

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS

Press Release 732

FREEDOM OF RELIGION: ARE SOME MORE WORTHY OF FREEDOM THAN OTHERS?

A nation can lose its freedom in a day but not wake up to the loss for a century. Australia lost its right to religious freedom in 1981, but in 1917, less than a century after the event, some people are waking up to the implications of this terrible loss. And others are wondering whether it is a 'religious right' to discriminate on the basis of race, religion, ability to pay – or sexual preference. Are some more worthy of freedom of conscience than others?

The DOGS case of 1981 placed the High Court on trial in relation to separation of religion from the state and genuine freedom of and from religion contained in Section 116 of the Australian Constitution.

With the exception of Justice Lionel Murphy and his dissent, the judges failed the test. And the ever increasing entanglement of the Australian polity with religion boosted by billions of taxpayer dollars for religious enterprises, has compounded, without serious questioning, ever since.

The health of the body politic, the integrity of our legal processes and above all the well-being of our public education system, have suffered grievously as a result. Australia has sowed the winds of religious privilege. Now we are reaping the whirlwinds of religious discrimination.

In the last few years, however, stimulated by the school chaplaincy cases in the High Court and the same sex marriage plebiscite, questions are being asked about the cosy relationship between wealthy, aggressive and discriminatory religious organisations and the State.

Basic questions are finally being asked:

- ❖ What right do religious groups have to be exempt from discrimination legislation when they take public funding?
- ❖ What has happened to our mythical separation of church from state and
- ❖ Why cannot we enjoy freedom from as well as freedom of religion? This freedom is what the DOGS fought for in 1981

Some politicians in the Reason party and the Greens are getting the message. Before the 2016 election [the Greens promised to remove religious exemptions](#) to discrimination law for religious schools. Not so, the Lib-Labs – yet.

Religious schools are currently exempt from federal discrimination law in relation to employment and provision of education in accordance with their beliefs. Similar exemptions exist in state discrimination laws.

These heavily subsidised and in many cases, overfunded schools, are determined to retain their privileged status quo in relation to religious privilege – as opposed to religious freedom. The National Catholic Education Commission (NCEC) has recently released its pre-budget submission, which reiterated the importance of religious freedom to be reflected in schools' teaching, employment and enrolment practices.

It noted the passage of same-sex marriage legislation and said religious freedom had to be upheld so Catholic schools could “teach and foster a school environment that reflects the mission and identity of the Catholic church”. But taxpayer dollars were not left out of the religious liberty discussion. In its 2018 budget submission the NCEC also asks for a further \$1.1bn to [transition to the Gonski 2.0 funding package](#) over 10 years rather than six. According to the NCEC the schools reform allows overfunded independent schools a 10-year transition period before they reach their allocation of federal funding.

Catholic systemic schools reach their share in six years, resulting in a “\$1.1bn financial penalty” relative to independent schools, the NCEC argues.

The education minister, Simon Birmingham, has rejected what he calls a “scare campaign” and pointed to the fact Catholic schools will get \$300m next year and \$3.5bn over the decade.

Plibersek [recommitted Labor](#) to “restore every dollar” cut by the federal government from projected funding growth, or \$17bn over 10 years.

As DOGS have always said, if you let the religious camel into the taxpayer's tent, they will never be satisfied....

Nevertheless, fuelled by their historical fear of the old ‘Catholic’ vote the Labor party is cringing before the church's lobbyists.

We read in The Guardian of Sunday January 17, 2018 that Tanya Plibersek, says that Labor has ‘no plans’ to change the law allowing religious schools to fire gay teachers, in spite of the fact that there is considerable evidence that they have both done so and intend to do so in the future. <https://www.theguardian.com/australia-news/2018/jan/07/labor-has-no-plans-to-change-law-allowing-religious-schools-to-fire-gay-teachers>

But perhaps the Lib-Labs are caught in the fears of their own echo chamber. Along with the State school choices of the aspirational middle class and the collapse of the ‘Catholic’ vote, the times, they are a-changing.

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