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From: [REDACTED]
Sent: Tuesday, 2 January 2018 4:01 PM
To: Policy AGD
Subject: Comments - Modernisation of the Anti-Discrimination Act NT

Follow Up Flag: Follow up
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Dear Ms Sarah Witham,

I had the chance to attend one of the public consultation sessions and it was a good opportunity to hear the proposed amendments explained in detail. In addition to the discussion held that day in the session and I would like to submit my comments below on some of the proposed changes to the law.

1. Vilification

"The Act could be amended to make it unlawful for a person to do an act, other than in private (for example at home), if the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people..."

The suggested amendment is very broad. There needs to be more clarity provided to the Christian community of what this means exactly and if there are any protections of religious freedoms for existing Christian beliefs/teachings that another person may find offensive. For example, a Christian poster in a public area for an event on marriage and sexuality may be deemed offensive by someone with different beliefs, though the intent of putting up such a poster isn't to vilify any person or group.

2. Representative Complaint Model

"A representative complaint could be lodged without obtaining individual consent of each person who may assist the subject of the complaint..."

There needs to be more clarity provided on this amendment as well. There is a chance that a complaint may be lodged about a matter to the Commission when the individual involved in the case may not want to lodge an official complaint. What measures would be present to prevent unnecessary escalation of issues where other avenues of resolution are available? Also, would there be measures to enable de-escalation or the closing of a matter once a complaint has been lodged and accepted by the Commission without the individual's consent?

3. Religious Exemptions - on prospective students

"One of exemptions that could be removed is section 30(2) that permits religious schools to exclude prospective students who are not of that religion."

Removal of this religious exemption would open up Christian schools and institutions to discrimination charges because the core teachings and beliefs of Christians are bound to "offend, insult, humiliate or intimidate another person or a group of people". The exemptions exist to protect Christian communities just as there are other laws to protect other groups in the community. An NT Government that removes protections for any group in the community, regardless of religious belief, is a Government that fails to promote equal protections for all as it leaves one group more vulnerable than others.

One such example is a Christian school which doesn't recognise gender fluidity. The parents who send their children to such a school are aware of that and those parents that do not agree with such a stance are free to choose other schools for their children. The exemption exists because conflict is likely to arise where non-Christian parents willingly choose to send their children to schools that are against their own belief system. My view is that such exemptions should remain in place and not be amended as they prevent escalation of matters where conflict of ideas is inevitable.

4. Religious Exemptions - on school employees

"Another exemption that could be removed is section 37A that permits religious schools to discriminate against employees on the grounds of religious beliefs, activity or sexuality if done in good faith to avoid offending the religious sensitivities of people of the particular religion."

Similar to point 3 above, removal of this exemption would open up Christian schools to discrimination complaints when differences in core beliefs arise. For example, a non-Christian teacher is bound to find offensive the school's teaching on gender fluidity, marriage and sexuality; or participating in any of the school's religious activities. The NT Government has to acknowledge that removal of an exemption will not change what Christian schools teach or hold to as core beliefs. The exemption protects the schools as a preventative measure, before any likely conflict arises and should therefore remain in place.

5. Religious Exemptions - access to land and buildings

"Section 43 permits restricted access to land, building or place of cultural or religious significance on the basis of sex, age, race or religion if it is in line with the religious doctrine or necessary to avoid offending the cultural or religious sensitivities of people of the culture or religion."

Most buildings established by Christian communities as places of worship or for other uses exist today because those communities collected financial and other resources in order to get the building constructed, or to purchase it for that purpose. Therefore these buildings are set up for a specific purpose which cannot be determined by an external body. Also, places of worship for Christians are considered sacred places for those that use those spaces, just as the Indigenous communities have areas sacred to them. The term 'sacred' can't be determined by an external body that does not use the building/area, but by the people who see its value beyond the physical.

An example is a Church building that is used for religious services for people who hold the same beliefs. To open the Church to use for events contrary to Christian teaching is to not consider the sacredness of the building. What is sacred to a Christian is not necessarily sacred to a non-Christian. Again the NT Government has to note that removal of an exemption will not change what Christians believe about the use of a building/area. Therefore the exemption should remain in place as a preventative measure, before any likely conflict arises.

6. Request for final report to be made public

In the public consultation it was made known that the final report, the one to be submitted to parliament, might be published for the NT community to view. I believe this would be a good idea for everyone who has submitted comments to gain some assurance that the NT Government has taken all views and concerns into consideration and that they have not been swept to the side, in favour of a few.

I also think that a second draft of the Bill with a second round of consultations would be good as this discussion paper has raised more questions than answers of what the everyday impact would be on the wider NT community.

Thank you and regards,

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