

The Senate

Procedure Committee

Proposal to replace the parliamentary prayer

Second report of 2018

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Senate Standing Committee on Procedure

Membership of the Committee

Senator the Hon Scott Ryan (President of the Senate, Deputy Chair)

Senator Sue Lines (Deputy President and Chair of Committees, **Chair**)

Senator the Hon Mathias Cormann (Leader of the Government in the Senate)

Senator the Hon Penny Wong (Leader of the Opposition in the Senate)

Senator Catryna Bilyk (Tasmania)

Senator David Bushby (Tasmania)

Senator the Hon Jacinta Collins (Victoria)

Senator Rachel Siewert (Western Australia)

Senator the Hon Mitch Fifield (Victoria)

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Former members:

Senator the Hon Simon Birmingham (South Australia) to 10 September 2018

Senator Dean Smith (Western Australia) to 10 September 2018

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Report

Background

Standing order 50 provides for the President to read a prayer and make an acknowledgement of country on taking the chair on each sitting day:

50 Prayer and acknowledgement of country

The President, on taking the chair each day, shall read the following prayer:

Almighty God, we humbly beseech Thee to vouchsafe Thy special blessing upon this Parliament, and that Thou wouldst be pleased to direct and prosper the work of Thy servants to the advancement of Thy glory, and to the true welfare of the people of Australia.

Our Father, which art in Heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil: For thine is the kingdom, and the power, and the glory, for ever and ever. Amen.

The President shall then make an acknowledgement of country in the following terms:

I acknowledge the Ngunnawal and Ngambri peoples who are the traditional custodians of the Canberra area and pay respect to the elders, past and present, of all Australia's Indigenous peoples.

The prayer has been the same since it was adopted by the Senate on 26 June 1901, some 6 weeks after the first sittings of the Parliament. The requirement for an acknowledgement of country was added on 26 October 2010.

Reference

On 27 June 2018, the Senate referred the committee for inquiry and report a proposal to replace the requirement for a prayer with an invitation to prayer or reflection; proposing to amend standing order 50 as follows:

- (a) in the first paragraph, omit all words after "following", substitute "invitation to prayer or reflection:

Senators, let us in silence pray or reflect upon our responsibilities to all people of Australia and to future generations"; and
- (b) omit the heading to standing order 50, and substitute, "Prayer or reflection and acknowledgement of country".

As background to the inquiry, the committee noted a paper by a researcher with the Senate department, published in 2015¹, which sets out the history of the adoption of the prayer by the Senate in 1901 and the details of previous proposals for change. The committee also had regard to the information set out in that paper concerning the practices of each of the Australian legislatures which, with one exception, all commence their proceedings with a prayer.

The committee invited public submissions, which are published on the inquiry's web pages² except where withheld on request. The committee also received responses from five senators, which are similarly published online. The committee thanks all those who contributed their views.

Summary of submissions

This inquiry received a relatively high number of submissions, primarily from individuals. Of approximately 820 submissions received, approximately half were form letters or variations of form letters³. The vast majority of submissions do not support replacing the prayer. All of the approximately 390 form letters opposed the change. Of the substantive submissions, 359 opposed the change, compared with 73 in favour.

There were five responses from senators (Senators Collins, Kitching, Reynolds, McGrath and Anning), all in favour retaining the prayer.

Submissions in favour of change

Submitters that supported the proposal to replace the prayer put forward arguments including:

- Australia is a 'secular nation', was founded on secular principles, including the separation of church and state, and therefore one religious perspective should not be given special treatment by government. (See submissions from Sydney Atheists; Council of Australian Humanist Societies; Monique Mayze)
- Australia is a multicultural and religiously diverse country, and saying a Christian/Anglican prayer in Parliament is unrepresentative, discriminatory and exclusionary of people of other religions and people who have no religion. (Council of Australian Humanist Societies; Rationalist Society of Australia; Monique Mayze)
- According to the last census, an increasing number of people in Australia have no religion. (Council of Australian Humanist Societies; National Secular Lobby)
- Other recent surveys indicate that a majority of Australians consider it important to separate personal religious belief from the business of government. (Stuart Mynard; National Secular Lobby)

¹ Jarrod Jolly, *Prayers in the Senate: abolition, retention or change?*, Department of the Senate, 2015. A copy of the full paper is published on the web page for the inquiry.

