
2 October 2019

About the Seventh-day Adventist Church and its Various Ministries

Seventh-day Adventists are a values-based community of believers, representing more than 65,000 adherents in Australia and around 25 million globally, who are committed to making a positive difference in communities in Australia and throughout the world. The Seventh-day Adventist Church operates the largest Protestant education system in the world, with more than 1.9 million students globally, including over 14,000 students in primary and secondary education in Australia.

Adventist Education has operated in Australia for more than 120 years. Seventh-day Adventist schools continue to maintain and operate an open enrolment policy that accepts students from all walks of life, provided they are willing to respect the tenets, doctrines and principles of our faith. Adventist schools attract students from all faiths and those of no faith at all and, in many cases, provide a safe refuge with strong pastoral care for those who have been bullied, victimised and ostracised in other schools.

In addition to operating a large school system, the church also operates a significant Aged Care system, Humanitarian Aid Agency (ADRA) as well as Avondale University College, Sanitarium Health Food Company, Sydney Adventist Hospital and a range of other entities.

We respect the rights of people to believe and act according to their conscience while being constructive citizens. The advocacy for Freedom of Religion, Belief and Conscience is central to the Seventh-day Adventist world view and is based on our fundamental beliefs. Seventh-day Adventists believe in advocating for the freedom of religion of people of all faiths and those of none.
Values based on Christian scripture define our norms. Jesus embodied these values perfectly in his life on earth and set an example for each believer to follow. The Bible asserts in Matthew chapter 9 that Jesus focused on the ministry of preaching, teaching and healing, and so as people who desire to follow the Bible, we have established a range of ministries to carry out that mandate, to be about preaching, teaching and healing. We believe these values challenge us to strive to be ethical and responsible citizens and provide a standard to guide decisions and practices in a world changed by modern technology and challenged by ethical dilemmas. Although as individuals and as a community we can and do fall short of this ideal in practice, we accept the challenge of living according to these ideals even when they differ from socially accepted norms and result in marginalisation.

These values and convictions were demonstrated by Seventh-day Adventists in history. They are seen compassionately in the work of the famous Fuzzy Wuzzy Angels of the Owen Stanley Ranges (Kokoda Trail) who risked their lives to save soldiers (and Australia) from further war atrocities. These values were also demonstrated in the life of Desmond Doss, the hero of the acclaimed movie Hacksaw Ridge, who, because of conscience and conviction that was out of step with the norms of his time, went beyond the call of duty and risked his life to save people. These values continue to be demonstrated by people, individually and corporately, from both the global north and the global south, in national and international development and relief projects to all people without discrimination on the basis of race, religion, gender or socio-economic status.

We recognise that not all people will choose this value system. Sometimes it can challenge a number of socially accepted norms. However, we also note that as time has passed, a number of practices based on these values have become socially acceptable. The emphasis on proactively adopting a wholistic lifestyle is now well recognised. This lifestyle includes dedicating regular time for personal and corporate spirituality, the freedom of forgiveness, drug-free living, a healthy diet, the dignity of work, regular exercise and community service. These practices build resilient people who can remain positive in the face of the complexities and pressures of modern life.

We do not have, or wish to have, the right to force these values on other people. Choice and conscience are part of our values. However, we do expect the right to model and advocate these values in all aspects of our organisation — churches, schools, colleges, hospitals, aged care and charities — as we work together for a harmonious, tolerant and peace-loving multicultural society in Australia and the world.

Related Submissions

The Seventh-day Adventist Church in Australia has partnered with a range of organisations and endorses and supports the following submissions:

Freedom for Faith, as led by representatives of a range of churches including the Seventh-day Adventist Church

Institute for Civil Society, as supported by representatives of a range of organisations including faith based organisations

Christian Schools Australia supported by Adventist Schools Australia
These submissions more fully articulate the technical arguments and concerns of the Seventh-day Adventist Church; however, the submission below speaks to some of the church’s specific concerns. Further they articulate a number of proposed amendments to the Bill, and we endorse the intent of these amendments.

The Seventh-day Adventist Church, since its inception in 1863 has been a keen advocate of religious freedom and freedom of speech, freedom of conscience and freedom of association, and was a founding member of the International Religious Liberty Association established in 1893. Furthermore, the Seventh-day Adventist Church has had a long history of advocating not only on behalf of its own members, but for anyone whose ability to exercise these core human rights has been compromised.

It is important to understand the context in which the Church operates, and that will impact some of the assumptions and foundations on what the Bill is built on.

In understanding the mission of the church to preach, teach and heal, the philosophical governance structure for the world-wide Seventh-day Adventist Church is to operate as an unincorporated association except in jurisdictions where it is impractical to do so. With this in mind, and with the approval of the world church, a series of purpose driven trusts were established in public companies limited by guarantee in which to carry out the ministries of preaching, teaching and healing. This was done in order to have legal entities with which to employ staff, to trade and to receive recurrent and capital government funding grants. Therefore, it is essential that the Bill is amended to make it clear that a corporation or an association may hold a religious belief.

