

**AUSTRALIAN COUNCIL FOR THE DEFENCE OF  
GOVERNMENT SCHOOLS  
PRESS RELEASE 914  
RELIGIOUS FREEDOM:  
RELIGIOUS MEN WANT TO HAVE THEIR CAKE  
AND EAT IT  
The Equal Opportunity (Religious Exceptions)  
Amendment Bill 2021**

**The following is information taken from the Victorian  
Government's Office of Justice website at:**

**<https://www.justice.vic.gov.au/equal-opportunity-act-religious-exceptions>**

The Victorian Government is proposing changes to the Equal Opportunity Act (2010). This law currently allows religious bodies and schools to discriminate against people based on sex, sexual orientation, lawful sexual activity, marital status, parental status and gender identity. These qualities will be referred to as personal characteristics throughout this webpage.

#### Discrimination

[Discrimination](#) (External link) is when a person is treated unfairly because of a personal characteristic protected by the law.

The [Equal Opportunity Act 2010](#) (External link) makes discrimination and sexual harassment against the law when it happens in certain areas of public life, including at work, school or in shops. However, the Act recognises the need to balance everyone's rights, including those who have religious beliefs. To accommodate this, there are exceptions [that mean discrimination is not against the law in certain circumstances](#) (External link).

#### Religious exceptions

The Equal Opportunity Act allows religious bodies and schools to discriminate against a person because of personal characteristics. This means religious bodies and schools can lawfully refuse entry to a prospective student, expel a student, refuse to employ someone, fire someone or otherwise treat someone differently based on these grounds.

Religious schools and bodies can only discriminate against people where the discrimination conforms to the doctrines, beliefs or principles of the religion or is reasonably necessary to avoid injuring other people's beliefs.

For example, a religious school may be able to fire an administrative assistant who comes out as gay, or gets divorced, if the school thinks that it is necessary to avoid injuring the beliefs of

other members of the religion. A religious organisation may be able to refuse to provide counselling services to a member of the public who is transgender if the discrimination conforms with the beliefs of their religion.

The Act also allows an individual to discriminate against another on the basis of religious beliefs and other personal characteristics if discrimination is necessary to allow the individual to follow their religion. However, this exception is very limited as most discrimination happens in the context of work or school.

### Proposed changes

The government wants to change the law so when employing staff religious bodies and schools can only discriminate where conformity with religious beliefs is an inherent requirement of the job. In addition, when running a school or providing services funded by the Victorian Government religious bodies will only be able to discriminate on the basis of a person's religious belief (not on other personal characteristics).

Individuals will not be able to discriminate in the circumstances covered by the Equal Opportunity Act in order to comply with religious beliefs.

These changes will ensure a fairer balance between the right to religious freedom and the right to be free from discrimination.

### What will not change

The government is not changing the law that allows religious bodies and schools to discriminate in relation to:

- ordaining or appointing priests, ministers of religion or members of a religious order
- training or educating people seeking ordination or appointment as priests, ministers of religion or members of a religious order
- selecting or appointing people to perform functions relating to, or participating in, any religious observance or practice.

[Read the fact sheet for more information](#)

[Fact Sheet - Equal Opportunity Act 2010 - Religious exceptions reforms \(DOCX, 186.33 KB\)](#)

## **REACTION OF RELIGIOUS PRESSURE GROUPS**

Religious pressure groups have reacted. *The Age* of 16 November contained a half page advertisement signed by leaders of the Anglican, Roman Catholic, Hindu, Coptic, Jewish, Krishna, Sikh, Russian Orthodox, Syro-Malabar, Islamic, Church of Christ, and Greek Orthodox churches. They argue as follows:

*For people of faith, religious beliefs shape all aspects of life. Parents that send their children to religious schools expect that the school's environment faithfully represents the religious ethos in every respect, including the conduct*

*of all teachers and staff . With this Bill, the ability for schools to meet this legitimate expectation will be severely compromised because, in effect, the Bill erroneously disconnects religious belief from conduct that is consistent with this belief.*

