

Director, Legal Policy  
Department of the Attorney-General and Justice  
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6<sup>th</sup> December 2017

Dear Director,

I am writing to you regarding Marrara Christian College Council reading the Attorney-General and Minister for Justice, Natasha Fyles' instruction to the Department of the Attorney General and Justice to review the Anti-Discrimination Act (1993).

As the representative body of the College we represent some 400 families who have chosen the distinctive Christian education that the College provides as their preferred choice for the education of their children. Although we understand the need to review legislation to ensure it continues to meet the needs of the community, we do not believe that there is any significant evidence that a review of the Act in this case is necessary. As such we would like from the outset, request that this process remain fully transparent and that the report produced on the public consultation be released.

We would also like to inform you that the following proposed changes in the Discussion Paper would have a significant impact on the ability of Marrara Christian College to deliver to our families the type of Christian education they have chosen for their children.

**Question: Should any exemptions for religious or cultural bodies be removed?**

The removal of the existing exemptions for religious or cultural bodies should not be removed. In the context of Marrara Christian College, the removal of the existing exemptions is inappropriate. Not only is there no evidence that the community at large has an issue with this exemption, the removal of exemptions would prevent the College from ensuring that families can have the confidence that the curriculum and culture of the distinctly Christian College that they chose for their children is being delivered with integrity, transparency, and consistency.

The ability to 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 Marrara Christian College exists. All staff, no matter their role, must share a common set of beliefs and practices to contribute to the vision and mission of the College. This is what makes our College distinctive.

There is often a misunderstanding that faith and the teaching of certain subjects can be separated. At Marrara Christian College we do not believe that this possible. In our case, 40 years ago, a group of Christian parents seeking an authentically Christian educational expression for their faith in all aspects of a school community came together to establish a school that fulfilled this vision. The result was Marrara Christian College; a Christian school designed to be different to its state or even church school counter parts. Parental choice today is made on the basis of such difference. As a Christian community we believe that our faith impacts every area of life including mathematics and history. While some agree with this model of education, we

recognise and respect that others don't. Those who disagree with the religious foundation of the College can and do willingly choose another option. They are not required to be a part of a faith-based community, if they choose not to be. But for those who do agree, faith effects every decision about life, learning and morality.

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. We believe that 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.

**Question: Should a representative complaint model process be introduced into the Act?**

It is our belief that a representative complaint model not be introduced. The suggested representative complaint model allows interest groups to bring a complaint on behalf of people having a protected attribute under the Act. This ability opens the door for multiple vexatious complaints against those in whose opinion the interest group finds offensive. For example, 'human rights' groups whose constituents are offended by the religious views of a Christian school on heterosexual monogamous marriage and celibate singleness could make a complaint without consultation or representation the identified group. This is unacceptable and potentially very dangerous for the protection of freedom of religion.

**Question: Should vilification provisions be included in the Act?**

There is a significant and important distinction between discrimination and disagreement. The discussion paper itself states that "Providing appropriate exemptions recognises that we live in a free and democratic society with a right to voice opinions in a respectful manner" (p. 12). It is essential to protect the freedom to express religious views. The words "offend" and "insult" set too low a threshold and could cause people to bring forward a complaint without much basis. Words like "extreme or pervasive" are helpful, but "hurt, anger and anxiety" are also too subjective. It is our opinion that these provisions need to be very carefully considered to ensure a sensible balance is maintained.

**Question: Should the term "parenthood" be replaced with "carer responsibilities"?**

At Marrara Christian College we partner with both parents and carers. We see the amazing work that both parent and carers provide in growing children. Removing the term 'parenthood' diminishes the value of the unique relationship between parent and child. The responsibilities of a parent go far beyond those of being a 'carer'. In particular, Christian parents hold a religious belief that they have a duty to 'train up a child in the way they should go' (Proverbs 22:6). It would be better to add the words 'carer responsibilities' without removing the word 'parenthood'.

**Gender Identity, Inter Sex Status and Definition of Man and Woman.**

These sections are, in our opinion, contradictory. The paper suggests on one hand that gender identity should be included but wants to repeal the definition of man and woman on the other. We recognise that the modernisation paper sees a difference between gender and the definitions of man and woman as separate issues. We contend that it is not helpful to do this. The Act currently provides definitions for the terms man and woman. We believe that these should remain and not be repealed. The addition of alternative terms of

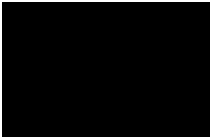
references to be more inclusive and expansive would be a more suitable solution and would affirmatively address the concerns raised in all three sections of the discussion paper. However, we believe that gender identity and intersex status should not be included as protected attributes as they will be in conflict with religion as a protected attribute. It is essential to protect the freedom for faith-based schools to operate in accordance with their religious beliefs, including beliefs about sexuality, gender identity, and a biblically-informed view of traditional marriage.

**We would like to affirm our support for the follow recommendations:**

Should Question 24 be amended? – Yes

Should the term marital status be replaced? – Yes

Regards,  
Yvette Nicholls



Chair - Marrara Christian College Council