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**From:** [Redacted]  
**Sent:** Monday, 29 January 2018 9:50 PM  
**To:** Policy AGD  
**Cc:** [Redacted]  
**Subject:** Comments on the Discussion Paper on the Modernisation of the Anti-Discrimination Act

**Follow Up Flag:** Follow up  
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29 January, 2018

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[Redacted]

Dear Director,

Thank you for the opportunity to comment on this proposal, and for the effort that has gone into it, acknowledging there is much to be commended. [Redacted]

As a member of [Redacted] [Redacted] the proposals in Discussion Paper on the Modernisation of the Anti-Discrimination Act are of great personal and professional concern. I fully support official submissions on this matter already made by both DBC and NTCS.

As a Christian, I strongly support initiatives to more effectively oppose and prevent discrimination, vilification, and sexual harassment. My concern is that these are balanced with the protection of religious freedoms and freedom of speech. With this need for balance in view, I offer the following comments on selected questions from the paper, as follows.

**Question 4: Should vilification provisions be included in the Act? Should vilification be prohibited for attributes other than on the basis of race, such as disability, sexual orientation, religious belief, gender identity or intersex status?**

Generally yes, however with careful provisos. The problem is with the prohibition "to offend, insult, humiliate or intimidate". In particular, "offend" or "insult" in relation to expressing a religious teaching or viewpoint which may inherently be offensive to members of other religions.

As a Christian in an increasingly secular society, I hear statements about Christianity and Christians which offend, insult, humiliate (and maybe even intimidate; this was very evident on social media in the lead up to the same-sex marriage poll). However, I strongly defend the freedom for such views to be expressed.

A 2002 case in Victoria of alleged religious vilification by Christians of Muslims was eventually settled out of court. One of the statements jointly agreed to by the disputing parties was: "the rights of each other, their communities and all persons, within the limits provided for by law, to robustly debate religion, including the right to criticise the religious belief of another, in a free, open and democratic society."

**Question 14: Should any exemptions for religious bodies be removed?**

This a key issue for my employer, NT Christian Schools. We have a policy of employing only committed Christians (teaching and non-teaching staff), and we enjoy the freedom to do this under the current provision of religious exemption. The identity and existence of Christian schooling hinges on this. There are any examples of Christian schools relaxing this to employ "sympathetic non-Christian staff" invariably sees them shift to essentially secular schools with a Christian ethos (a freedom which should afforded them).

However, many Christian parents desire the opportunity and freedom for their children be educated exclusively by Christian staff with an overtly Christian worldview. (Similarly for Muslim or Jewish parents, etc). This is a freedom which must be protected. It can only be effectively protected by allowing the continuation existing religious exemptions.

Removing exemptions and instead requiring religious bodies to apply for an exemption at the Commissioner's discretion takes away certainty and would be unworkable.

The heading to this section, "Removing content that enshrines discrimination", does not acknowledge that the religious exemptions exist to enshrine a human right, not to enshrine discrimination.

**Question 10: Should a representative complaint model process be introduced into the Act? Should there be any variations to the process of the complaint model as described above?**

The framing of this lacks detail. In principle, provision for a group to represent the interests of individuals or a group lacking voice or ability to seek their own rights is a good thing.

My concern here is that lobby groups opportunity pursue their own agenda, ostensibly representatively, but in practice with no requirement to obtain endorsement or approval from those they claim to represent. There also is a lack of clarity around what would constitute a representative body able to bring a complaint.

**Question 12: Should the restriction of areas of activity on sexual harassment be removed?**

Yes, good suggestion. There is no area of activity in our society where sexual harassment is to be accepted.

**Question 16: What are your views on expanding the definition of "work"?**

From my own experience in volunteer roles in church and NFPs, I would say that volunteers should be protected from unnecessary discrimination. However, religious exemptions should be similarly available to churches, religious schools etc. A good example of this volunteer boards and school councils, where full alignment with the values of the organisation are essential.

**Question 11: Should the requirement for clubs to hold a liquor licence be removed?**

It appears that this will mean that churches may be considered clubs. As such, will exemptions be given to enable churches to appropriately discriminate (or more properly, exercise freedoms)? For example, will our church be able to require adherence to our doctrinal statement in order for someone to become and remain a member? Will gender specific activities remain permissible?

**In Summary**

These proposed changes may have far-reaching consequences, and need to be carefully balanced against protection of existing freedoms of religion and speech. Thank you again for your willingness to consult. I request that any report following the feedback period be made publicly available. I also request that there be further opportunity for public comment when the specifics of the draft Bill are available.

Yours faithfully,