*The Bill unfairly targets religious bodies and educational institutes. If passed, the legislation would impose restrictions on religious organisations that are not imposed upon other sectors of society, including Government bodies and political parties. If it is understood that it is advantageous for political parties and ministerial offices to hire staff who adhere to their beliefs and values, why is not the same standard being applied to religious organisations as well?*

*“This is an unnecessary and unreasonable overreach of Government power and not appropriate in a tolerant and democratic society, where the rights of all people – including people of faith – should be respected.*

**A Christian think tank, calling itself Freedom for Faith at**

**<https://freedomforfaith.org.au/articles/victorian-religious-exceptions-amendment-bill-introduced/>**

**reacted as follows:**

*These amendments are a serious attack on the right of Victorians to join together in schools and other institutions that reflect their religious beliefs, and to operate those institutions based on those shared commitments. A [joint media release](#) from two organisations representing Christian schools, released today, notes that:*

*Recent private polling demonstrates widespread support for the current employment practices of Christian schools with 78% of Victorians supporting the right of religious schools to employ teachers and other staff who support the values and beliefs of the school, if those values and beliefs are clearly stated. This support was across the political spectrum...*

*“This polling shows that Australians understand that in a tolerant, multi-faith society, schools should be allowed the freedom to teach their values and beliefs regardless of whether they are Jewish, Muslim, Catholic or Christian schools,” said Mark Spencer of Christian Schools Australia.*

*“Parents who choose to enrol their children in our schools want an education based on Christian values, which the state school system can no longer provide, and this Bill is trying to squeeze faith out of our schools too,” said Vanessa Cheng of the Australian Association of Christian Schools, “once again the Victorian Government has shown it is completely out of touch with faith communities and does not understand of how our schools operate in practice.”*

*In my [previous comment](#) on these proposals, under the heading “**(b) The proposed Victorian law likely to be unconstitutional and invalid**”, I pointed out a further problem- that the Victorian proposals take away rights that faith-based schools enjoy under federal law, and hence may in the end be found to be invalid under s 109 of the Constitution. For this and the other reasons referred to above, it is to be hoped that the Bill is not supported by the Victorian Parliament.*

**DOGS note:**

**These are strong arguments BUT there is, as the branch stacking cases before IBAC indicate, a difference between employees of political parties and employees of religious educational institutions.**

**Political parties are expected to raise their own money and be independent of government subsidies.**

**YET**

**Since 1964, religious schools are no longer independent of government subsidies. In fact, most religious educational institutions, particularly schools, are now heavily subsidised with taxpayer funds and could not exist without them. Some even receive more than 100% of the accepted school resource standard.**

**And the *Freedom for Faith* think tank writer mentions federal law protecting religious freedom which we assume to be Section 116.**

**BUT**

**The religious men in charge of religious schools were given the opportunity in 1979-1981, to protect religious liberty under Section 116 of the Constitution in the DOGS case. They chose to accept and become dependent upon funds from the public Treasury rather than be truly independent. They persuaded the High Court to read Section 116 down, making a mockery of the intentions of the original framers of the Constitution. In 1981, Mammon proved a greater temptation than religious liberty. So much then for the integrity of their religious beliefs. (See High Court section on our website)**

**Since that time, the behaviour of private religious schools has reached ever greater heights of mendaciousness. Every version of the Needs policy introduced by Governments has been distorted by religious lobbyists at both federal and State level. Australian educational levels of inequality, like climate change policies are at an international low.**

**Religious groups, genuine and otherwise, are now paying the price for the loss of religious liberty they promoted in 1981.**

**Religious freedom depends upon being independent of the State and its largesse. All citizens, regardless of their sexual orientation, pay taxes.**

**He who pays the piper is now calling the tune.**

**LISTEN TO THE DOGS PROGRAM**

**855 ON THE AM DIAL: 12.00 NOON SATURDAYS**

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