



Uniting Church in Australia
ASSEMBLY

JANUARY 2018

Submission to the Expert Panel on Religious Freedom

The Uniting Church in Australia Assembly is the national council of the Uniting Church in Australia (UCA) and has determining responsibility within the Church for matters of doctrine, worship, government and discipline. We welcome this opportunity to contribute to the Expert Panel Religious Freedom Review.

The Uniting Church has made a number of previous statements regarding religious freedom and/or human rights, arising from triennial Assembly gatherings, as well as in submissions to government made by the UCA National Assembly office. A listing of some of those statements and submissions of particular note can be found in the Appendix.

The Uniting Church describes itself as a “justice oriented” Church,¹ and has a long history of support for human rights. In its Statement to the Nation made at its inaugural Assembly in 1977, the Church affirmed the rights of all people and committed itself to oppose all forms of discrimination which infringe basic rights and freedoms.² The Church’s engagement with human rights issues in Australia is steeped in our concern for the rights of vulnerable groups in our society. Our commitment comes from our belief that all people are created in the image of God and are loved and valued by God.³

We view the right to religious freedom as an important element in the protection of all human rights by law nationally. As a result, the consistent position of the Uniting Church has been, and continues to be that legislative provisions for religious freedom would best be made through the mechanism of a comprehensive Human Rights Act, within which the competing claims and values inherent in this discussion may be grounded in a holistic approach to human rights.⁴

In its approach to the right to Religious freedom, the Uniting Church is aware of the tension which can sometimes be found within the right to practice religion, including the right to discriminate in some cases, and the right for all people to live lives of equality under the law and freedom from discrimination.⁵ Fundamental to the Uniting Church’s approach to its own religious freedoms is that such freedoms are never to be self-serving, but rather ought to be directed toward the Church’s continuing commitment to seeking human flourishing and wholeness within a healthy, diverse society.⁶

¹ “In the light of this faith, we will live out our covenant as First and Second Peoples, our commitment to being a multicultural Church, oriented towards justice, and that engages constructively with ecumenical partners.” Assembly Strategic Plan 2017 – 2020. Available at <https://assembly.uca.org.au/about/strategicplan>

² Statement to the Nation, Inaugural Assembly June 1977. Available at <https://assembly.uca.org.au/resources/introduction/item/134-statement-to-the-nation-inaugural-assembly-june-1977>

³ Uniting Church in Australia (2006) Dignity in Humanity: A Uniting Church Statement on Human Rights, point 2. Available at <https://www.unitingjustice.org.au/human-rights/uca-statements/item/484-dignity-in-humanity-a-uniting-church-statement-on-human-rights>

⁴ Uniting Church in Australia (2014) Rights and Responsibilities: Submission to the Human Rights Commissioner’s Consultation, p6. Available at <https://www.unitingjustice.org.au/human-rights/submissions/item/981-rights-and-responsibilities>

⁵ Uniting Church in Australia (2015) Submission to the Australian Human Rights Commission Religious Freedom Roundtable, p12. Available at <https://www.unitingjustice.org.au/human-rights/submissions/item/1103-religious-freedom-inquiry>

⁶ Uniting Church in Australia National Assembly (2009) Submission Australian Human Rights Commission Freedom of Religion and Belief in the 21st Century, p5. Available at <https://www.unitingjustice.org.au/human-rights/submissions/item/680-ahrc-freedom-of-religion-belief-in-the-21st-century>

The Church would similarly urge that a framework of enabling the Common Good would be important for legislative balancing of competing rights and values in the area of religious freedom and other rights. Any provisions for religious freedom should be driven by an overriding focus on enabling and maintaining a society which encourages mutual respect and is free from discrimination.

For this reason, the Uniting Church is particularly concerned to ensure that religious freedoms are not simply the prerogative of those (generally Christian) religious organisations who are most largely represented in our society, but also that the religious freedoms of minority communities are strongly upheld, and we have argued for this approach in other submissions to government.⁷

The Uniting Church's commitment to a diverse society, means that while we recognise that there may be cause for certain exceptions or exemptions for discrimination by religious organisations, these should be limited in scope, being only as is required in order to maintain the integrity and existence of the religious organisation.⁸ We do not as a general principle believe that such exceptions should be provided to individuals or businesses seeking to discriminate against other people on the basis of religious belief.

In conclusion, the Assembly wishes to reiterate the Uniting Church's commitment to the right of every person to a robust freedom of religion as described in Article 18 of the International Covenant on Civil and Political Rights.⁹ We believe however, that these protections should be set within a broad commitment to the upholding of all human rights, preferably enshrined in the development of a comprehensive Human Rights Act.

It is also the Church's position that every person is equal before the law and any permission given to religious organisations that allows them to discriminate on the basis of religious belief must be carefully balanced against the rights of people to be free from discrimination. This will best be enabled by ensuring that the protection of religious freedoms is seen as an integral part of the broad suite of Australia's human rights protections that such a Human Rights Act would bring.

⁷ Eg. Uniting Church in Australia (2015) Submission to the Australian Human Rights Commission Religious Freedom Roundtable, p8 – 9. Available at <https://www.unitingjustice.org.au/human-rights/submissions/item/1103-religious-freedom-inquiry>. Uniting Church in Australia National Assembly (2009) Submission Australian Human Rights Commission Freedom of Religion and Belief in the 21st Century, p28 – 29. Available at <https://www.unitingjustice.org.au/human-rights/submissions/item/680-ahrc-freedom-of-religion-belief-in-the-21st-century>

⁸ Uniting Church in Australia (2015) Submission to the Australian Human Rights Commission Religious Freedom Roundtable, p12 – 13. Available at <https://www.unitingjustice.org.au/human-rights/submissions/item/1103-religious-freedom-inquiry>

⁹ International Covenant on Civil and Political Rights, Article 18. Available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Previous Statements and Submissions made by the UCA:

APPENDIX

The UCA has made the following submissions and statements that are relevant to this new inquiry:

1. 1977 – [Statement to the Nation](#)
2. 2000 October – Submission to Inquiry into, and Report on – [Australia’s efforts to promote and protect Freedom of Belief](#)
3. 2006 – [Dignity in Humanity: Recognising Christ in Every Person](#) – A Uniting Church in Australia Statement on Human Rights
4. 2009 March – Submission to the Australian Human Rights Commission – [Freedom of Religion and Belief in the 21st Century](#)
5. 2014 November – Submission to the Human Rights Commissioner’s Consultation – [Rights and Responsibilities](#)
6. 2015 October – Submission to the Australian Human Rights Commission – [Religious Freedom Roundtable](#)
7. 2016 December – Submission to the Parliamentary Joint Committee on Human Rights – [Inquiry into Freedom of Speech in Australia](#)

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