

**Submission
No 115**

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

Organisation: St Andrew's Cathedral School

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Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedom and Equality) Bill 2020

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

Dear Members of the Joint Select Committee

I am the Chair of the Councils of St Andrew's Cathedral School (the 'Cathedral School') and St Andrew's Cathedral Gawura School ('Gawura'). St Andrew's Cathedral School is a K-12 co-educational school of more than 1400 students with a 135 year history.

Gawura is a K-6 coeducational school for Aboriginal and Torres Strait Islander children that opened in 2007, with 32 students currently enrolled. The Cathedral Schools are Diocesan schools within the Anglican Church Diocese of Sydney. In addition to serving as Chair of the School Councils, I am also Dean of St Andrew's Cathedral. Prior to ordination I was admitted as a solicitor in New South Wales.

I write to support the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020.

The Bill recognises the force of Article 18 of the *International Covenant on Civil and Political Rights* that the 'right to freedom of thought conscience and religion' includes freedom 'either individually or in community with others, and in public or private, to manifest..religion or belief in worship, observance, *practice and teaching*' (emphasis added). In other words, people of faith will band together in public works of service for the good of the wider society around them through the establishment of 'religious ethos organisations' including schools.

St Andrew's Cathedral School's vision as expressed in our Strategic Plan 2020-2024 is 'to inspire students to be passionate, creative learners who engage with the message of Christ and fully develop their gifts and abilities in order to serve in the world'. This vision statement assumes what is in fact true, namely that the vast majority of our students come from families that do not profess Christian faith. We are an open, inclusive and welcoming school. We are explicit about our desire for students to 'engage with the message of Christ', but there is no prior religious qualification to be a full and valued member of our school community. We welcome students and their families from many faiths, and none.



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But in order for our students to 'engage with the message of Christ' we must be able to maintain our own religious ethos character. So our mission is expressed in the Strategic Plan as follows: 'St Andrew's Cathedral School is a leading, city-based, globally connected learning community that seeks to be *authentically Christian*' (emphasis added). As part of our commitment to authenticity in Christian community we seek to 'model an engaged and dynamic Christian faith'.

In other words, in order for us to fulfil our mission and vision, it is fundamental that we are able to recruit employees who share our religious commitments, even while we remain a school open, welcoming and inclusive of students and their families who do not share our convictions. Section 22M of the Bill reflects the principle that a religious school that preferences employees who share its religious ethos is not discriminating against people of others faiths or no faith but rather, giving appropriate expression to the maintenance of the religious ethos, aims and character of the school.

Two entailments follow from this. First, it is misleading and problematic for religious freedom to be protected by way of exemptions from anti-discrimination frameworks. Part 2B of the Bill appropriately prohibits discrimination on the ground of religion while acknowledging that a religious ethos organisation does not discriminate when acting in ways that are in accordance with the 'doctrines, tenets, beliefs or teachings of the religion'.

The Cathedral School desires to promote and enhance our faith commitments and character, but we have no desire to discriminate against those who do not share our views. In fact, the Cathedral and Gawura Schools employ numbers of people who do not share our Christian faith. The existing 'exemptions' framework has not resulted in discrimination against students and staff who do not profess Christian faith, so there is no reason to think that the Bill will result in increased discrimination by religious ethos organisations. But without the freedom to appoint staff who share our convictions we risk the essence of our vision and mission.

Second, the right articulated by Article 18 of the ICCPR to 'manifest belief in community with others in worship, observance, practice and teaching' is not adequately protected





by exemptions from anti-discrimination frameworks that are limited to 'inherent requirement' or 'occupational requirement' criteria. That is, in order for the Cathedral Schools to be 'authentically Christian' it is not sufficient that only the Chaplain and the Christian Studies teachers hold to the Christian faith.

For most people of faith, (of any faith) faith informs the whole of life. Indeed, in the Christian tradition, Jesus was trenchant and unrelenting in his denunciation of those who confined faith and its impact to a merely ritualistic or dogmatic part of life. He insisted on the application and manifestation of religious truth and virtue in every part of life.

Hence, in order to be an 'authentically Christian community' providing a fully-orbed context for students to 'engage with the message of Christ' it is necessary that they observe faith in Christ not just in their religious education teachers, but in many of their teachers; not only in Christian doctrine but in a Christian world view that permeates and informs all their studies; not only in Christian teaching, but the experience of welcome, respect and care in real relationships with their teachers and the school staff in formal and informal contexts. Our vision of Christian education is comprehensive and all-encompassing. The Bill allows us to pursue this object without needing to fall within tightly circumscribed exemptions to anti-discrimination legislation. The mission takes a team. To build an 'authentic Christian community' the Cathedral schools rely on the contributions of every person, whatever their role may be.

The NSW Law Reform Commission recommended inclusion of religion as a protected attribute in anti-discrimination legislation as long ago as 1992. New South Wales (and South Australia) are now the only two States that do not protect citizens from discrimination on the basis of religious belief. Over the last twenty years, the robust 'social contract' that has allowed us to form a tolerant and diverse society has come under pressure. Respectful disagreement is not as highly prized or widely practised as it once was. Last year's Macquarie Dictionary 'word of the year' was 'cancel culture'. The proposed Bill protects people of faith (and none) from discrimination on the basis of religion while confirming that 'religious ethos organisations' do not discriminate - with respect to religious discrimination only - merely by seeking to promote and practice their faith in certain ways, for example, in the conduct of religious schooling.





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The Bill seems to me to strike the appropriate balance between the rights of people of faith to 'manifest their religion' and those of other faiths or none not to be discriminated against because of their religion or lack of it.

Thank you for the opportunity to make this submission.

yours sincerely



The Very Rev Kanishka Raffel
Chair, St Andrew's Cathedral School Council
Chair, St Andrew's Cathedral Gawura School Council
Dean of Sydney



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