

**Submission
No 41**

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

Name: Dr Murray Harvey
Position: Anglican Bishop of Grafton
Date Received: 21 August 2020



THE ANGLICAN DIOCESE OF GRAFTON

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19 August 2020

The Hon. Gabrielle Upton MP
Chair
Joint Select Committee on the
Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020
Parliament House
6 Macquarie Street
SYDNEY NSW 2000

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

Dear Ms Upton

Submission: Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020

Thank you for your invitation to make a contribution to this inquiry into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 (the Bill).

As background, the Anglican Diocese of Grafton is one of 23 dioceses that comprise the Anglican Church of Australia. The Diocese covers the region of the north coast of New South Wales with 26 parishes conducting local ministry from Tweed Heads in the north to Port Macquarie in the south, with the Cathedral city of Grafton at its centre. Other major population centres in the Diocese are Lismore, Ballina, Coffs Harbour and Kempsey.

In addition to local Christian ministry, Diocesan organisations include our welfare agency, Anglicare North Coast, which provides community housing, emergency assistance, financial counselling, migrant support services and disaster recovery support. The Diocese operates five Anglican schools at Terranora/Tweed Heads, Ballina, Grafton, Coffs Harbour and Port Macquarie. There are over 4,000 students learning in our schools with approximately 400 teaching staff and 200 support and administration staff. The Diocese employs 38 clergy and 30 administrative staff across the region, as well as many volunteer church workers in local communities across the North Coast.

Turning to consideration of the Bill, the Diocese acknowledges that NSW does currently lack legislative provisions that prohibit discrimination solely on the basis of religion in comparison to those in place in other Australian jurisdictions such as the ACT and Queensland.

As a Diocese and a Christian community, we certainly welcome the provision of legislative protection for minorities and vulnerable communities from discrimination and vilification on the basis of religion in the way that current protections exist in law against discrimination on other grounds such as race, sex, disability and age.



The Anglican Diocese of Grafton supports the principle that everyone has the right to be free from discrimination on the basis of religious belief. At the same time, however, we strongly believe those seeking protection from discrimination should not be allowed to discriminate against others. Every individual, regardless of belief or none, has the right to live, work, study and receive health, disability or aged care with dignity and respect. Our belief is that every human being is a child of God and—in keeping with the Golden Rule that is honoured by many world religions—we seek to treat all people as we would hope they will treat us.

The Diocese understands that the framework for anti-discrimination is complex across Australia. Given this complexity, Commonwealth and State requirements need careful consideration in the framing of any new legislative arrangement for protection against discrimination on the basis of religion. There should be close scrutiny of the Bill against the suite of anti-discrimination legislation that already exists on a State and Commonwealth level. Unfortunately, we are not equipped to comment comprehensively on that aspect of the Bill.

The Diocese notes that the NSW Government's view is that it is more appropriate for NSW to wait until the Commonwealth's initiatives in this arena are finalised, before moving to address the need for NSW legislative protections. Given the issue is complex, with interactions across a variety of legislation (employment, anti-discrimination, and possibly a range of other Acts) the Diocese is of the view that any legislation in this area for NSW would be better brought forward by the Government and not a Private Member. There needs to be greater consistency and cohesion in the legislative framework for anti-discrimination across Australia, not less.

Due to the complexity of the current legislative framework, the Diocese is also very concerned about unanticipated outcomes of the proposed legislation. We note there is the possibility that the Bill as proposed could adversely affect groups such as women, divorced and unmarried people, LGBTQIA+ people, among others.

The Diocese is aware that the Legislation Review Committee has advised that:

if passed, the Bill may protect behaviour from certain educational authorities, charities etc, that is currently deemed to be discriminatory and unlawful under the Act. The Committee acknowledges that the Bill seeks to balance freedom of religion with other human rights. However, the Committee refers the amendments to Parliament to consider whether they are reasonable and proportionate in the circumstances.

The Diocese does not seek to be protected, on the basis of our Christian belief, from behaviour that is currently considered discriminatory or unlawful. The Diocese is particularly concerned that the balance of freedom of religion against other human rights provided by this Bill may not be reasonable and proportionate.

The Diocese has no reason to believe that religious freedom is under threat in NSW. Our church members and ministry units have not advised us of any examples of increased hostility in the workplace and public life due to the practice of their Christian beliefs.

The Diocese would be very concerned indeed if the effect of the proposed legislation was to give protection to religious activities which may be unlawful, such as religious activity that vilifies others or breaches civil obligations. We would not support the freedom of religion being prioritised above all other rights and freedoms when applying NSW's anti-discrimination laws. The Diocese would not seek protection of our Christian beliefs at the risk of unintended adverse impacts on already vulnerable people and groups in NSW communities.



Therefore, on balance, the Diocese is not supportive of the Bill as it stands.

I hope these comments are of assistance in your consideration of the Bill. If you require any further information about the Anglican Diocese of Grafton or clarification of our comments, please do not hesitate to contact this office or Canon Lee Archinal at [REDACTED]

Thank you again for providing the opportunity for the Diocese to comment on the Bill.

Yours sincerely

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Dr Murray Harvey
Bishop of Grafton

