



National Rural Women's Coalition's submission to
Parliamentary Joint Committee on Human Rights on
Religious Discrimination Bill 2021 and related bills

5 December 2021

National Rural Women's Coalition

The National Rural Women's Coalition (NRWC) welcomes the opportunity to make a submission to the Parliamentary Joint Committee on Human Rights in relation to the religious discrimination legislative package, which includes the Religious Discrimination Bill 2021; the Religious Discrimination (Consequential Amendments) Bill 2021; and the Human Rights Legislation Amendment Bill 2021.

The National Rural Women's Coalition (NRWC) is a grass roots organisation, established in 2002, that works to support and grow vibrant rural, remote, and regional communities throughout Australia. The NRWC seeks to ensure better social, economic, and environmental outcomes for women in rural townships, in rural communities and in primary production throughout Australia.

The NRWC provides a collaborative, powerful national voice for women living in rural, regional, and remote Australia through:

- Representing the diverse views and voices of women in rural, regional, and remote Australia
- Providing advice to the Australian Government on policy issues relevant to the views, circumstances and needs of rural women
- Contributing to building a positive profile of rural women, their achievements, and their issues.

We believe it is important that the unique views of rural women who reside in the numerous rural, remote, and regional communities throughout Australia as farmers, business women, community leaders and volunteers, have substantial input into consultations about their communities, industries, needs and issues, including any matters relating to women's rights, gender equality and discrimination.

We are one of six Alliances funded by the Commonwealth Office for Women.

Recommendations

The NRWC's has three principal recommendations for the Parliamentary Joint Committee on Human Rights to consider:

- 1. the Parliamentary Joint Committee on Human Rights does not endorse the religious discrimination legislative package in its current form; and recommends that*
- 2. the Commonwealth Government makes further amendments to religious discrimination legislative package to ensure that the people of faith and those without religious beliefs can be protected from discrimination without removing protections from others; specifically, women, single parent families, people with disability, LGBTIQ+ and people from minority religious groups; and*
- 3. that in the amendments (as per above), to the religious discrimination legislative package does not override State and Territory and other Commonwealth anti-discrimination laws and provisions.*

Rationale

As any discrimination harms health and wellbeing, therefore the NRWC considers that the intent of the Bills to protect people against discrimination on the grounds of religious belief or activity is a good starting point to address a gap in the Commonwealth antidiscrimination framework.

However, the NRWC is concerned that the Bill in its current form could provide protection of religious belief or activity at the expense of other rights, which could then ultimately harm rural women's health (particularly those seeking family planning, reproductive or sexual health care ,including pregnancy terminations, and end of life care) The legislative package in its current form could also will lead to discrimination of other vulnerable groups of women, for example single parents, those living with disability, who have a minority or no faith, or people who identity as LGBTQI+.

The NRWC has specific concerns about the statement of belief clause (Part 2 Section 12)

The Bill notes that a statement of belief *“covers expressions of religious belief that a reasonable person, having regard to all the circumstances, would 19 conclude counsel, promote, encourage or urge conduct that would constitute a serious offence”* and that statement of belief are *“moderately expressed religious view that does not incite hatred or 16 violence would not constitute vilification.”*

Under the statement of belief clause comments can be made by a manager, colleague, teacher, doctor, taxi driver or other service provider in a workplace, school or where goods and services are provided that are under State and Territory legislation currently considered to be of a discriminatory nature. For example, under this Bill, it is possible for a person to make a comment such as ‘women should not teach or exercise authority over a man’, “despite violent abuse women should remain in the marriage”, ‘wives should submit to their husbands’ or ‘every child should have a mother and a father who are married’, or comments about disability or certain disease such as HIV are a curse from God.

One third of Australian women live in rural and regional areas. These women have poorer health and reduced access to a range of social and health care services and have higher mortality rates compared to people living in cities.¹ Rural women experience difficulties accessing service for primary health care, family planning, reproductive and sexual health, health screening, specialist medical care, maternal care, and domestic and family violence support. In addition to this, due to the sensitive nature of some women's health issues, rural women need to seek services far away from their small town to maintain confidentiality and privacy.

