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The protection of religious freedom is now an urgent matter in Australia.

The 2016 census revealed that the largest religious category in Australia were those who professed 'no religion,' being 30.1% of the population. At 22.6% and 13.3% of the population respectively, the Catholic and Anglican Churches are the next largest religious groupings, with all other faith groups each comprising less than 4% of the population. While 52% of Australians still identify as professing a Christian faith, the trend indicates that Christianity may soon be a minority faith in this country.

Issues of religious freedom have become even more pressing in the current social and political climate. Despite promises that no change to the marriage law would be made without simultaneous protection for religious freedoms, the law changed without any meaningful protections for people of faith.

Instead, the protection of religious freedom was referred to an Expert Panel chaired by Philip Ruddock earlier this year and, although the report has been completed and was handed to the Government back in May, the public has not seen it because it is on hold until a more politically convenient time.

But even without the contents of the review, we can be fairly certain of what it will say. The Ruddock review was the fifth inquiry into the protection of religious freedom to occur in Australia in the past three years, and all have found that religious freedom protections in this country are patchy and inadequate.

In addition to the same-sex marriage debate, there are other societal trends that point to a need to address these matters urgently: certain state and territory governments have signalled an intention to limit or remove the few religious freedom protections in anti-discrimination laws; there is a propensity for activists to use anti-discrimination 'lawfare' to punish or silence those with whom they disagree, and there has been a recent shift in the openness of some elements of Australian society to religion and religious believers. For all its talk of tolerance, there are powerful influencers in our culture less and less tolerant of religion. There is now a more hard-edged determination to minimise the role of faith in everyday life and exclude it altogether from the public square.

This, my friends, is the climate in which we find ourselves today and the subject of this evening's discussion.

At the beginning, I want to set the scene on where we are now for religious freedom from an international, national and local level, and look ahead to the Ruddock report being released and the potential response to that.

When we talk about religious freedom, it's important to know that religious freedom encompasses theistic, non-theistic and atheistic beliefs, the freedom to not profess any belief, and the freedom to change those beliefs. It belongs not only to individuals, but to communities, because it is within religious communities that individuals seek religious truths and practice their faith.

The UN Human Rights Committee tells us that religious freedom encompasses a broad range of acts which include liturgies, the observance of dietary regulations, wearing of distinctive clothing, and the freedom to choose religious leaders and teachers, establish seminaries or religious schools, and prepare and distribute religious publications and texts.

These aspects of religious freedom – freedom *for* the exercise of religious belief – are often referred to as ‘positive’ religious freedom. Negative religious freedom is freedom from discrimination based on religious belief.

At international law, there are a lot of treaties and instruments that protect both positive and negative religious freedom, but the key one I want to discuss today is the International Covenant on Civil and Political Rights (**ICCPR**.) This document speaks of the freedom to hold and change a belief, and also to manifest it, subject only to limitations where required to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Now this is important, because the ICCPR also contains other rights, like the right to be free from discrimination; so what do we do when two or more rights conflict? The UN, in a document known as the Siracusa Principles, tells us that when rights conflict, special weight is to be given to what they call non-derogable rights, and freedom of religion is one of those. In other words, freedom of religion isn't just one right among many; it comes with a UN-endorsed trump card of sorts.

Despite the strong protections in existence in Australia, our protection for freedom of religion is inadequate.

Let me explain why.

It is often said that freedom of religion is protected in the Constitution, but it's not really. For starters, the constitutional protections only apply to laws passed at a federal level, and most of the risks to religious freedom come from the states. Also, the High Court has said that the Constitution only stops laws intend to restrict religious freedom. That a law in practice restricts freedom is not relevant, apparently.

In parts of Australia, and especially in NSW, both positive religious freedom and negative religious freedom do not enjoy the same protections as other grounds of discrimination, like sex, gender, marital status and the like.

In NSW, religious belief is not a protected attribute under anti-discrimination law. A business that is otherwise open to the public can hang “No Christians served here” signs in their windows and still be within the bounds of the law.

Last year, friends of mine who organise an event called Theology on Tap were told they could not make a booking for a space in a pub in Surry Hills because of the nature of the event, and there was absolutely no recourse for them at law. If the same pub refused service to an LGBTI group, they could – and would – be sued.

A person could stand on a street corner in NSW and engage in religious vilification, and it would not be against the law. Have them stand on the same street corner and speak about the dangers of gender ideology, and they could be sued and obtain an apology and damages.

