

**Submission  
No 70**

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

**Organisation:** Seventh-day Adventist Church

**Date Received:** 21 August 2020



# Seventh-day Adventist Church

## AUSTRALIAN UNION CONFERENCE

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

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### **About the Seventh-day Adventist Church and its Various Ministries**

Seventh-day Adventists are a values-based community of believers, representing more than 65,000 adherents in Australia and around 25 million globally, who are committed to making a positive difference in communities in Australia and throughout the world. The Seventh-day Adventist Church operates the largest Protestant education system in the world, with more than 1.9 million students globally, including over 15,000 students in primary and secondary education in Australia.

Adventist Education has operated in Australia for more than 120 years. Seventh-day Adventist schools continue to maintain and operate an open enrolment policy that accepts students from all walks of life, provided they are willing to respect the tenets, doctrines and principles of our faith. Adventist schools attract students from all faiths and those of no faith at all and, in many cases, provide a safe refuge with strong pastoral care for those who have been bullied, victimised and ostracised in other schools.

In addition to operating a large school system, the church also operates a significant Aged Care system, Humanitarian Aid Agency (ADRA) as well as Avondale University College, Sanitarium Health Food Company, Sydney Adventist Hospital and a range of other entities.

We respect the rights of people to believe and act according to their conscience while being constructive citizens. The advocacy for Freedom of Religion, Belief and Conscience is central to the Seventh-day Adventist world view and is based on our fundamental beliefs. Seventh-day Adventists believe in advocating for the freedom of religion of people of all faiths and those of none. These values are based on the biblical principles espoused in the gospel message. The whole concept of the gospel message is based on the principle of free will and the freedom of choice. Jesus has died for all human beings but will not force anyone to accept His offer of the free gift of Salvation. In this spirit of the gospel message, we do not wish to compel or force any person to act or believe in a certain way, however, in return, we request that we as believers have the freedom to live out our faith as individuals and the freedom to be

able to provides services and ministries to people who are attracted to the biblical beliefs, tenets, teachings and doctrines espoused that we teach.

Values based on Christian scripture define our norms. Jesus embodied these values perfectly in his life on earth and set an example for each believer to follow. The Bible asserts in Matthew chapter 9 that Jesus focused on the ministry of preaching, teaching and healing, and so as people who desire to follow the Bible, we have established a range of ministries to carry out that mandate, to be about preaching, teaching and healing. We believe these values challenge us to strive to be ethical and responsible citizens and provide a standard to guide decisions and practices in a world changed by modern technology and challenged by ethical dilemmas. Although as individuals and as a community we can and do fall short of this ideal in practice, we accept the challenge of living according to these ideals even when they differ from socially accepted norms and result in marginalisation.

These values and convictions were demonstrated by Seventh-day Adventists in history. They are seen compassionately in the work of the famous Fuzzy Wuzzy Angels of the Owen Stanley Ranges (Kokoda Trail) who risked their lives to save soldiers (and Australia) from further war atrocities. These values were also demonstrated in the life of Desmond Doss, the hero of the acclaimed movie *Hacksaw Ridge*, who, because of conscience and conviction that was out of step with the norms of his time, went beyond the call of duty and risked his life to save people. These values continue to be demonstrated by people, individually and corporately, from both the global north and the global south, in national and international development and relief projects to all people without discrimination on the basis of race, religion, gender or socio-economic status.

We recognise that not all people will choose this value system. Sometimes it can challenge a number of socially accepted norms. However, we also note that as time has passed, a number of practices based on these values have become socially acceptable. The emphasis on proactively adopting a wholistic lifestyle is now well recognised. This lifestyle includes dedicating regular time for personal and corporate spirituality, the freedom of forgiveness, drug-free living, a healthy diet, the dignity of work, regular exercise and community service. These practices build resilient people who can remain positive in the face of the complexities and pressures of modern life.

We do not have, or wish to have, the right to force these values on other people. Choice and conscience are part of our values. However, we do expect the right to model and advocate these values in all aspects of our organisation — churches, schools, colleges, hospitals, aged care and charities — as we work together for a harmonious, tolerant and peace-loving multicultural society in Australia and the world.

### **Terms of Reference**

We note that the terms of reference direct the Joint Select Committee to “inquire and report into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020, including whether the objectives of the bill are valid and (if so) whether the terms of the bill are appropriate for securing its objectives”, having regard to

- (a) Existing rights and legal protections contained in the Anti-Discrimination Act 1977 (NSW) and other relevant NSW and Commonwealth legislation.

