Riverside Church Grafton Response

The Board of Directors of Riverside Christian Church, Grafton NSW, on behalf of communicant members, respectfully present the following comments regarding the Religious Discrimination Bill (the Bill) – Exposure Draft 2019. Although we applaud the Federal Government’s initiative in drafting this bill, we believe it is inadequate and at times poorly worded. We are concerned that in some respects the intent of the Bill could be compromised and freedom of religion and conscience harmed or even destroyed.

We believe that although at first glance this Bill promises much, in parts it seems to double back into positions which tend to water down and compromise the promise of certain headings. These elements seem to be ‘hollow logs’ which look good, then fail to deliver. This has the potential to put people of faith into worse positions than they are under current legislation.

However, in all this legislation has the potential to not only provide protection for Australians of all religious faiths, but to make this nation a better and fairer place for all. To this purpose, Riverside Church Grafton present the following points. These are not presented in order of importance, as indeed, they are all significant.

The Bill should say that it is religious discrimination to force a person to act against their conscience. For example, in providing services they cannot agree with such as abortion, or supporting events such as same-sex weddings, which are religiously unconscionable to groups and individuals. We have great concern regarding state law not being subjugated to federal law through the Bill. For example, the Bill protects health practitioners’ rights to conscientious objection, but not if their home state fails to do so. The Bill should overrule state law and protect the consciences of all health practitioners. If this is not consistent throughout Australia, a situation will arise where religious adherents in one state may be persecuted for following the dictates of their consciences, whereas just over the border in the next state, their conscientious objection is respected. This is not satisfactory. There should be consistent legislation across all states and territories of Australia. Our concern is that failure on behalf of the Bill to do this may foment civil disobedience and subsequently potential miscarriages of justice.
Large companies should not be permitted by the Bill to restrict or in any way stifle statements of belief from their staff, because it might cause the companies ‘unjustifiable financial hardship.’ What constitutes unjustifiable financial hardship in this instance? If the courts are given the role of determining this, how should they determine the financial value or equivalence of a person’s deeply held convictions, especially in such a secular environment as a courtroom. The example of Israel Folau should not be forgotten. For accurately paraphrasing Christian Bible verses with no reference to his workplace, he has been dismissed by his employer, tried in both the media court and the court of public opinion, and denied his rightful role to play for his nation as one of the world’s best rugby players. ‘Unjustifiable financial hardship’ has been used in this instance to apply financial hardship to Israel Folau and his family.

The bill allows government and smaller employers to limit employees’ statements of belief if it is ‘reasonable.’ Again, the definition of ‘reasonable’ will fall to a secular court. How will this be defined and how will the religious element be ‘quantified’ to facilitate a fair resolution?

The Bill must provide that religious schools can clearly proclaim and advertise their belief systems and teachings, and employ staff who share these beliefs. Parents mostly choose private schools which not only provide educationally for the needs of their children, but also espouse values with which they identify. The latter is especially relevant in religious schools. There must be clear and unambiguous protection in the Bill for religious schools’ rights to teach, enrol students and hire staff based on the tenets of their faith.

Religious charities have their beliefs protected in the Bill, unless the charity is engaged mainly in commercial activities. Many of the charitable entities associated with religious organisations, especially Christian organisations such as our church, raise funds to enable the charity to continue to serve the poor and needy in our communities. To take away religious protection based on a not-for-profit charity’s ability to self-sustain through reasonable commercial activity, will be counterproductive to many or indeed most religious charities and may indeed force them to close their doors. This element of the Bill is extraordinarily short-sighted.

The Bill purports to protect ‘lawful religious activity.’ This is yet another term that needs careful and measured definition, with much input from a wide range of stakeholders. Elements such as context... social media, written publications, song recording and video production, through to meetings and conventions in public spaces, street preaching, marches and even conversations or other communication outside the home, church or other religious setting need to be considered in relation to defining ‘lawful religious activity’. These should be defined with much input from a broad cross-section of religious organisations. This should not be left to a secular court to decide. Also, the definition of the word ‘lawful’ needs to be carefully crafted so that the Bill overrides any state or local government law or ordinance. This could easily become a political football with ideologues
bringing their own belief systems to bear, with scant concern or consideration for the wider thrust and application of the Bill.

Our final point considers the whole notion of the writing of the Bill as a broad set of exemptions within the framework of our existing Australian anti-discrimination laws. This is unacceptable at many levels, however most importantly it treats the religious values which have been foundational to the establishment of our nation, as narrow and not-overly-significant exemptions to the law. This is a negative and trivializing way to view religious freedom and protection in Australia. Religious people and organisations, and principled others, do not need to operate in a narrow and restrictive pocket of society, deemed by others to be acceptable. The Bill should be written in positive terms, affirming the positive rights of all Australians to practice their religious faith with dignity and certainty.

The influence of religion, especially the Christian religion, has been profound in the development of Australia. The contribution of Christianity to our Australian culture has been substantial. Even today the burden of much of the care and outreach to the poor and needy in our society falls on the shoulders of Christian churches and charitable organisations. As such, and along with other religions operating in our nations, religious Australians need a strong and unambiguous legal framework to assure protection of their religious freedom.

On behalf of the leaders and members of Riverside Church Grafton, we thank you for giving us the opportunity of reviewing the Bill, and trust that the final draft will encapsulate much of the sentiment and substance of the views of stakeholders.

Yours sincerely,

Kerry Hutton, Board Secretary

for

Greg Holder, Senior Pastor/CEO

Riverside Church Grafton