

Senate Legal and Constitutional Affairs Legislative Committee

Questions on notice put to the Presbyterian Church of Australia and the Presbyterian Church of Victoria asked on the 20th of January 2022, Parliament House, Canberra.

1. Senator Bragg: Do you want to be able to discriminate based on sexual orientation or preference in the hiring of your staff?

Put simply, we want freedom of association based on religion. We want the right to organise together with other like-minded people (whether they be professing Christians or not) to create organisations with specifically Christian beliefs and/or goals.

In both submissions, the PCA and the PCV we have stated that our preference is to choose staff who support and accept the tenets of our faith and mission and who live consistently according to these.

For most Christian institutions this means appointing staff who share the beliefs of the organisation and who live consistently with those beliefs. That is they are concerned with belief and behaviour, not with sexual orientation *per se*. For the vast and overwhelming majority of Christian believers, throughout all of Christian history and into these modern times, these religious beliefs and/goals have included glorifying God through the celebration and affirmation of God's design for gender and sexuality, as found in the Bible. In short, those beliefs are that human beings were created with an immutable, unchangeable biological sex, either male or female, and that sex is rightly expressed and most thoroughly enjoyed in heterosexual monogamous marriage.

In order to form associations based on these religious beliefs, we need the right to make staffing and membership decisions which preference individuals who share our religious beliefs and/or goals and we need the freedom to make those decisions on a case-by-case basis.

The issue of hiring or firing staff based on sexual orientation is an issue that falls under the Sex Discrimination Act 38(3) as a current exemption and is to be attended to by the Australian Law Reform Commission. However, if there were to be changes made under the Sex Discrimination Act and there weren't adequate protections under the Religious Freedom Bill then it is likely to place religious institutions including schools in a very difficult position.

2. Senator O'Neill asked for Liberal Party policy to discriminate on the basis of philosophical beliefs and goals.

In order to prove Mrs Deeming's statement that the Liberal Party, just like the Greens and Labor, retain the right to 'preference' those who share their beliefs and goals, and that it would be hypocritical to deny the right of free association to other groups in society, we submit the following, taken from the 'Liberal Party of Australia National Code of Conduct':

“Every person who undertakes activities on behalf of, in the representation of, or as a member of the LPA should treat others with dignity, courtesy and respect, enabling everyone to contribute in a cohesive manner to our objectives as set out in our Constitution..... [and]... expects that staff, volunteers, members and representatives will at all times: act in a manner that promotes the objectives of the LPA”.

Source: <https://cdn.liberal.org.au/pdf/National%20Code%20of%20Conduct%202019.pdf>

Included also is the Australia Labor Party ALP and The Greens Party statements:

Labor Party: “Membership of the Australian Labor Party is open to all residents of Australia who are prepared to accept its objectives and who have associations with no other political party.” https://www.alp.org.au/media/1574/alp_national_constitution.pdf

Greens Party : Section 31.1 of the Australian Constitution and Charter of the Australian Greens states that “The actions of all Individual Members of The Greens in public office will be consistent with the Charter of The Greens”. greens.org.au/vic

Bipartisan Agreement:

As recorded in the Hansard record during our question time, we do hope that there can be bipartisan agreement between the major parties and we do hope and pray that our politicians can see the need for these religious discrimination bills. We hope that your committee will make a positive statement forward to reach these goals.

Dr Rev John McLean
Presbyterian Church of Australia

&

Rev Christopher Duke
Presbyterian Church of Victoria