The bill also allows institutions run by religious organisations, like schools or hospitals, to prioritise or give preference to the employment of people from the same faith making faith-based decisions in relation to employment. This is problematic for rural women as access to work outside metropolitan areas and the smaller range of employment and career opportunities means that rural women have fewer work options and as a result have a lower rate of workforce participation compared to cities^{2,3}. This kind of workplace discrimination proposed in the Bill could further disadvantage rural women's employment opportunities.

¹ Dobson, A Byles, J Dolja-Gore, X , et.al 2011, *Rural, remote and regional differences in women's health: Findings from the Australian Longitudinal Study on Women's Health*, University of Newcastle and University of Queensland, viewed 5th December 2021, <https://ranzocg.edu.au/RANZCOG_SITE/media/RANZCOG-MEDIA/About/NWHS/Resources/Rural,-remote-and-regional-differences-in-womens-health.pdf>

² AIHW Australia's Health 2020. <https://www.aihw.gov.au/reports/australias-health/rural-and-remote-health>

³ ABS, Labour Force, cat. no. 6291.0.55.001, 12-month average of original data, persons aged 15 years and over

Rural women already have significantly greater difficulty accessing health care and employment and they suffer greater impacts of family violence compared to those in major cities. If faith based discriminatory comments and workplace policies are lawful, it not only can result in more physical and psychological stress but further restrict woman's access to services and financial independence. . Where for example a hospital or staff in a health clinic refuse to offer pregnancy terminations or contraception advise based on religion based conscientious objection, rural women must travel significant distances to access alternative care, requiring accommodation, time away from family and home life, and other out of pocket expenses⁴. Conscientious objection to providing comprehensive sexual and reproductive health services is now common place, in rural and regional areas, however women are frequently not referred to alternative providers, or none exist in the vicinity. This has now had an impact on the local training opportunities for providers of sexual and reproductive health services Therefore, while the Bill may be designed to protect one groups rights to religious freedom of expression, it can and already is creating a less equal life experience for women particularly when policies are made from a position of patriarchal power, reinforcing outdated patriarchal views and power imbalance, reinforcing gender inequality, and affecting women's rights to health care and a safe place to live and work.

Summary

The NRWC is concerned that should this Bill be passed in its current form the rights of rural women, and particularly rural women seeking health services, who are single parents, living with disability, have a minority faith, or people who identity as LGBTIQ+ could be exposed to discriminatory actions under the banner of religious belief or activity and that this will impact on their access to essential goods and services particularly in employment and health care. .

Women's rights to health means that care is free from discrimination and prejudice⁵. The NRWC believe that the religious discrimination legislative package as it stands will not provide these provisions and recommends that:

1. The Parliamentary Joint Committee on Human Rights does not endorse the religious discrimination legislative package in its current form; and recommends that
2. The Commonwealth Government makes further amendments to religious discrimination legislative package to ensure that the people of faith and those without religious beliefs can be protected from discrimination without removing protections from others; specifically, women, single parent families, people with disability, LGBTIQ+ and people from minority religious groups; and
3. That in the amendments (as per above), to the religious discrimination legislative package does not override State and Territory and other Commonwealth anti-discrimination laws and provisions.

Contact

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⁴ Dobson, A Byles, J Dolja-Gore, X, et.al (2011) Rural, remote and regional differences in women's health: Findings from the Australian Longitudinal Study on Women's Health, University of Newcastle and University of Queensland, viewed 5th December 2021, <https://ranzocg.edu.au/RANZCOG_SITE/media/RANZCOG-MEDIA/About/NWHS/Resources/Rural,-remote-and-regional-differences-in-womens-health.pdf>

⁵ Australian Women's Health Network 2021 *Policy Brief – The Impact of religious discrimination bills on women's health*. https://awhn.org.au/wp-content/uploads/2021/11/AWHN_Policy-brief_Religious-Discrimination-Laws_final-formatted.pdf, SPHERE CRE Statements on conscientious objection and access to family planning and abortion care in rural areas.

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