

**AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT
SCHOOLS**

PRESS RELEASE 812

RELIGIOUS DISCRIMINATION BILL:

PRESS CLUB DEBATE ETC.

A secular State should have no dealings whatever with religion and religious organisations that take the Queen's shilling do so at their peril. Our forefathers understood this when Section 116 was placed in the Australian Constitution.

The DOGS position on the Coalition's Religious Discrimination Bill is that it should be unnecessary and is in fact a danger to religious liberty.

The basic human right of conscience, or Religious Liberty is –or we should say was – covered in Section 116 of the Australian Constitution until this was read down and out by the Australian High Court in the DOGS case in 1981. A shield became a sword. The private religious schools sold their basic rights for a mess of State Aid pottage. Power over their schools with taxpayer funding meant more to them than freedom of conscience. See at <http://www.adogs.info/high-court-case>

During the last week opposition to the Federal Government's Anti-Discrimination Bill has increased. It pleases no-one, including major churches and employer groups. Independents in the Senate see no need for it. DOGS agree with them.

National Press Club Debate Wednesday 9 October

<https://iview.abc.net.au/show/national-press-club-address>

The Australian Christian Lobby Managing Director, Maryn Iles, a member of a legal firm specialising in religious liberty cases, said religious freedom listed a number of cases in which Christian employees had been discriminated against.

"I see a rising trend of intolerance and I see this (the Bill) as genuinely helpful" Iles told the National Press Club. His main argument depended upon a number of case studies drawn from his law firm's client base. They indicated that Christians meet resistance when they claim the public space in what is no longer a majority Christian country.

Fiona Patten on the other hand, said that the Bill does not foster mutual tolerance and respect. Quite the reverse. She noted that no non-religious group was consulted in drawing up the Bill. Nor are those with no religion (30% of the Australian population) accorded the same rights as religious people under the Bill.

She argued that the Bill can override existing State and Federal laws, and does not protect those of non-belief. She was concerned that the Bill could provide protection to religious expression 'at the expense of other rights'.

Some, she argued, are more equal than others. She argued that access to health care should never be trumped by religious beliefs. Fiona Patten argued that Section 41 allows the 'right to be a bigot' and sack people on the basis of religious belief.

There was very little reference by either Fiona Patten or Martyn Iles to religious discrimination in educational institutions.

Iles however, argued that religious institutions had religious belief as they major purpose and should therefore, like political parties, have the right to exclude those who questioned their purpose.

DOGS note that religious institutions spent 26 days in the High Court in 1979 attempting to prove that schools run by religious institutions were NOT religious and did not have religion as either a major or even major purpose.

Failure of Both parties to Come to Terms with History

Neither Martyn Iles or Fiona Patten indicated any deep understanding of either religious or Australian history. And Fiona Patten appeared to regard the Australian legal position as one of non-preferential treatment of religion by the State rather than separation of religion from the State. No mention was made of Section 116 of the Constitution.

DOGS were saddened by this failure. For hundreds of years there was bloodletting in the Christian West between differing views of the Christian Scriptures. The education of children was left to the churches or private tutors, with the majority illiterate.

The Enlightenment answer was separation of religion from the State and provision of public education for ALL children regardless of the religious belief of their parents – by the State through taxation.

This is our valuable inheritance. The religious men who crave after money, power and status through State recognition and preferential treatment have never given up hope of turning the clock back into the dark ages.

Industry Concern that Coalition Discrimination Bill will exacerbate problems in the Workplace.

The nation's peak industry bodies are also sounding the alarm over the federal government's proposed religious discrimination bill. [The Australian Industry Group and the Chamber of Commerce made submissions opposing the idea](#), arguing the definition of religious belief or activity was too broad. The groups

said proposed changes may increase conflict in the workplace and expressed concern about regulatory burdens if the laws passed.

Innes Willox, head of the Australian Industry Group, said the bill was unreasonable and unworkable. It would reduce employers' ability to manage inappropriate conduct or impose inclusion policies, and may "advance and protect extremist opinions or behaviour".

The statements by AIG and the Australian Chamber of Commerce and Industry increase pressure on Attorney-General Christian Porter to amend the draft laws, but are in direct conflict with requested changes from the [Catholic church](#) and other faith organisations.

The proposed law makes it discriminatory for a business with revenue above \$50 million to create an employment requirement that would limit an employee's ability to express their religious views - unless the employer can show the condition is necessary to prevent "unjustifiable financial hardship" to their business.

Importance of the issue for Employees in Education

More than one third of Australian children are in religious schools, Catholic, Evangelical Christian, Coptic, Scientology, etc as well as Sunni and Shia Muslim .

All these schools are subsidised very heavily from the public purpose.

The Bill will give the administrators of those schools the right to sack any employee on the basis of any statements they make or acts they choose to engage in inside or outside the institution's boundaries, publicly or privately, that are considered contrary to the religious purposes of the institution.

Fortunately, for employees in public schools, none of these problems exist.

Employees are also citizens. What kind of freedom, religious or otherwise, is being offered citizens of Australia in this Bill?

DOGS suggest we look back at Section 116, the lessons of history, and the dissenting judgement of Justice Lionel Murphy.

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855 ON THE AM DIAL: 12.00 NOON SATURDAYS

<http://www.3cr.org.au/dogs>