3)-(5).

81. The example of Dr Patricia Weerakoon demonstrates why such a protection is necessary. Dr Patricia Weerakoon is a mental health practitioner who specialises in human sexuality. Dr Weerakoon has written a number of books which are published by Anglican Youthworks, and has been a keynote speaker at many Anglican conferences, schools and churches both here and overseas. Dr Weerakoon was subject to disciplinary proceedings because of an unfounded complaint made about a talk on sexuality and gender that she gave to Christian school students. Despite finding that Dr Weerakoon had not breached her responsibilities, the professional qualifications body ultimately revoked her accreditation.

82. **Preventing educational institutions discriminating on the basis of religious activity**

Subclauses 22V(1)-(2) are in the standard form, prohibiting religious discrimination by educational institutions. Subclauses 22V(3)-(5) provide an additional protection that prevents educational institutions from taking adverse action on the basis of private religious activity. This is similar to the employment provision in subcaluses 22N(3)-(5).

83. This protection is necessary because of the increasing overreach into the private lives of students, particularly by universities. The UK example of Felix Ngole demonstrates this. Mr Ngole was removed from his university social work course in 2016 after he made comments on his personal Facebook page in support of the biblical teaching on marriage and sexual ethics. Felix was told that, by posting his comments on Facebook, he "may have caused offence to some individuals" and had "transgressed boundaries which are not deemed appropriate for someone entering the Social Work profession." Felix's case raised doubt over whether Christians in regulated professions enjoy free speech protections. After four tortuous years of legal process, the Court of Appeal finally found in favour of Mr Ngole, and required the university to reconsider his enrolment. The provisions of this Bill are necessary to prevent this from occurring in NSW.

84. There is a drafting error in clause 22V, in that subclause 5 refers to a non-existent subclause 4(b). This error has arisen because of the way that the protection for an "associate" has been implemented, which differs from the parallel provision in subsections 22N(4)(b) and 22S(3)(b). To correct this error, the Bill should be amended to revert to the drafting in these parallel clauses. Subclause 22V(4) (with

amendments in bold) should read.

> (3) Without limiting subsections (1) and (2), it is unlawful for an educational authority to –
> (a) restrict, limit, prohibit or otherwise prevent a student from engaging in a protected activity, or
> (b) punish or sanction a student:
> (i) for engaging in a protected activity, or
> (ii) because an associate of the student engaged in a protected activity.
> (4) In subsection (3), protected activity means:
> (a) religious activity performed by a student ~~**or their associate**~~ that:
> (i) occurs at a time other than when the person is receiving education and at a place other than the person's place of education, and
> (ii) does not include any direct criticism of, or attack on, or does not cause any direct and material financial detriment to, the educational authority.
> (b) **a religious activity performed by an associate of the student that does not include any direct criticism of, or attack on, or does not cause any direct and material financial detriment to, the educational authority.**
> (5) For the avoidance of doubt, the following do not constitute direct and material financial detriment to an educational authority for the purposes of subsections 4(a) and 4(b)—
> (a) any boycott or secondary boycott of the educational authority by other persons because of the student's activity, or the activity of their associate, or
> (b) the withdrawal of sponsorship or other financial or corporate support for the educational authority because of the student's activity, or the activity of their associate.

85. **Registered Clubs, with an exemption for religious clubs**
Subclauses 22Y(1)-(2) are in the standard form, prohibiting religious discrimination by a registered club. Subclauses 22Y(3)-(4) provide an exemption for religious clubs

> 3) Nothing in subsection (1) or (2) applies to or in respect of a registered club if the objects of the registered club include providing benefits for persons with specified religious beliefs or religious activities.
> 4) In determining whether the objects of a registered club are as referred to in subsection (3), regard must be had to—
> a) the essential character of the registered club, and
> b) the extent to which the affairs of the registered club are so conducted that the persons primarily enjoying the benefits of membership are of the religious beliefs, or engage in the religious activities, specified in the objects, and
> c) any other relevant circumstance.