² <https://www.aph.gov.au/Parliamentaryprayer/Submissions>

³ https://www.aph.gov.au/Parliamentaryprayer/Additional_Documents

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- Saying a Christian prayer infringes on human rights such as freedom of religion and freedom from discrimination. (A/Prof Luke Beck; Feminist Legal Clinic; National Secular Lobby; ACT Humanist Society)
 - Section 116 of the Constitution constrains the Commonwealth from making laws with respect to religion; this constraint should extend to Senate standing orders requiring the prayer. (A/Prof Luke Beck, p. 4; Victorian Secular Lobby; National Secular Lobby)
 - The prayer is not simply a Christian prayer but a Protestant prayer (and was introduced in response to lobbying from churches) (A/Prof Luke Beck)
 - Symbolism and tradition are important, but these should not be promoted at the cost of excluding people (Rationalist Society of Australia; Max Wallace)
 - An invitation to prayer and reflection recognises diversity in spiritual and religious beliefs, is more inclusive, and will focus senator's minds on their responsibilities to all Australians (Catholic Women's League Australia; Atheist Foundation of Australia)
 - When non-believing parliamentarians say the prayer (or give it 'hypocritical lip service'), it is undermined for people for whom the prayer is meaningful (Feminist Legal Clinic; Philip Zylstra).

Submissions in favour of retaining the prayer

As has been noted, however, the vast majority of submissions favoured retaining the prayer in its current form. Arguments put forward included the following:

- The prayer is a valuable part of Australian heritage and tradition; both in that it has been said since federation, and in continuing the Westminster tradition. (See form letters; submissions from the Canberra Declaration; Warwick & Alison Marsh/Australian Christian Values Institute)
- Australia and its system of government were founded on Christian values, such as being inclusive, tolerant and compassionate, respecting the rule of law and upholding individual freedoms, and the prayer is a reminder of these values. (See form letters; submissions from FamilyVoice Australia; Rev Paul Clark)
- Removing the prayer will create division, and will make Christians uncomfortable to talk about their values in public. (See form letters from Australian Family Association)
- The preamble to the Constitution still includes reference to the states "humbly relying on the blessing of Almighty God". (See submissions from the Canberra Declaration; Warwick & Alison Marsh/Australian Christian Values Institute)
- The prayer encourages senators to consider themselves answerable to a higher power, reminds them to look beyond their own self-interest to the welfare of others, and encourages humility. (Australian Christian Lobby; Australian Catholic Bishops Conference)

- An invitation to reflection is a ‘weak’ or ‘insipid’ alternative to the current prayer, and will not remind senators of their responsibilities to serve Australians. (Australian Family Coalition)
- Some submitters note that they chose to migrate to Australia because it is a ‘Christian country’, and that replacing the prayer would erode this. (Anna Soh; Varkey Kaithakulam)
- Christianity is still the majority religion in Australia (52% in the most recent census), and 60% of Australians have a faith – the prayer ensures these people are represented by parliament and publically acknowledges the value of their faith. (FamilyVoice Australia; Australian Catholic Bishops Conference)
- Calls to discontinue the prayer have not succeeded in the past, and senators should not be forced to defend matters which relate to their personal religious convictions (See submission from FamilyVoice Australia).

Committee's views

The motion referring the matter asked that the committee hold public hearings. Generally the committee does not operate that way: its purview is the Senate's standing orders and it typically deals with technical questions about their application and interpretation. An argument was made that the standing order relating to prayers is different; that it holds more significance in the community. The committee formed the view, however, that the opportunity to present submissions had afforded the community an opportunity to comment and that hearings would add little to the its consideration of the matter. Partly this reflects the nature of the inquiry. For most committees, investigating bills or matters of public policy, inquiries are deliberative and therefore aided by technical evidence, or evidence from those affected. In this matter, the outcome goes to senators' own opinions as to whether the procedure requiring an opening prayer ought be replaced. The submissions provide interested senators with a range of community views which may influence their consideration of that question.