Then we move to positive religious freedom, that is, the ability to proactively practice your faith in public or in private, alone or in community with others, in worship or in the building and running of schools, hospitals and social services.

Australian law does very little to positively protect religious freedom; instead, the law protects people of faith through certain exemptions to anti-discrimination law. For example, the Catholic Church of my own tradition can have a male-only priesthood because of a specific exemption in the *Sex Discrimination Act*. We can insist that school principals of faith-based schools are themselves people of faith because of a specific exemption in the *Australian Human Rights Commission Act* and so on.

Religious freedom isn't seen as a right in and of itself; but rather a legal way for us to discriminate against others. That is, in part I think, why we have such a hard time trying to defend ourselves against threats to religious freedom because the way this freedom has been framed is as a license to discriminate against others.

And maybe that's been okay up until now. We haven't really ever talked about freedom of religion in terms of a positive right to believe or a positive right to practice, because our ability to do so has been taken for granted.

Until very recently, the importance of the free exercise of religion to Australia's social fabric has been largely uncontroversial. People of all faiths and none once recognised the contribution of Judeo-Christianity to Australia's laws and customs, and of religious believers to Australian society more generally.

Even if not believers themselves, Australians committed to our nation's unwritten virtue of a 'fair go' were content to let people of faith practice their beliefs without interference from state or society. Many who are proudly Australian, or who aspire to be after fleeing persecution, treasure the generous space traditionally allowed in our law and culture for people to believe different things and practice their most deeply held beliefs.

Things have changed; obviously. While not solely responsible for the threats to religious freedom in Australia, the redefinition of marriage that occurred in December of last year did force many people to think about religious freedom and position themselves for or against it.

And what was the result of all that thinking?

When we think about religious freedom, most of us have our minds immediately go to the bakers, and whether or not they should have to bake a cake for a same-sex wedding. And while that is one of the questions – and an important one – because the baker question is not about being for or against same-sex marriage, but about whether or not you can be compelled, by the force of law, to use your skills to express or endorse a message with which you fundamentally disagree, it can be a little bit of a distraction.

The question of religious freedom goes much broader than bakers, important as they are. Here are just some of the questions we need to ask when we talk about the effect of the law on religious freedom.

Education

Will Christian schools be able to preference Christian teachers and other staff for employment, or will this be seen as faith-based discrimination against those who are not Christian?

Even more boldly, will Christian schools be able to insist on a commitment to the Christian ethos as a condition of employment, and be allowed to discipline a teacher who publicly goes against those standards?

In the Northern Territory, a government discussion paper released last year looks like they are getting ready to remove that right from faith-based schools. The WA government has also made similar comments.

Will Christian schools be able to continue to preference Christian students for enrolment, or should enrolment be on a first-come, first-served basis? Again, the Northern Territory is looking to change this one. And in Ireland, the Education Minister has also indicated that they are looking at taking this right away.

Continuing with enrolment policies, will Christian schools be able to insist that an all-girls school only enrolls biological girls?

Related to this, will uniform policies, team sports, camping accommodation and toilet facilities based on a child's biology be allowed to continue in our schools?

We know that groups like the Yes Campaign and Amnesty International lobbied the Ruddock review for the removal of these types of protections; and the removal of public funding from those who fail to comply.

Will Christian schools be allowed to continue to teach a faith-based perspective on life, marriage, family, gender and sexuality? Or, like Brindabella Christian College in Canberra, will they receive threats from the education minister for daring to express a Christian view on marriage? Last year in the UK, the government's integration expert, Dame Louise Casey, told a government inquiry that it was "not okay" for Catholic schools to be against same-sex marriage, because it is not how we bring children up in this country.

Will schools be able to resist attempts to force them to teach LGBTI sex and gender education, in the name of anti-bullying? Or, like Jewish schools in the UK, will it become compulsory, with schools that refuse threatened with closure? Or, like schools in Ontario, Canada, will they be threatened with the removal of their government funding?

What about Special Religious Education (**SRE**) teachers in public schools? How much longer will they be able to teach a faith-based perspective on life, marriage, gender and sexuality? In NSW, the position is tricky; I heard a few weeks ago of an SRE teacher who had been told not to return for presenting the Christian teaching on sexuality.

And will parents have the right to remove their children from classes that present religious or moral teachings that conflict with their beliefs, in the same way that public school parents are allowed to exempt their children from religious education classes?