We believe that the draft Bill that has been circulated for comment is a good first draft, and there is much to commend the government for, however, we also believe that it contains a number of deficiencies that need addressing to ensure that appropriate positive protections are provided for people of faith and those of none and for Australia to be operating in harmony with the principles in ICCPR Article 18.

Key Concerns

1. Commercial Activities
   We are concerned regarding section 10 (2b & 2c) that addresses the commercial activities of the church, which does not specifically mention the protections of Hospitals and Aged Care, and as mentioned on numerous occasions in the round table meetings with the Attorney General, Sanitarium Health Food Company. As previously indicated, these enterprises, aged care, hospitals, and in our instance, a health food ministry, have all been established to fulfil the commission given by Jesus and have been incorporated for the reasons stated above. Whilst as a church we are not seeking to discriminate on the basis of faith in the recruitment of staff generally, we would desire to retain the right to ensure that Senior Leadership and the Board are required to be Seventh-day Adventists. The Chief Executives and the Boards of each of these entities are appointed through an ecclesiastical process rather than through regular corporate processes, highlighting their centrality to the purposes of the church. Further, the chair of most boards and of all members meetings is the President of the Church entity that established, owns and operates the entity. The Constitution of the church requires that the President of the Church is a experienced Pastor. Whilst there is a view that this could be adequately covered through inherent requirements, these provisions are far too broad and
vague and as such we would recommend the strengthening and clarifying of the wording in this clause.

Another related element we believe is missing from the current exposure draft is a clarification that faith-based entities can require their employees to uphold the ethos and values of the church. It is essential that these provisions are added to the Bill to ensure that adequate protections are provided to ensure that the ethos of the church and its entities is preserved.

2. **Inherent Requirement | Employment of Staff**

Whilst the operations of more commercial activities as identified in the previous point have not expressed a clear desire to discriminate on the basis of faith in employment, the operations of church ministries and schools have a clear desire to preference, and in many instances, require those they employ to be members of the church who uphold its ethos and doctrines. This is not to discriminate against other persons, rather, it is a desire to ensure that our schools and church ministries clearly and overtly manifest the beliefs, doctrines and ethos of the church. Whilst we are unable for supply and demand reasons to exclusively employ members of our faith in our school system, the existing rights to be preferential employers are upheld and actively practiced. It is essential that the protection of these rights is clearly articulated in the Bill, as this is central to maintaining the ethos of the school system.

3. **Public Benevolent Institutions**

In the ACNC’s Commissioners information statement in 2016 where it determined that Public Benevolent Institutions (PBI) could only exist for a religious motive but not a religious purpose. As a church we established our humanitarian arm, ADRA and many of our Aged Care entities as PBI’s, not to derive a significant benefit to the church, but rather to enable staff, who typically work in a low paid industry, to receive a financial benefit. It is worrying to see that the initial motivation for us as a church to take PBI status in order to help employees may now be turned against us as a basis to undermine our ability to operate these ministries as an expression of our faith and to no longer be considered to operate for a religious purpose. It is our contention that having a religious purpose can be completely compatible with being a PBI. The Seventh-day Adventist Church made a substantive submission regarding the fact that religious bodies acting for a religious purpose is not contradictory to holding PBI Status. This submission was made to the Review of the Australian Charities and Not-for-profits Commission in February 2018 and is available on their website or on request from our office.

4. **Lawful Religious Activity**

We are concerned about the wording of lawful religious activity. This could put faith based organisations in an untenable position when it comes to various state and federal discrimination acts. For example, should the statements of beliefs of the church not be protected by the Religious Discrimination Bill, as well as the application of these statements as it relates to policies of the church for matters of faith such as abortion, conducting of same sex marriages, this may then impact the funding of schools, hospitals and aged care facilities into the future. We submit that religious activity not involving a criminal offence be protected by the Bill.
5. Statements of Belief
With respect to statements of belief, we believe strongly that the separation of church and state is an important principle in a modern pluralistic society and as such, it is deeply concerning that the courts may be left to determine whether a specific belief is reasonably in accordance with doctrines, tenets, beliefs or teachings of the faith. Further, there is no mechanism included in the Bill that enables a religious body to establish their statement of belief as an expression of the groups view. This needs to be addressed in the Bill.

6. Competing Rights
We have concerns over the mechanism to remedy the clash of competing rights and the recommendation that the courts be used as the mechanism to resolve these matters. The Bill should be amended to include provisions based on the Siracusa Principles to resolve situations of competing rights, as recommended by the Religious Freedom Review.

7. Vilify
We have significant concerns over the use of the term vilify in s8 and s41.2(b). The term is too broad and leads to uncertainty which is highly contestable. The word “vilify” should either be removed from subclauses 41(2) and 8(4), or the word should be defined narrowly in clause 5. Further, that the term “vilify” be clarified to ensure that protected statements of belief are not constrained by State or Territory “vilification” legislation.

In addition to these points, we are concerned about the separation of this Bill from the work being undertaken by the Australian Law Reform Commission on the Sex Discrimination Act. The action to reduce the scope of their work and to delay its reporting timeline has the risk of undermining the stated desire of providing position protections to those wishing to live out and practice their faith. We would encourage the Attorney General to expedite this process.