



**Additional questions - Dr Peter Stuart, Bishop, Anglican Diocese of Newcastle**

1. Referring to the evidence you provided on pages 27 and 28 of Hansard, on what basis do you support the diminution of the existing exemption provisions for faith based schools in the NSW *Anti-Discrimination Act 1977* if, as you acknowledged in your evidence, you have not discussed any such proposal with the Newcastle Anglican Schools Corporation?



11 December 2020

**To the members of the Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020**

In response to a further request from the Joint Select Committee, I outline below the most important facts or principles or ideas (the basis) behind my support for changing the existing exemption provisions for faith-based schools in the NSW *Anti-Discrimination Act 1977*.

The Bodies Corporate of the Diocese, including the Newcastle Anglican Schools Corporation, undertake their work in accordance with the mission, values and strategies of the Diocese. The consistent stance of the Diocese of Newcastle, in its Synod and Diocesan Council, is to promote inclusion and limit discrimination. I support and represent the stance of the Diocese in my ministry as the Diocesan Bishop.

The NSW *Anti-Discrimination Act 1977* fosters unnecessary discrimination in faith-based schools rather than promoting inclusion. It is consistent with the stance of the Diocese of Newcastle to promote alternative pathways to government.

In recent years the stance of the Diocese of Newcastle has been expressed in

- the adoption of a general code of conduct in 2015 entitled *Being Together* which states “We will treat each other with respect and dignity, irrespective of ability, gender, sexuality, race, age or contribution to the church”
- the Diocesan Strategic Directions document from 2018 stating a strategic goal to Encourage Inclusion which is expressed as “affirming God’s wide invitation to diverse women, men and children to participate in his life and his work” and proposes “ensuring the Diocese responds to LGBTIQ+ people, their families, the church community and the wider community in a manner consistent with the Gospel.”
- The Ethos Statement of the Newcastle Anglican Schools Corporation from 2019 stating “NASC Schools Appreciate diversity - NASC Schools recognise that every person is created in the image of God. Therefore, NASC Schools welcome families from all backgrounds and helps students to build respectful relationships with one another. Students will experience the school as a safe place to explore their identity, vocation and purpose.”
- work leading to the Appellate Tribunal of the Anglican Church of Australia confirming in November 2020 that clergy blessing a same-sex couple, who have been married in a civil service, is consistent with the Fundamental Declarations and Ruling Principles of the Anglican Church of Australia.



The NSW *Anti-Discrimination Act 1977* provides exemptions to faith-based schools in several ways. Section 56 provides a general exemption for religious bodies. The Act provides specific exemptions for private educational authorities under sections 26 and 31A in relation to discrimination based on sex, sections 38C and 38K in relation to discrimination based on transgender grounds, 40 and 46A in relation to discrimination based on marital or domestic status, 49D and 49L in relation to discrimination based on disability, 49ZH and 49ZO in relation to homosexuality, and 49ZYL in relation to discrimination based on age.

The NSW *Anti-Discrimination Act 1977* provides some exemptions to all educational authorities, for example the capacity to discriminate to operate institutions for people of specific age, sex or disability, but not all educational authorities have the wide-ranging exemptions provided to private educational authorities.

The Tasmanian *Anti-Discrimination Act 1998* provides the Joint Select Committee with a better model for balancing the needs of religious bodies and faith-based schools than the existing NSW Act and the amendments which are the subject of this review. It provides a test that discrimination based on religion in relation to employment in faith-based schools must be “in order to enable, or better enable, the educational institution to be conducted in accordance with those tenets, beliefs, teachings, principles or practices (s 51).” It also prohibits various forms of discrimination in student enrolment based which would be permitted in NSW.