

Dear Mr Dinsberg,

...

I note that I undertook to get back to the committee if I was able to clarify our position on section 77. Section 77 is a blanket provision that holds that nothing in the legislation applies to discrimination that is necessary to comply with the person's genuine religious beliefs or principles.

Ms Peulech raised the question as to whether the Jewish community would feel the need for this protection in order for example to have the right to prevent a female gentile entering some part of a synagogue or so that a doctor (for example) might exercise personal conscience on a issue such as abortion. It is certainly true that in some forms of Judaism there is a different standard for men and women or for Jews and non-Jews. To give some examples non-Jews may not receive synagogue honours and in orthodox Judaism only men may receive such honours or count for a quorum. These specifically apply to religious practices and would be covered by section 75. The issue of personal conscience that might arise for a doctor for example are conscience issues that could apply to anyone in the community but we would not see them as necessarily a matter of religious belief. It is not our belief that a section as broad as 77 is required to protect the right to these religious practices. I can't think of a situation beyond the context of religious or cultural observance where the Jewish community would seek freedoms that contravene the broader protections in the act.

I hope that clarifies my evidence on this matter.

Your sincerely,

Deborah Stone

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