Let's move from schools to our welfare services

Will groups like AngliCare or the Wesley Mission or St Vincent de Paul and others be able to preference Christians or those who share our ethos for employment? A Queensland court decided that St Vincent de Paul couldn't insist that its conference president be Catholic.

Will agencies be denied government contracts based on their religious beliefs? Groups that receive government funding have recently issued guidelines that say the government should be wary of granting emergency relief contracts to faith-based aid organisations because of their views on LGBTI issues. In Canada, non-profit organisations have for years participated in the 'summer jobs' program, which provides a subsidy to charities and faith-groups willing to hire university students in the summer break. This year, those same groups were only eligible to participate if they signed a document where they accepted the right to abortion: even though it had no relevance to the program itself.

Will charities lose or be denied charitable or tax-deductibility status based on its views of marriage? Catholic adoption and foster care agencies in the UK lost their charitable status for refusing to place children with same-sex couples, even though LGBT charities are still allowed to only place kids with LGBT couples. And the Family First charity in New Zealand also lost its charitable status after a government agency deemed that promotion of the traditional family was not for the public benefit (even though every reliable study on the matter will tell you that the public is benefitted from the presence of traditional families.)

What about Christian pre- and post-marriage courses and counselling? Will they need to be open to same-sex couples? Just last month, a major Catholic marriage counselling service in Ireland announced that it would counsel same-sex couples as well, because if it didn't, its government funding would be removed.

Slightly more controversially, what about church ministries that encourage and support those Christians with same-sex attraction who want to live a life of chastity? Will they be able to still exist with foreshadowed bans on so-called conversion therapy?

Let's move on to our facilities belonging to faith-based institutions.

Exemptions to anti-discrimination laws apply to bodies established for religious purposes, but the case law is narrowing what that means. A recent Victorian case held that a company called Christian Youth Camps, established by the Christian Brethren, required to operate in accordance with the fundamental beliefs and doctrines of the Christian Brethren and aimed at communicating the Christian faith by creating an "obviously Christian" atmosphere – was not be a "body established for religious purposes" because it offered its campsite, for a fee, to non-Christians as well. For this reason, it could not refuse a camp for gay teens. Where does this leave other Christian conference and retreat centres?

Schools aren't considered to be bodies established for religious purposes, so their chapels are currently vulnerable to bookings for the same-sex weddings of former students.

What about speech? You would all, I'm sure, remember the case of Archbishop Julian Porteous who was taken to the Tasmanian Anti-Discrimination Commission for distributing a pastoral letter about marriage to parents of children in Catholic schools. What you might not know about that case is that the person who made the complaint did not receive a copy of the booklet, but instead needed to go online and find it in order to be offended by it. And she was only prompted to do so after Australian Marriage Equality issued a media release, calling on its supporters in Tasmania to make complaints. Interestingly, all the Catholic Bishops released the same letter but, because the law in Tasmania is so opposed to religious freedom, it was intentionally chosen as the place for the claims to be made.

It is likely that the Archbishop Porteous case will be rectified as a result of the Ruddock review, but will the same protections for speech apply to those who aren't ministers of religion? Or will they risk being dragged before anti-discrimination tribunals? How much longer will it be until a speech like the one I am giving tonight becomes illegal?

Will there be any protection for them against losing their jobs if they express an unpopular opinion, like that 18 year old girl from Canberra who got fired for popping an "It's Okay To Say No" filter onto her Facebook profile? Or the federal public servant who was given an official warning after complaining that they felt the staff were under too much pressure to participate in a pride parade? Or William Englebrecht, who lost his job at Townsville City Council for accidentally leaving his book about the consequences of same-sex marriage in the lunch room?

What about professional memberships and accreditations? Will doctors, psychologists, lawyers and others be considered to be appropriate members of those professions if they hold faith-based beliefs? The body responsible for regulating all of Australia's health practitioners, including doctors and psychologists, has put forward a new code of conduct which says that practitioners could be sanctioned, and even banned, if they express a public view on a matter that goes against the generally accepted view in the profession. This is troubling, given that the current position of the Australian Medical Association and the Australian Psychologists Association is pro- same-sex marriage, pro-gender reassignment, pro-abortion etc. Last month, Queensland's Dr David van Gend was again dragged before the Medical Board because he retweeted Lyle Shelton and Miranda Devine back in April.

And what about lawyers like myself? The NSW Law Society which is responsible for my registration is pro- same-sex marriage, as is the NSW Bar Association. Trinity Western University, a Christian college in Canada, cannot offer a law degree because certain Canadian law societies have refused to admit to practice any law graduates from that college. In the view of these law societies, and the Supreme Court that upheld their decision, students who agree to live by Biblical principles while studying at the university are too "homophobic" to serve the country as lawyers.

