2 October 2019

Religious Discrimination Bill – Exposure Draft 2019
C/- Attorney Generals Department
Canberra ACT
Via email to FoRConsultation@ag.gov.au

Dear Sir/Madam,

Please find attached a submission regarding the Religious Discrimination Bill – Exposure Draft 2019 on behalf of Vision Christian Media (United Christian Broadcasters Australia Limited).

We have no objection to this submission being made public.

Kind Regards,

Phil Edwards
Chief Executive Officer
Religious Discrimination Bill 2019 – Exposure Draft Submission from Vision Christian Media

Introduction

Vision Christian Media is a non-profit Christian Media Ministry whose work is a direct consequence of the imperative to educate, inform, teach and advance the cause of the Christian religion utilising media.

Our Christian ministry functions are exercised through publishing, broadcasting, public interest journalism, discussion of local and global events, making and distributing content on various media platforms. These functions are a direct expression of the doctrines, tenets, beliefs and teachings of the faith. Their purpose is to serve believers and generally advance and propagate the faith.

We are not affiliated with any particular church or denomination but best described as a “para-church ministry”, serving across denominations as a broader expression of the Christian community. We are a company limited by guarantee with our religious nature established by our constitution which includes the adoption of a statement of faith.

We operate on a non-profit basis and are registered as such with the ACNC.

Vision Christian Media is a member of Christian Media and Arts Australia (CMAA), our sector representative body, and this submission is largely emphasising and agreeing with key points made in their submission on the draft bill.

Affirming freedom of thought, conscience and belief

Along with CMAA, we also welcome the acknowledgement by the Government, in bringing this Bill, that religion has been an under protected right in some States and in Commonwealth law.

We also welcome that the Bill adopts a positive affirmation in relation to the right of religious bodies to act in good faith in accordance with their tenets, beliefs and teachings, distinguishing this from discrimination.

(1) A religious body does not discriminate against a person under this Act by engaging, in good faith, in conduct that may reasonably be regarded as being in accordance with the doctrines, tenets, beliefs or teachings of the religion in relation to which the religious body is conducted.  

The scope of this provision

Section 10 (2) defines a religious body as:
(a) an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion; or
(b) a registered charity that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion (other than a registered charity that engages solely or primarily in commercial activities); or
(c) any other body that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion (other than a body that engages solely or primarily in commercial activities).

1 Religious Discrimination Bill 2019, Exposure Draft (RDB), section 10.
Communicating the beliefs, tenets and values of the faith is a core function of the Christian religion. Historically, the Christian faith has utilised all available technology to do so – indeed the church (denominationally and as a body of believers) have often led the development of the means of mass communication. Vision, and other similar CMAA member ministries are modern expressions of that tradition.

We agree that it is essential that the scope of “religious body” in Section 10 of the RDB is held to include organisations that exercise ministry functions in accordance with the doctrines, tenets, beliefs or teachings of the religion through media and the arts, where those organisations operate on a not for profit basis and with a religious charitable purpose.

Commercial activities

We join with CMAA and others including Freedom for Faith, the Institute for Civil Society and the Anglican Church Diocese of Sydney in expressing significant concerns about the potential for a narrow reading of S 10(2) to severely restrict the genuine exercise of Christian ministry.

We agree that the inclusion of “commercial activities” as a limitation should not be necessary when those activities flow from a genuine religious charitable purpose.

We believe that the “commercial activities” test should be removed from 10(2).

If not, at the very least the Explanatory Memorandum and Minister’s Second Reading Speech should make it very clear that activities flowing as a genuine expression of the beliefs or ‘calling’ of religious bodies, including para-church ministries, are by their nature charitable and not commercial.

Membership and employment

We agree that in order to fulfil their particular purpose as an expression of the wider church, it is essential that Christian media ministries must be able to select staff on the basis of genuine adherence to the Christian faith.

It also follows that organisations like ours must be able to set genuine adherence requirements on membership, as it is to the members that the committee, board and staff (including volunteers) are accountable for fulfilling the organisation’s mission and purpose.

Any Act arising from the current process needs to ensure the protection of these rights in relation to both prospective and employed staff (including volunteers), together with the ability to enforce conduct in keeping with the genuine expression of the religion. Where applicable the right to establish faith requirements for organisational membership must also be protected.

Vision Christian Media supports the notion that statements of faith and belief, and expectations of conduct flowing from them, should be transparently available.

End of submission