

**Submission
No 38**

**ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND
EQUALITY) BILL 2020**

Name: Dr Peter Stuart
Position: Anglican Bishop of Newcastle
Date Received: 20 August 2020

20 August 2020

Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms & Equality) Bill 2020

By email: ReligiousFreedomsBill@parliament.nsw.gov.au

Submission from the Anglican Bishop of Newcastle on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020ⁱ

Introduction

The Anglican Diocese of Newcastle is one of seven dioceses of the Anglican Church of Australia in New South Walesⁱⁱ. Since the Diocese was established in 1847, the people of the Diocese have made rich contribution to the social fabric of New South Wales.

Anglicans, like other people of faith, are impacted by the bill to amend the *Anti-Discrimination Act 1977* (NSW). Anglican entities will be regarded as “religious ethos organisations” under the Bill.

Scope for improved protection of religious belief

There is a social good in protecting people from religious discrimination, but this should not occur in a way that places religious expression above other human rights enabling discriminatory behaviour by religious people towards others.

The social contract between Australian citizens seeks to affirm the private individual and communal expression of religious belief. In Australia, religious groups benefit from the social licence that enables them to contribute significantly in education, health and welfare work as well as contribute actively in public debate.

The 2016 Australian Community Survey revealed that 39% of Australians affirm that religion is good for society with a further 40% of Australians neutral on this question.ⁱⁱⁱ A survey by the Centre for Independent Studies found that 78% of Australians believe that respecting religion is important in a multicultural society^{iv}.

In the 2016 census, 67% of the people who responded to the question on religion associated themselves with a religious perspective. Around 57% of respondents identified with a Christian religion^v.

Some citizens express concern about the role of religions in Australian society. The Centre for Independent Studies survey found that there was majority support (54%) for including religious perspectives in public debates but the majority (52%) saw religion as divisive^{vi}

The religious profile of Australia is changing. One third of Australians indicated “no religion” in the 2016 census^{vii}.

There is global concern about the growing phenomenon of religious persecution with “one third of the world’s population suffers from religious persecution in some form, with Christians being the most persecuted group.^{viii}”

The Ruddock Review commented on the clear gap in the data “on the prevalence of harm suffered by people of faith” in Australia.^{ix}

There is no reasonable basis for proposing that religious organisations are unable to undertake their work in New South Wales.

Australia, as a leading global citizen, can be an exemplar to other nations when the Commonwealth and States enshrine protection from religious discrimination in law.

Bill fails because people will be rendered vulnerable to discriminatory conduct motivated by religious belief

NSW is out of step with almost all other States and Territories and with Australia’s obligations under international Human Rights Conventions by not protecting its citizens against religious discrimination.^x

We have previously opposed proposed Commonwealth legislation in relation to religious discrimination because it failed in its objective to ensure that all Australians are able to participate fully in our society without discrimination based on their religious belief.

There is scope for change in NSW law, but the proposed legislation, despite the proposed objects, places some persons or groups vulnerable to discriminatory conduct when that conduct is motivated by religious belief.

ⁱ I consent to the publication of this submission.

ⁱⁱ The Diocese covers the geographic region from the Hawkesbury River to Lake Cathie, and from the Coast beyond the Burning Mountain. The Diocese was established in 1847. It currently comprises 59 parishes. In addition, under the Anglican Church of Australia Bodies Corporate Act 1938 it has 4 schools, a welfare organisation and an aged care service provider. The Diocese through these activities and in partnership with other Anglican Dioceses and Bodies makes a significant contribution to Australian public life. The Right Reverend Dr Peter Stuart became the Bishop of the Diocese on 2 February 2018 and represents the Diocese in its public affairs. We pay respect to the elders of the nations on whose land the Diocese undertakes its work.

ⁱⁱⁱ <http://www.2016ncls.org.au/2016-ACS#results>

^{iv} <https://www.cis.org.au/app/uploads/2019/11/pp27-emb.pdf#:~:text=Australians%20support%20this%20view%20of%20tolerance%20when%20it,Australians%20are%20tolerant%20of%20religion%2C%20to%20a%20point>.

^v <https://blog.id.com.au/2017/population/demographic-trends/how-no-religion-became-the-most-common-religion-in-australia/>

^{vi} <https://www.cis.org.au/app/uploads/2019/11/pp27-emb.pdf#:~:text=Australians%20support%20this%20view%20of%20tolerance%20when%20it,Australians%20are%20tolerant%20of%20religion%2C%20to%20a%20point>.

^{vii} <https://blog.id.com.au/2017/population/demographic-trends/how-no-religion-became-the-most-common-religion-in-australia/>

^{viii} <https://christianpersecutionreview.org.uk/report/>

^{ix} <https://www.ag.gov.au/sites/default/files/2020-03/religious-freedom-review-expert-panel-report-2018.pdf>

^x The Ruddock review recommended that “16. New South Wales and South Australia should amend their anti-discrimination laws to render it unlawful to discriminate on the basis of a person’s ‘religious belief or activity’ including on the basis that a person does not hold any religious belief. In doing so, consideration should be given to providing for the appropriate exceptions and exemptions, including for religious bodies, religious schools and charities <https://www.ag.gov.au/sites/default/files/2020-03/religious-freedom-review-expert-panel-report-2018.pdf>