How much longer do university chaplaincies and faith-based societies have left before they are banned from operating, unless they open their leadership up to atheists, or stop holding pro-life or pro-marriage events on campus? My friends at Sydney University Catholic Society had a long-standing fight they had with the University about this one. In certain universities in the UK, faith-based student societies are not even permitted to hold stalls at the orientation days for new students, on the grounds that their presence may contribute to an unsafe environment.

And what about the rights of parents?

Will it be deemed a risk to children to raise them in a particular faith, and teach them to live in accordance with those beliefs? Will prospective adoptive and foster parents be required to take an LGBTI pledge before being allowed to look after kids? A Perth couple were refused the ability to foster children because they failed the “Safe Schools” test on gender and sexuality.

And then we have our medical professionals. Will they be forced to participate in IVF procedures for same-sex couples? In gender reassignment or anything else?

Yes, it’s a long list. I have been accused, more than once, of just scaremongering, but there are numerous examples of threats both here and overseas along these lines.

My friends, we cannot take our religious freedom for granted anymore. Enemies of Christianity want to relegate the practice of faith into the walls of a Church, and politicians without conviction will let them do it unless we stand up.

So, what can we do about it?

Obviously, the Ruddock Review, whenever the government chooses to release and respond to it, will be a focus of our energies. Make sure you’re signed up to groups like the Australian Christian Lobby and others for updates about what is happening. In these times, we must join together with other Christian denominations in this fight. Yes, there are important theological differences amongst different groups, but the battle for religious freedom is one that concerns us all. So we need to work together.

Make sure you contact your local MP and those who will be seeking your vote in the next elections, both state and federal. We are just six months away from the state election, and no more than 8 months from the next federal one. Make sure your prospective MPs and Senators know that religious freedom is an urgent priority for you.

But also, make sure you exercise your religious freedom, daily. It will be so much easier for them to take it away from us if we don’t care about it anyway. If Christian parents don’t take an interest in what their kids are learning in school, then why would the government seek to protect it at law? If Christian organisations don’t care about the Christian commitment of their staff, then why should the government? If, as I have seen in my own Catholic tradition, we abandon the practice of the confession, then why would an MP feel as if they needed to be courageous enough to defend it?

If we continue to speak Christian truth about life and love, marriage and family, then maybe doctors and other medical professionals, lawyers, teachers and public servants, might not be so easily sanctioned if they express the same view in our workplaces.

We best answer threats to religious freedom with courage and conviction. The more we see them coming for us, the more boldly we have to proclaim Christ. If we don't, then future generations, our children and grandchildren, will never know the freedoms we enjoy today.

There is a great saying, unfortunately made popular by the National Rifle Association which is used whenever there is suggestion that a law be passed limiting access to guns: "You can have my gun when you pry it from my cold, dead hands."

Now, I'm not endorsing the NRA or gun ownership – I think that guns in the USA should be banned – but we can learn something from their commitment.

In a sense, we also need to say: you can have our religious freedom when you pry it from our cold, dead hands. In a faith that was borne from the blood of the martyrs, at a time when Christians around the world, in their tens of thousands, are being martyred for their faith, I do not say this in jest or even as an analogy. We need to be prepared to give our lives for the freedom to practice our faith.

But martyrdom, my friends, does not come in one grand act. Martyrdom, and preparation for it, comes in our commitment to prayer and our own striving for holiness, each and every day.

There may be a time, in the not too distant future, when gatherings like this become illegal or impossible because of the presence of protestors or the denial of venues in which to host them. A time when, as Justice Alito said in the Obergefell case in the US that legalised same-sex marriage, that "those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes," but not in public. A time when we will once again become an underground Church.

In these times, all that will be left will be the ability to proclaim and pass on our faith by the witness of our lives. We will teach our children and grandchildren about the Christian view of marriage by the way we love our husbands and wives. We will teach about the dignity of each and every human person made in the image and likeness of God by the way we treat others. As St Paul says in Galatians 5:22-23, "The fruit of the Spirit is charity, joy, peace, patience, kindness, goodness, forbearance, meekness, faith, modesty, abstinence, charity. There is no law against such things."

In some ways, dear friends, I feel like I'm preaching to the choir. I know this community stands as a beacon with everything you do. So, keep doing it. Keep going forward. God bless you. Thank you for having me here.

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