- (b) The recommendations relevant to NSW from the Expert Panel Report: Religious Freedom Review (2018);
  - (c) The interaction between Commonwealth and NSW anti-discrimination laws and the desirability of consistency between those laws, including consideration of
    - i. The Exposure Draft of the Religious Discrimination Bill 2019 (Cth) and
    - ii. The ALRC review into the Framework of Religious Exemptions in Anti-discrimination Legislation.
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## Submission

The main point that we want to make clearly is that we desire to see people of all faiths or no faith to have the freedom to live according to their conscience and beliefs and that the legislation of this country will protect this fundamental human right in harmony with ICCPR Article 18. We strongly affirm the principles of the act as described in the Bill as to the interpreting of the requirements of the *International Covenant on Civil and Political Rights*, Article 18(3) and the *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights* within an appropriate Australian context.

We are of the view that it would be inappropriate to defer the consideration of this Bill, but rather, that now is the time that the matters raised need to be addressed and incorporated in the Anti-Discrimination Act.

We commend the New South Wales Government for establishing the Joint Select Committee on this Bill to provide an opportunity for individuals and organisations to provide comment and feedback on the Bill.

For a more detailed submission, we would affirm and support the material submitted by Freedom for Faith on behalf of its affiliates, including the Seventh-day Adventist Church.

It is deeply concerning for people of faith and organisations who operate as an expression of religious ethos to rely on 'exemptions' to be able to undertake their activities. In modern society, those who are seen to be able to lawfully discriminate based on an exemption are seen to be on the wrong side of community expectations. Therefore, it is essential that changes made in the context of this Bill are framed in the context of positive protection of human rights.

One of the things that we notice quite markedly is the increasing intolerance in society generally, and specifically towards people of faith. We see this in many forums, with this intolerance being expressed against the public expression of a Christian viewpoint and also in increasing rate of islamophobia and antisemitism. As a result of this, our society certainly needs the protections provided for in this Bill.

It is unfortunate that New South Wales is out of step with most states and territories within the federation of Australia due to the fact that it does not protect its residents and citizens against religious discrimination. Certainly New South Wales is a religiously and culturally diverse

society, and because we value these attributes so highly, we would commend to you the recommendation from the Ruddock Review that states should include religious belief and activity as a protected attribute. There is no reason for New South Wales to delay the introduction of such protections.

One critical component of the Bill is the differential treatment of “religious ethos organisations”. If this were to be removed or weakened, we could not support the Bill. It is essential that religious institutions be allowed to pursue their religious purposes by preferencing those who share the same religion in employment and in certain other contexts. A key arena where this needs to be affirmed is the delivery of Education, where it is appropriate that a Christian School should have the right to employ Christian teachers, just like a Muslim School should have the right to employ Muslim teachers and so on. We need to make it clear that as a church, our religious ethos organisations, outside of schools, do not employ a majority of Seventh-day Adventists, however, it is our belief that it should be the right of the organisation to determine which positions are reserved for the preferential employment of those who share the faith of the organisation. In our view the proposed section 22M does this very well and as a result it should not be watered down.

An important element of a modern pluralistic society is the freedom of expression and as such, we support the Bill’s protection of “private” expressions of religious belief, by prohibiting adverse action on the basis of religious belief that is expressed outside the workplace/professional/institutional context. This is essential, subject to limited and clearly defined exceptions because employers, qualifying bodies and educational institutions are increasingly imposing codes of conduct that improperly restrict private religious activity.

As indicated in the section about Seventh-day Adventists, one of our core values is that all people, those of various faiths and those of no faith at all, should be treated fairly and equally. As such, we support the addition of the new clause 3, because this will ensure that all rights are treated equally. We do not seek special rights for people of faith, rather, we desire to see religious belief being treated equally with other “protected attributes”.

We believe in the separation of church and state, and as such we hold the view that the state should be neutral towards religion. Therefore, we support clause 22Z, as this will ensure that the state does not impose conditions in the funding of contracts that exclude some religious bodies from receiving funding, or alternatively, cause them to compromise their religious ethos.

We are deeply concerned that residents and citizens in the state of New South Wales could be denied services in a shop or that a contractor could be terminated simply due to their religious beliefs. Many of these people who are discriminated against in such a way have no legal recourse – this needs to be remedied and can be through the provisions of this Bill.

In conclusion, we support this Bill as a significant enhancement of the positive protections for religious freedom and equality in the State of New South Wales with some minor amendments.

We welcome the opportunity to make this submission on behalf of the church's administrative regions that cover the state of New South Wales, being the North New South Wales, the Greater Sydney and the South New South Wales Conferences of Seventh-day Adventists.

We give consent for this submission to be published. For further discussion on this submission, please contact:

**Seventh-day Adventist Church in Australia**

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