

Response to Review of the NT Anti-Discrimination Act

Dear members of the review board

I am writing as a parent of children at Marrara Christian College.

In your considerations of changes to the Act, please remember the United Nations Charter on the rights of the child to which Australia and all its states and Territories are signatories. Especially as they relate to respecting and preserving the child's rights to religion and culture. Please do understand that Christianity is not just a religious organisation but is a culture of day to day life for a Christian, to be cherished, preserved and celebrated within the framework of our multicultural society in the Northern Territory. Marrara Christian College and the schools of NT Christian Schools and other independent Christian Schools are seen by parents as an important part of the development of the Christian culture in the lives of their families. Please note in particular Articles 18 and 29, which states:

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Additional considerations

Freedom of religion is a fundamental human right and has been a long-held freedom and practice in Australian law.

"Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom ... to manifest his religion or belief in worship, observance, practice and teaching."

International Covenant on Civil and Political Rights - Article 18.1

Christian schools are good social citizens and conduct themselves in responsible and reasonable ways. There is no evidence that the existing automatic exemption has created discrimination.

The ability to legally and exclusively employ Christian staff, who are in step with the religious values and beliefs of the school community, goes to the very heart of why Christian schools exist. All staff, no matter their role, must share a common set of beliefs and practices to contribute to the vision and mission of the Christian school. This is what makes our schools distinctive.

Parents have a human right to choose the kind of education their children receive. Christian schools were established by Christian parents seeking an authentically Christian educational expression for their faith in all aspects of the school community. Therefore, Christian schools will be different to state or even church schools. Parental choice is made on the basis of such difference. If this 'point of difference' is diminished, parental choice and diversity are also diminished. The right of parents to send their children to school where they will be educated within a Christian community is a freedom consistent with a democratic, tolerant and pluralistic society.

"Parents have a prior right to choose the kind of education that shall be given to their children."

UN Universal Declaration of Human Rights - Article 26.3

Christian schools seek to reflect the beliefs of the Christian faith in all that they do, and clearly state their beliefs and their values. It's impossible to miss that they are steeped in the teachings of the Bible and the gospel of Jesus Christ. While some agree with this faith, many don't. Those who disagree can choose another option. They are not required to be a part of a faith-based community. But for those who do agree, faith affects every decision about life, learning and morality.

Christian schools believe that all of life is sacred; that the gospel of Jesus Christ transforms everything. If Christian schools have to justify the need for an exemption to a secular tribunal that is making decisions based on what it understands to be 'religious', freedom of religion will be compromised. For a Christian school, every aspect of every task within the school community is inherently religious.

The current automatic exemptions, which provide protection for Christian schools to practice in accord with their beliefs and values in every aspect of their operation, must be preserved.

I don't want to see Christian schools and churches in Australia become government controlled like churches in China.

Please send me a copy of the report on the public consultation when it is released.

Further Articles from the UN Convention on the Rights of the Child pertaining to this conversation

#### Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members

#### Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

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Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 29

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  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Thank you

Sincerely



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