



A tribunal that was minded to exclude an organisation from the definition of a ‘religious ethos organisation’ and thus from the protections afforded by the remainder of the Act could offer a narrow reading of what it meant for an organisation to be conducted *in accordance with* a particular religious tradition.

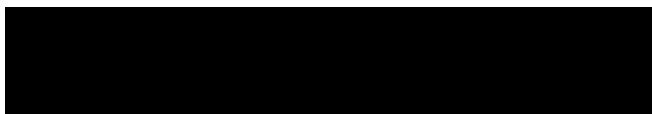
An example of a tribunal and ultimately a court providing a narrow reading of what it meant to be “a body established for religious purposes” in order to exclude an organisation from protections in anti-discrimination law occurred in the decision of *Christian Youth Camps Limited & Ors v Cobaw* decision<sup>i</sup>.

In order to avoid a tribunal or court being able to refuse protections for becoming the arbiter of what types of activities and organisational structures are “in accordance with” a particular religion, it is proposed that the definition also includes that an organisation be considered to be a religious ethos organisation if it is conducted “for the furtherance of” a particular religion. Such an approach aligns more closely with section 22M(1)(c) of the Bill.

*Q. We had one of our submitters talk about the fact that you may be able to contract out of the right to make statements around your religion, for example, outside of work hours. I just wanted to put to you that that would be something acceptable to you as well. In the case of Israel Folau – I do not know the circumstance. But if indeed there was an agreement that statements that are made outside the actual playing of a Rugby game would not traverse certain issues – that that would be acceptable as a matter of contract. Would that be something that you would support in an amendment to the bill as it currently stands, not specific to the personal circumstances I mentioned, but more as a kind of contracting out?*

I reiterate the response I provided at the hearing, that is, that we have to beware the power differential between employers and employees and be careful about people contracting away their human rights as the only way to get their job, perform their art or their sport.

Yours sincerely in Christ,



Most Rev. Anthony Fisher OP, DD BA LIB BTheol DPhil  
Archbishop of Sydney

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<sup>i</sup> [2014] VSCA 75