Religious Discrimination Bill – Exposure Draft

Your Submission

Malyon Theological College is a theological college in Gaythorne, Queensland. It offers degrees through the Australian College of Theology. Malyon College was originally established in 1904 as the Queensland Baptist College.

We do not support the Religious Discrimination Bill in its current format for the following three main reasons.

1. The bill contains only qualified protection for religious educational facilities with the protections subject to judicial input on employment decisions.
   
   We refer to clause 10 which considers education in faith-based education facilities - “Courts to determine the good faith and reasonableness of actions to determine if the school has discriminated”. Despite the explanatory notes for this clause stating the Government’s intention to support the rights of faith-based organisations to retain their culture and ethos in their staffing policies, in its present form this Bill will make it very difficult for this to occur. Faith-based educational facilities such as ours are faced with the potential scenario of having to engage with the courts to determine whether our conduct is “in good faith” and “may reasonably be regarded as being in accordance with the doctrines, tenets, beliefs or teaching of the religion in relation to which the religious body is conducted”. If the faith-based employment exemptions are removed, all employment decisions will be subject to this judicial consideration. We would strongly urge the government to retain the lawfulness for faith-based organisations to appoint, or prefer to appoint, adherents of the faith without breaching anti-discrimination laws.

2. Though non-participation in same-sex weddings was one of the original driving concerns of the legislation’s drafting, the bill fails to adequately address such concerns.
   
   As a Christian theological training college many of our students plan to enter Christian ministry. We are concerned that the Bill fails to address the central religious freedom issues that were left unresolved after the same-sex marriage law passed in 2017. This bill provides no protection for religious ministers who do not wish to officiate at same-sex weddings. We would content that our students should continue to have the freedom to express their beliefs concerning gender and sexuality and to state the view that marriage should be between a man and a woman, without discrimination. College lecturers must also continue to have the freedom to include traditional teaching about marriage and sexuality. Ministers of Religion should not be compelled against their conscience to make statements or participate in events contrary to their religious beliefs.

3. The Bill does not define “religious activity.”
   
   We refer to clause 8 in regards to religious belief and lawful religious activity. Our concern lies in the question, what is protected? The draft bill is not clear as to how Malyon Theological College will be protected under this bill. For instance, is an academic lecture “religious activity”? We propose that activity in accordance with religious belief should only be limited by excluding activity contrary to the general criminal law.
   
   We would appreciate the opportunity for further consultation with the Government to address this important bill.