

**Submission  
No 42**

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

**Organisation:** Baptist Association of NSW and ACT

**Date Received:** 21 August 2020



**Baptist Churches**  
of NSW & ACT

Ministry & Learning Centre  
Level 4, 5 Saunders Close  
Macquarie Park NSW 2113

**EMAIL** [hello@nswactbaptists.org.au](mailto:hello@nswactbaptists.org.au)

**PHONE** 02 9868 9200

[www.nswactbaptists.org.au](http://www.nswactbaptists.org.au)

ABN 24 941 624 663

21 August 2020

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

By email: [ReligiousFreedomsBill@parliament.nsw.gov.au](mailto:ReligiousFreedomsBill@parliament.nsw.gov.au)

### **Submission on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020**

#### **Who are we?**

1. The Baptist Association NSW & ACT is a voluntary group of Baptist churches that hold to a common theological framework, purpose, values and vision. Existing for over 150 years, we are made up of more than 350 churches in NSW and the ACT. Over 50,000 people are part of the Baptist family across the state and nation's capital.
2. As an Association of churches, we have interest in the Religious Freedoms and Equality Bill 2020 from the perspective of individuals in our churches and from the perspective of an entity classified as "religious ethos organisation". We strongly support the protection of religious freedom as a fundamental human right as outlined by the Siracusa Principles of the *International Covenant on Civil and Political Rights*.
3. We welcome the opportunity to make a submission to the Joint Select Committee and we give consent for this submission to be published. Our contact details are:

Full Name: Rev. Dr. Steve Bartlett, Director of Ministries, Baptist Association NSW & ACT

Email Address: [REDACTED]

Phone Number: [REDACTED]

Postal Address: [REDACTED]

#### **Content of Submission**

The assurance of religious freedom is vital for individuals living out their faith in daily life, for churches and religious institutions, and for the functioning of a pluralist society. We support the Religious Freedoms and Equality Bill 2020 because we desire to see freedom of religious belief (and its associated action) as a protected fundamental human right. As others have no doubt highlighted in their submissions, NSW is behind other states in protecting against religious discrimination and we have concerns that the delay in the Commonwealth's Religious Discrimination Bill leaves people and organisations in positions of undue risk. We believe it is essential to the functioning of a pluralist society for religious freedom to be a substantive recognised right in line with other rights, rather than this protection being left to a patchwork of exemptions and exceptions across state and federal law.



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***As a partner of Freedom For Faith, we would like to endorse Freedom for Faith's submission on the Religious Freedoms and Equality Bill 2020.***<sup>1</sup> We also support the submission made by the Anglican Church Diocese of Sydney.<sup>2</sup>

There are several key areas that we would like to highlight from the Religious Freedoms and Equality Bill 2020:

- a) We strongly support the inclusion of definitions for religious activities and “having a religious belief” as outlined in section 22K. The definition for “religious activities” is important in recognising that the practice of religion is far more than something that happens in a place of worship. Our faith represents the choices and actions we take in many areas of our lives including actions taken or not taken in community and the workplace. We also welcome the inclusion of religious belief as “not having any religious conviction, belief or affiliation” (22K1b) thus, protecting those who do not adhere to a religion. It is not our desire to see religious freedom elevated above other freedoms but rather brought into alignment with other protected attributes.
- b) The inclusion of “religious ethos organisations” in 22K is essential to the Baptist Association NSW & ACT and to our churches, some of whom run schools, childcare centres, and not-for-profit community organisations. It is not discriminatory for an organisation to hire based upon its shared values and beliefs (which for religious ethos organisations would include shared religious belief). To deny this right would severely undermine a religious ethos organisation’s ability to operate at all. We are supportive of proposed section 22M. Linguistically and culturally, we agree that it is favourable for a religious ethos organisation to be protected in its ability to hire based on religious belief rather than being exempt from discrimination.
- c) As highlighted in the letter to the Joint Committee by Archbishop of Sydney, Glenn Davies of the Anglican Church Diocese of Sydney, the rise of social media is making it increasingly challenging for people of faith to align with or speak about their religious beliefs in their personal lives without fear of ramification from their employer.<sup>3</sup> The private use of social media is only one example that draws attention to the need for protection of “private” expressions of religious belief external to the workplace. We support the Bill’s protection of private expressions of religious beliefs as protected activities (22N, Clause 3).

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<sup>1</sup> Freedom for Faith. Submission to the Joint Select Committee for the Religious Freedoms and Equality Bill 2020.

<sup>2</sup> Anglican Church Diocese of Sydney. Submission to the Joint Select Committee for the Religious Freedoms and Equality Bill 2020.

<sup>3</sup> Archbishop of Sydney, Glenn N. Davies. Anglican Church Diocese of Sydney. Letter to the Joint Select Committee for the Religious Freedoms and Equality Bill 2020.



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- d) Australian Christian Higher Education Alliance (ACHEA) has recommended a change to amendment 22S to include religious ethos organisations in the protections offered to individuals.<sup>4</sup> We support this recommendation from ACHEA and think it would appropriately protect religious ethos organisations from discrimination based on religious beliefs and actions from qualifying bodies.
- e) We strongly support the inclusion of clause 22Z, which prevents the state from discriminating based on religious grounds. The rich diversity of options offered to the Australian public in education and services is enabled because of the ability for those organisations to operate in accordance with their values and beliefs. The risk for religious ethos organisations is the withholding of state funding based upon religious belief, thus requiring religious ethos organisations to operate against their beliefs in order to accept funding.

## **Conclusion**

It is our desire for individuals to practice their religious beliefs openly and for religious ethos organisations to provide services to society, with love and without fear. We are strongly committed to a society where people of all religious beliefs and those without religious beliefs can flourish. The protection of religious freedom in NSW is needed now. We support this Bill and endorse Freedom for Faith's submission to the Joint Committee as outlined above.

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<sup>4</sup> ACHEA. Submission to the Joint Select Committee for the Religious Freedoms and Equality Bill 2020.