



17 August 2022

Law Reform Commission Tramples On Religious Freedom

The WA Law Reform Commission has trampled on fundamental religious freedom in their Final Report following their Review of the *Equal Opportunity Act 1984* (WA).

‘The Universal Declaration of Human Rights recognises *‘the equal and inalienable rights of all’*, yet the Commission claims support for their recommendations on the basis of a *‘shift in community expectations’*, said Mark Spencer, Director of Public Policy for Christian Schools Australia.

‘You cannot pick and choose which rights you get to protect, yet that is effectively what the Law Reform Commission have done’

‘What other rights will be removed in the future if this approach is adopted?’, he said, ‘shifting community expectations could spell disaster for a range of vulnerable groups in the future.’

‘The Commission has failed to engage with many of the concerns of faith groups, and ignored the clear recommendations of the most comprehensive review of religious freedom ever undertaken in Australia’.

This Review, the Expert Panel on Religious Freedom,ⁱ recommended in its 2018 report that: -

- ‘Commonwealth, State and Territory governments should have regard to the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights when drafting laws that would limit the right to freedom of religion’ – **Recommendation 2.**
- ‘Commonwealth, State and Territory governments should consider the use of objects, purposes or other interpretive clauses in anti-discrimination legislation to reflect the equal status in international law of all human rights, including freedom of religion’ – **Recommendation 3.**

‘The Report does not provide any justification for why these clear recommendations have been ignored and the proposal of a small group of activist legal academics adopted’, Mr Spencer said.

‘It is disappointing that in nearly 300 pages there is little by the way of substantive response to the concerns of faith groups’.

The Report also recommends, recommendation 79, the adoption of the controversial Victorian approach to protecting the fundamental rights of faith-based schools to employ staff who share their faith.

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About Christian Schools Australia

Christian Schools Australia is the largest association of Christian schools in the country and has member schools educating around 72,000 students and employing more than 10,000 staff at more than 180 locations across Australia. CSA is part of the global ACSI network of 24,000 schools educating in excess of 5.5 million students in over 108 countries world-wide.



‘The contentious Victorian approach so clearly breaches international human rights obligations that the Commonwealth House of Representative voted 91-6 in favour of legislation to override it earlier this year’, Mr Spencer pointed out.

The parents and families who are choosing Christian schools are looking to the McGowan government to ensure that these extreme proposals are not implemented.

‘Christian school enrolments continue to increase as parents are seeking a values-based education, a right protected in international law’, Mr Spencer said, ‘and these parents expect that the WA Government will ensure that their choices remain protected’.

‘The WA ALP Platform assures us that the ALP ‘value liberty - the freedom to hold whatever beliefs we choose while respecting those of others; the freedom to express those beliefs without fear or favour’,ⁱⁱ and we are calling upon the Premier and Attorney-General to ensure that these vital freedoms are protected in amendments to the *Equal Opportunity Act 1984* (WA).

ENDS

ⁱ Australian Government, Department of the Prime Minister and Cabinet, Expert Panel Report: Religious Freedom Review (18 May 2018) - <https://www.ag.gov.au/rights-and-protections/publications/expert-panel-report-religious-freedom-review>

ⁱⁱ WA Labor: 2019 WA Labor Platform - https://walabor.org.au/media/hptfyp13/2019walabor_platform.pdf