Essentially the same matter was referred to the Procedure Committee in 1997. On that occasion, the committee reported:

It is clear that many senators who join in the prayer regard its retention as important, but among those who do not join in the prayer there does not appear to be a strong view that its proposed abolition is a significant question which should occupy the time of the Senate.

A motion to amend the standing order was subsequently moved and negatived, without division.

The submissions put to the committee on this occasion, and the views of committee members and their colleagues, suggest that opinions about the prayer are not significantly different in 2018 than during the 1997 inquiry, nor indeed than when the prayer was first adopted. Those in favour of the prayer strongly favour its retention, while those opposed to the prayer are less vocal and less concerned to see it changed.

Recommendation

The committee does not consider, on the evidence before it and after its own deliberations, that there is a momentum for change. The committee therefore does not recommend that the amendments proposed in the reference should be adopted.

In reaching this conclusion, the committee also considered whether an invitation to personal prayer or reflection could be inserted alongside the current prayer. The committee did not reach a conclusion on this question, but notes that the Senate could achieve this by inserting a preamble to the traditional prayer along the following lines:

Senators, I invite you, as I read the prayer, to pray or reflect in your own way on your responsibilities to the people of Australia and to future generations.

As has been observed elsewhere, for the most part it remains a personal matter for senators whether to attend for the prayer, or join in the prayer, at the start of sittings. One exception, of course, is that the standing order requires the President to be present to read the prayer. The committee notes that some jurisdictions provide the option of the presiding officer inviting another member to read the prayer. The Senate may wish to consider whether that option should be made available through a change to the standing orders. Again, the committee makes no recommendation on this matter.

Senator Sue Lines

Chair

Australian Greens Dissenting Report

The Australian Greens firmly believe that the current prayer, which has been read each sitting day since 1901, is outdated and no longer reflective of Australia's religiously diverse and secular society.

In 1901, 97% of Australians identified as Christian. Today we are a far more diverse society. As of the last census in 2016, only 52% of the population identified as Christian.

As the National Secular Lobby notes in its submission:

“In the 2016 census, “No religion” was, for the first time ever, the most popular individual response given to the question of religious affiliation. Australia today has a significantly more varied and less religious population that no longer relies exclusively on a Christian concept of morality for guidance. It is therefore no longer appropriate for our senators, many of whom are themselves atheist, agnostic or followers of non-Christian faiths, to be called to order with an entreaty to a Christian God.”

The Catholic Women's League Australian Inc supports this view, stating:

“We also recognise that in an increasingly secular society not all Australian citizens chose to pray. Such an amendment recognises the diversity in spiritual and religious beliefs and is a positive development. Therefore a space for them to reflect is important too, and provides an opportunity of mindfulness for every person engaged in Parliamentary work.”

This view is supported by the Council of Australian Humanist Societies, which comments in its submission:

“The current prayer is unrepresentative of the diversity of beliefs of the Australian community that MPs are elected to represent.”

It is clear that the Lord's Prayer is no longer appropriate for the representative body of a religiously diverse society. Nor is it appropriate for a proud secular society. It is the Greens strong view that the Australian Parliament should uphold our secular values, and not have those important values undermined at the beginning of each sitting day with the Lord's Prayer.

The proposal put forward by the Greens, of an invitation to prayer or reflection, is based on the opening statement read at the start of each sitting day in the Legislative Assembly of the Australian Capital Territory, which was adopted in 1995.

The Leader of the Australian Greens Senator Richard Di Natale summarised the reasons for the Greens' pursuit of change in 2014, in relation to a similar proposal put forward by the Greens. He said:

“We are doing this because we live in a country where there is a clear separation between church and state. We live in a country of many different

faiths - in fact, a country where many people have no faith - and a modern Australian Parliament should reflect that. We do say that there should be some opportunity for reflection or, indeed, prayer, if people feel that way, and that is why we would like to see a minute at the start of each day in this place being offered for that reason.”

Recommendation

- 1. The Australian Greens recommend that the requirement for prayer under standing order 50 be replaced with an invitation to prayer or reflection.**

Senator Rachel Siewert

The Australian Greens