

Wednesday, 22 November 2017

Expert panel examining religious freedom supported, marriage equality should now be passed swiftly

The establishment of an [expert panel](#), chaired by the Hon Phillip Rudduck, to examine the human right to religious freedom is a welcome development that will help uncouple this important debate from the straight-forward Senator Dean Smith Bill to legalise same-sex marriage.

Law Council of Australia President, Fiona McLeod SC, said that separating complex questions on religious freedom from the issue of marriage equality was the right way forward.

“Religious freedom is an extremely important human right. The decision to allow this eminent panel to advise Government on substantive questions related to this right is to be applauded,” Ms McLeod said.

“By establishing this panel, the Government is ensuring that any debate about religious freedom is not short-changed, while minimising the possibility that a straight-forward bill to legalise same-sex marriage is not further complicated or delayed.

“Australians were not asked to vote on the complex intersection between religious freedom and anti-discrimination protection, so it is appropriate that any major changes are not bundled with amendments to the Senator Dean Smith Bill.

“Australians were asked if same-sex couples should marry and they delivered an emphatic ‘yes’. The priority must be on swiftly responding to this result and legalising marriage equality.

“Outside technical amendments, we believe the Senator Dean Smith Bill offers a reasonable compromise and a fair balance of rights. Further questions should now lie with the panel.”

Ms McLeod said the panel of four assembled to examine Australia’s right to religious freedom in 2018 – former Attorney-General the Hon Philip Ruddock, Human Rights Commission President Emeritus Professor Rosalind Croucher AM, retired Federal Court judge the Hon Annabelle Bennett AO SC and jesuit priest Fr Frank Brennan SJ AO – was of the highest calibre.

“There is no doubt that the Government has chosen a very high-quality panel,” Ms McLeod said.

“This panel is particularly important in light of the recent [UN Human Rights Committee’s](#) report.

“The report raised concerns about Australia’s anti-discrimination laws, including the lack of direct protection against discrimination on the basis of religion and the absence of a comprehensive anti-discrimination legislation.

“We look forward to working closely with the panel as it undertakes this important work,” Ms McLeod said.

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