

FOR SA has expressed multiple concerns about the PEPUDA Amendment Bill and the impact that this will have on people of faith and conservative views if passed in its current form.

Although we all agree that equality is a central value and that unfair discrimination is unacceptable, the dramatic expansion of the scope and resulting liability of this Bill may well open wide the opportunity for litigation, with severe sanctions for those found to be in breach.

Here is a short summary of some of our main concerns:

- The definition given to "discrimination" is so subjective and so broad and far-reaching that the word no longer has its ordinary meaning. It covers *"any act or omission, whether intentional or not, directly or indirectly ... causes prejudice or otherwise undermines the dignity of any person"* on one of the multiple "prohibited grounds".
- "Equality" is defined to include *"equal right and access to resources, opportunities, benefits and advantages"*. In other words, everyone is equally entitled to everything.
- It specifically removes the requirement of "intention" for unfair discrimination, as a result of which people may be found guilty of breaching the law without them even being aware of it.
- In the workplace, if an employee contravenes the Act, the employer may well be equally liable and subject to the same sanctions, even though they did not condone what the employee did or said, or were not even aware of it.
- If you *"cause, encourage or request"* another person to discriminate against a third person, you will be liable. So where a religious leader teaches a message and a member of the congregation acts on it or repeats it, if someone feels prejudiced by it or that their dignity has been undermined, the congregation member and the religious leader and the religious institution are all potentially equally liable.
- Government Ministers must pass regulations and codes of practice to implement measures to eliminate discrimination and promote equality, and organisations (including religious organisations) will be compelled to promote their view of equality. This will effectively end the institutional autonomy of religious organisations (as well as faith-based independent schools) to determine their own doctrine, and internal workings, free from interference by the State.
- Activists will be given access to State funding to bring litigation under this Act, while those defending themselves will pay their own (often massive) legal costs and face severe sanctions.

It is easy to make your voice heard. Send your submission directly to the Department of Justice **BEFORE Wednesday 30th June, 2021.**