

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT

SCHOOLS

PRESS RELEASE 762

FREEDOM OF RELIGION AND PUBLIC EDUCATION

LETTER FROM THE RATIONALIST SOCIETY OF AUSTRALIA TO

PM SCOTT MORRISON

Since May, Prime Minister Scott Morrison, unlike the citizens of Australia, has access to a report from the Ruddock Commission. Ruddock was asked to review religious freedom in Australia. All we are told is that Scott Morrison wants better protection of religious freedoms, but doesn't want to be a 'culture warrior.' What that means in legislative terms is a mystery. Church schools are nervous.

This is understandable since the strong religious freedoms offered in Section 116 of the Australian Constitution were read down and out in the 1981 DOGS High Court case. See the unedifying story of this case at <http://www.adogs.info/high-court-case> and in Jean Ely 's *Contempt of Court*, Arena Publications, 2 Kerr Street, Fitzroy, 3065 Inquiries: glenise@arena.org.au

There has been extensive questioning of the majority High Court decision in the DOGS case see Press Releases 724-726 at <http://www.adogs.info/press/religious-liberty-fundamental-human-right-or-part-balancing-act-discrimination-legislation> ; <http://www.adogs.info/press/religious-liberty-part-two-fundamental-human-right-or-part-balancing-act-discrimination> and <http://www.adogs.info/press/religious-liberty-part-two-fundamental-human-right-or-part-balancing-act-discrimination>.

But the simple fact remains that Christian schools in particular are in a perilous position when it comes to discriminating against parents, pupils and teachers whom they consider to be unacceptable on religious or any other criteria.

The other simple fact is that they only have themselves to blame. Because, in a 26 High Court Trial of Facts in 1979, private religious schools, most particularly Catholic school clerics and administrators argued that they were no more religious than public schools and 'any religious' meant 'a particular religion. The religious schools gained billions and ever more billions of dollars, but lost the moral initiative, if not their soul. Unfortunately our religious men are neither poor in spirit or bank balances. We are informed that The proportion of public money being spent on private schooling in Australia is higher than in any other advanced economy and has increased significantly over the last decade.

<https://www.theguardian.com/australia-news/2018/sep/11/private-education-spending-in-australia-soars-ahead-of-other-countries>

Churches and their schools still believe they are protected by Section 116 of the Australian Constitution, but are worried about the States' ability to make laws in relation to religion. They should read the DOGS case again. If 'any' religion means 'a particular religion' then Section 116 is turned on its head and so long as the Commonwealth does not make laws regarding any particular religion it can make laws regarding any religions. A shield has become a sword.

Confronted with a dwindling base of genuine believers, there are flutterings in the belfries of deserted churches with 'For Sale' notices. People are avoiding churches, but have they left 'religion' behind?

What does the census tell us? Christianity is still the dominant religious group with just over half of Australians identifying as Christian in the 2016 census. (Catholic 22.6%; Anglican 13.3%; other Christian 16.3%) But those claiming 'no religion' are 30.1%. Muslims are 2.6%; Buddhist 2.4%; Hindu 1.9% and other 1.7%.

Supporters of public education find the statistics of interests, but, fortunately for the children of those holding various beliefs, religion is irrelevant to their enrolment and education in a public school. For public schools are open to all with offence to none.

However, demands for 'privileged' status among religious schools wishing to be exempted from discrimination legislation has prompted a reaction from those wishing to be exempted from discrimination on the basis of religion itself. The President of the Rationalist Society of Australia has written the following letter.

Patrons
Hon. Michael Kirby AC CMG
Prof. the Hon. Gareth Evans AC QC
Dr Rodney Syme



The Hon. Scott Morrison MP
Prime Minister
Parliament House
CANBERRA ACT 2600.

10 September 2018

Dear Prime Minister,

The Rationalist Society of Australia (RSA) congratulates you upon becoming the 30th Prime Minister of Australia. In case you are not familiar with our society, we are

Australia's oldest freethought group, having been formed in 1906 to stimulate freedom of thought, encourage interest in science and philosophy, and promote a secular and ethical system of education.

We have two concerns we would like to raise with you.

The first is regarding the Government's response to the Ruddock Report. We understand from media reports that you are intent on introducing new 'religious freedom' laws. In your interview with Fairfax media, you say children in public schools "should be able to do Christmas plays, they should be able to talk about Easter. That's our culture^[1]." Further, you have in the past cited "conscience protections" as a key issue and you have labelled the mockery of Christians as a form of discrimination you would not tolerate.

Prime Minister, children in public schools *can* do Christmas plays and talk about Easter. That's what a secular system of education means: acceptance of all religions and of none in a non-discriminatory environment. Further, mockery is not discrimination – it's freedom of expression at work.

The reality is that religion, particularly Christianity, is not under attack in Australia and there is no need for a federal law to promote and protect 'religious freedom'. Section 116 of Australia's constitution prohibits parliament from making laws for establishing any religion, imposing any religious observance, or prohibiting the free exercise of any religion.

Christians are well represented in federal parliament. Over one quarter of parliamentarians meet regularly as part of the Parliamentary Christian Fellowship. At the start of every parliamentary sitting day, there is a reading of Christian prayers, with little regard for the sensitivities of Muslim, Jewish or atheist members of parliament. Several Prime Ministers – and now yourself – have been actively observant Christians.

Churches enjoy fringe benefits tax and GST exemptions under the Commonwealth Charities Act 2013. Australia is one of the few countries in the world where taxpayers largely pay for a whole separate school system that represents *one* denomination of *one* religion (Catholic). How would Australians feel if their taxes were paying instead

for a whole separate school system operated by Sunni Muslims, institutionalising Sunni Muslim beliefs?

Australia already has laws prohibiting religious discrimination. The Federal Fair Work Act prohibits discrimination on the grounds of religious belief or activity in employment. All states, apart from New South Wales and South Australia, have laws prohibiting the refusing of service to people on the grounds of religion.

According to Pew Center research that compares attitudes to religion around the world^[2], social hostility towards religion in Australia has increased since 2007 – but this is attributed to “nationalist or anti-immigrant” activity, not hostility towards the dominant religion. They further report that government restrictions on religion in Australia has *decreased* from an already low base over the same period...

If there is to be any codification of freedom of religion and belief, it should be within a comprehensive Bill of Rights, designed to balance fundamental human rights. And in such a bill, the right to freedom of thought, conscience and religion must include the right to freedom *from* the imposition of religious dogma or doctrine, the right to leave a religion without fear of repercussions, and the right to criticise a religion without fear of prosecution

Also see

<https://johnmenadue.com/elizabeth-evatt-where-are-the-threats-to-religious-freedom/>

LISTEN TO THE DOGS PROGRAM

855 ON THE AM DIAL: 12.00 NOON SATURDAYS

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