



Australian Government

Australian Law Reform Commission

Media Release

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Review into the Framework of Religious Exemptions in Anti-discrimination Legislation

The Australian Law Reform Commission (ALRC) welcomes the Attorney-General's decision to issue the ALRC with amended terms of reference for its current inquiry into exemptions for religious institutions in anti-discrimination law.

On 8 April 2019, the Attorney-General asked the ALRC to examine whether religious exemptions could be removed from anti-discrimination laws while also guaranteeing the rights of religious institutions to conduct their affairs in accordance with their ethos, and whether reforms are required to protect the expression of traditional views of marriage. The reference to the ALRC followed on from the Religious Freedom Review of the Expert Panel chaired by the Hon Philip Ruddock. It expressly required the ALRC to consider Recommendations 1, 5, 6, 7 and 8 of that Review.

The Attorney-General has now amended the terms of reference narrowing the focus of the inquiry to confine the inquiry to issues not resolved by the Government's Religious Discrimination Bill, and to confine the ALRC's recommendations to legislation other than the Religious Discrimination Bill.

The narrowing of the terms of reference will enable the ALRC to conduct a targeted law reform inquiry that is more clearly separated from the exposure draft bill currently open for comment. This will reduce confusion for stakeholders and ensure that the ALRC's independent consultation process, for which the ALRC is highly regarded, will be conducted without encroaching upon the current consultation process and any subsequent Parliamentary inquiry on the bill.

Following the re-election of the Morrison Government in May 2019, the Government committed to pursue, as a priority, legislation to prohibit discrimination on the grounds of religion. It was the ALRC's view that the original terms of reference, which required the ALRC to consider law reform options that would guarantee rights of religious institutions, would necessitate examination of the efficacy of a range of legal protections for religious institutions, including (existing and any proposed) anti-discrimination laws. The potential for overlapping consultation and inquiries has been avoided by the amendments to the terms of reference issued by the Attorney-General.

The amended Terms of Reference provide for an amended final reporting date of 12 December 2020, so that the ALRC is able to take into account the public consultation process on the Religious Discrimination Bill, and any amendments to that Bill before it takes effect as law. Accordingly, the ALRC will issue a Discussion Paper in accordance with the amended terms of reference in early 2020, after the passage of the Religious Discrimination Bill. The Discussion Paper will include proposals for reform with questions seeking further input. Stakeholders will be invited to make a formal submission in accordance with ALRC's usual process.