

The Presbyterian Church of Queensland

This submission has been prepared by the Gospel in Society Today team (GiST) on behalf of the Presbyterian Church of Queensland (PCQ). Approximately 7500 people attend PCQ churches across Queensland each week. PCQ has faithfully served the Queensland community in many ways for over a century, and is directly involved in providing health care, aged care, community and chaplaincy care as well as school and tertiary education.

For further information regarding the position of the GiST team and PCQ, please contact the convenor of the committee

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Summary of Our Position

PCQ urges the review panel to propose recommendations which maximise freedom of religion. Our position is that the positive legal right to freedom of religion serves the best interests of nurturing a diverse and tolerant Australian community. Given the important role of the law in both reflecting and shaping our culture, we recommend that religious conscience and expression, and the associated rights of freedom of speech and of association, needs to be both more soundly encouraged and protected in law. Such legal protection is particularly important at this time when the religious freedom of parents in the educational context and religious institutions such as schools and charities are under question. We urge the panel to recommend, therefore, that there are compelling reasons for taking greater measures to protect religious freedom under federal law, and that laws should be enacted that protect both individuals and organisations from discrimination or detriment due to their religious beliefs.

Our submission affirms and reiterates the PCQ *Submission to the Australian Commonwealth Parliament Human Rights Sub-Committee and the Joint Standing Committee on Foreign Affairs, Defence and Trade: Inquiry into the Status of the Human Right of Freedom of Religion or Belief*.

Reasons for Our Position

Our reasons for urging recommendations which maximise freedom of religion in Australia are as follows:

- We believe that all people are created in the image of God and are, thus, equally precious and to be honoured as such in the face of our differences. We also believe that God has given all people a spiritual or religious sense. There is no substantial divide between 'religious' and 'secular' people as every person holds beliefs about the source of their significance and identity that are of fundamental personal importance and which shape their lives and actions, both private and public. Therefore, one aspect of protecting and honouring human dignity and equality is to allow every person equal freedom to explore, debate, express and live according to their spiritual and religious convictions, both individually and together, publicly and privately, without discrimination, detriment or coercion.
- We believe that all people have turned against the God who made us, choosing to find our identity and significance apart from Him. One of the results of this turning away has been hatred, dominance and selfishness. Nevertheless, each and every person retains the image of God and is equally precious.
- We believe that Jesus Christ shows us what it means to be authentically human in perfect relationship to God. Jesus chose to use His freedom to serve people such as us who have turned against Him, to the point of dying in our place. He did this to take the just punishment we deserve for all we have done against God and each other.
- Therefore, as those made by God and as deeply thankful recipients of Jesus's freely given love, we seek to use our freedom to warmly engage our community in open discussion about beliefs and values, seeking to show the significance of Jesus for every person. Importantly, we believe there is no place for coercion of such belief since God rejoices in those who choose to follow him with free and willing hearts. Hence, we firmly uphold the right of all those holding different beliefs and values to our own to publicly discuss and live according to their convictions with equal respect and freedom.
- We recognise that expressing the breadth of spiritual, religious and philosophical views in Australia inevitably uncovers deep disagreements and even hurts. This presents a challenge to all people to listen and disagree respectfully. We argue that the best way to ensure caring engagement is to allow all views to be equally and respectfully expressed and honoured in public life and conversation. Indeed, the ability to publicly debate complex social and political truths is a powerful force against the tyranny of one view over others. We, therefore, encourage the panel to recommend that a key role of our government is to protect and encourage such candour of religious expression and conscience.
- As we speak about Jesus, we also seek to reflect his love by serving our community in all its breadth and diversity, building on a long, rich Christian tradition of community service. As part of this love and service, we seek to care for and protect those who are, or who are potentially, marginalised. A particular emphasis in the GiST team's

recent work has been relating to LGBTQIA people with care and understanding. In our current cultural climate where freedom of public religious expression is under question, and where immigration continues to enhance the diversity of cultural and religious views in our community, we also seek to encourage the protection, understanding and respect of the whole range of religious groups.

Specific Concerns and Recommendations

We broadly endorse the recommendations of the Freedom for Faith submission 'Protecting Diversity: Towards a Better Legal Framework for Religious Freedom in Australia'. We also support the submission made by the Presbyterian Church of Australia, 'Submission to the Expert Panel to examine religious freedom protection in Australia (2017)'.

We highlight concerns regarding these specific freedoms:

- 1. The freedom of parents to raise their children according to their religious convictions.** As the Freedom for Faith Submission points out, this is recognised by the ICCPR (article 18.4) and the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Belief (article 5.2). Integral to this is the capacity of parents to be aware of areas of the curriculum which might conflict with their religious beliefs and the option of withdrawing their children from those classes. More broadly, we recommend that relevant instruction be available within public schools for children of different faiths. We also call on the panel to recommend that religious communities be able to establish schools in which education is delivered in a way consistent with their religious beliefs. We also ask that Anti-Discrimination legislation contain positive provisions for the right of religious bodies to selectively employ staff who share these convictions.
- 2. The freedom of churches and their agencies as well as independent religious agencies to function.** The contribution of church agencies and Christian organisations to the public good continues to be considerable. These agencies and organisations include the advancement of religion as one of their key aims. We argue above that the free expression of religion is a positive good in our community. We, therefore, ask that 'the advancement of religion' as an aim continue to be permitted under the Australian Charities and Not-for-profits Commission Act 2012. We also ask that those faith-based charities and PBIs established by churches continue to be given charitable status under the Act.
- 3. The freedom of ministers to religion to determine which couples they will marry.** The PCQ has consistently maintained, in accordance with biblical teaching and the rites of the Presbyterian Church, that marriage is only between a man and a woman. We recommend that legislation clearly make provision for and protect the ability of

ministers of religion to determine which couples they will marry as an expression of religious freedom

4. **The freedom of expression of religious conviction.** We argue that there needs to be legal protection for the expression of beliefs without fear of anti-vilification legislation. As followers of Jesus, we in no way support speech that is contemptuous, hostile or incites violence. However, for the purpose of encouraging respectful diversity, we argue that subjective interpretations of vilification should not be permitted to limit legitimate expressions of differing points of view.
5. **The freedom to publicly express faith and convictions both as individuals and as communities in the public sphere such as schools, and government owned halls and spaces.** This is an open way to honour diversity of belief, allow freedom for community service and encourage transparency of belief.

We are thankful for the opportunities we have had in Australia thus far to freely express and live according to our Christian convictions and eagerly desire to continue for the good of the Queensland community. We also keenly uphold the rights of those who hold different views to continue do the same with equal freedom. We are thankful for this opportunity to make a submission and we continue to pray that God will give wisdom and courage to the panel and to the government in this matter of religious freedom.