86. The equivalent provisions in RDB2 is found in clause 35.

> **35. Exception relating to clubs**
> Section 25 (about clubs) does not make it unlawful to discriminate against a person, on the ground of the person's religious belief or activity, if membership (however described) of the club is restricted to persons who hold or engage in a particular religious belief or activity and the person does not hold or engage in that religious belief or activity.

87. The drafting in the Bill is to be preferred to the drafting in the RDB2 clause 35, in that clause 35 only applies where membership of the club is restricted to persons who hold or engage in a particular religious belief or activity. A Christian club that allowed

non-Christians to be members of the club, but had a Constitution that required that the board of the Club had to be Christians would not have qualified for the exemption under clause 35.

88. **Preventing the State from discriminating on the ground of religious beliefs**
Clause 22Z prevents the State from discriminating on the ground of religious beliefs or religious activities, for both individuals and religious ethos organisations.

> 1) It is unlawful for a person to discriminate against another person on the ground of religious beliefs or religious activities—
>
> a) in the course of performing any function under a State law or for the purposes of a State program, or
>
> b) in the course of carrying out any other responsibility for the administration of a State law or the conduct of a State program.
>
> 2) Without limiting subsection (1), a person is taken to discriminate against a religious ethos organisation on the ground of religious beliefs or religious activities if the person requires a religious ethos organisation to engage in conduct, including use of its property, in a manner which is contrary to the doctrines, tenets, beliefs or teachings of that organisation—
>
> a) in the course of performing any function under a State law or for the purposes of a State program, or
>
> b) in the course of carrying out any other responsibility for the administration of a State law or the conduct of a State program.

89. This protection is necessary to prevent State-based funding and other programs being used to force religious institutions to act against their beliefs. The argument is increasingly being put (and no doubt will appear in many submission opposed to this Bill) that it is simply unacceptable that religious institutions which receive public funding for the provision of education, health or welfare services are not required to comply with State Government policies.

90. This criticism fundamentally misunderstands the relationship between the State and religious bodies. A religious body that receives funding from the government does not lose its religious character or purpose by doing so, and should not be forced by financial leverage to act contrary to its religious ethos.

91. This kind of financial leverage was used in Ireland against religious institutions. In December 2015, where amendments to Section 37 of the *Employment Equality Acts 1998-2015* were passed. Section 37 had previously granted a broad anti-discrimination exemption for "religious, educational or medical institutions" "to maintain the religious ethos of the institution". However, the amendments significantly curtailed this for a body in receipt of government funding, such that the exemption only now applies where "the religion or belief of the employee … constitutes a genuine, legitimate and justified occupational requirement". A religious body not in receipt of government funding is still entitled to rely on the broad anti-discrimination exemption. This is a discriminatory and coercive funding model, which

is logically inconsistent. If the religious belief does not warrant the exemption at all, then it should not be exempt. But if the religious belief does warrant the exemption when there is no government funding, then it is improper for the government to use a financial lever to coerce a religious institution to act contrary to its religious tenets.

92. The logical end point of the argument that State policies should override the religious beliefs of institutions which receive public funding is that there should not be publicly funded religious institutions. This is unacceptable.

93. **Conclusion**

We support this Bill, as a necessary and appropriate means of protecting citizens of NSW from religious discrimination, without unduly restricting religious organisations from acting in accordance with their religious ethos. We recommend 5 minor improvements to the drafting of the Bill.

- Clause 3 – inclusion of other International instruments (See paragraph 53 above).
- Clause 3 – qualification on the ICCPR, in light of Australia's reservations (Para 54).
- Subclause 22K(2) – definition of "genuinely believes" for an organisation (Para 61).
- Subclause 22N(9) – correct drafting error – omission of subsection (3) (Para 76).
- Cause 22V – correction of the omission of subsection 4(b) (Para 84).

We thank the Committee for the opportunity to make this submission.

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