



National Secular Lobby
Advancing Australia's Secular Agenda

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Religious Freedom Review
Department of the Prime Minister and Cabinet
Parliament House, Canberra

Submission: Copies to all members of the Review Panel and PMC Secretariat:

The National Secular Lobby Limited (NSL) ⁽¹⁾ is a *religion-neutral* organisation supported by pro-secular groups across Australia. The aims and objectives of NSL — underpinned by **Section 116** of the Constitution — are to promote social and political issues relevant to the Separation of Church and State.

Our submission addresses the Panel's primary Terms of Reference (ToR):

- 1.0 Preamble.
- 2.0 ToR 1: "Intersections between Freedom of Religion and other Human Rights."
- 3.0 ToR 2: "Reference to previous Reviews considered relevant."
- 4.0 Comments regarding the Review Panel.
- 5.0 Conclusion.
- 6.0 Recommendations.

1.0 Preamble:

A national IPSOS survey ⁽²⁾ in 2016 shows that **78% of Australians** believe that it is "very important" — or "somewhat important" — to "*separate personal religious beliefs from the business of government*". NSL subscribes to all international conventions ⁽³⁾ that affirm "**freedom of thought, conscience and belief**", and draws the attention of the Review Panel to the fact that such freedoms apply equally to adherents of all religions as well as those with **no religion**. As such, there must be caveats on the manifestation of religious freedom to avoid additional negative impacts on society.

Freedom of Religion does not have superior legal status to either **Freedom of Expression** or **Freedom from Discrimination**. Indeed, the right to practise one's faith is tempered by international conventions to protect citizens; and particularly to protect children in religious institutions — strongly emphasised by the Royal Commission into Institutional Responses to Child Sexual Abuse, final report: Recommendations. ⁽⁴⁾

Secular civil law must have primacy over **canon law** and **sharia law**, and all religious doctrines that impinge upon a predominately secular society. This is pertinent in the context of the 2016 Census — with 'No Religion' now the most favoured option — with new laws having been passed on Voluntary Euthanasia (in Victoria), and an amended Marriage Act which now includes same-sex couples.

⁽¹⁾ National Secular Lobby Limited: <https://www.nationalsecularlobby.org/>

⁽²⁾ 2016 IPSOS survey: [78% of Australians want religion separated from government.](#)

⁽³⁾ AHRC: ICCPR Article 18. [Freedom on Thought, Conscience, and Religion Belief.](#)

⁽⁴⁾ [Recommendations](#): Royal Commission into Institutional Responses to Child Sexual Abuse.

There is extensive evidence that the **Separation of Church and State** was a foundational principle shared by those who framed Australia's constitution, prior to federation in 1901. We cite Professor Helen Irving, ⁽⁵⁾ an expert in constitutional law. This tenet has been weakened by past High Court decisions but the public mood for secular change is now evident and the separation principle must be held to a higher standard.

While Freedom of Religion is enshrined (**Item 2.3 refers**) this Review Panel must decide whether the right to 'practise' one's faith also includes the right to discriminate against others. **Items 2.7 and 2.9 refer.**

2.0 Intersections between Religious Freedom and Human Rights:

2.1 Religious Freedom Review: The title of this Review may be a misnomer, or it may have been framed by the Prime Minister for political reasons. All faiths enjoy unrestricted freedoms, as detailed in **Items 2.2 to 2.4**. Article 18 ⁽⁶⁾ of the International Covenant of Civil and Political Rights (ICCPR), does not accord religion an elevated status — it simply states: "Everyone shall have the right to freedom of thought, conscience and religion." To give religion new legal exemptions would subvert the tenets of ICCPR.

2.2 Religions are not 'silenced': Churches and religious lobby groups have mounted political pressure to set up this Review Panel, based on their concerns of 'secular intrusion' into social commentary. The claim that churches have been "*silenced*" is patently untrue, with clear evidence coming from the public debate over same-sex marriage. According to *The Guardian*, ⁽⁷⁾ media coverage gained by the Australian Christian Lobby was greater than the *collective* coverage by all YES vote campaigners; the graph (mid article) shows this conclusively. There is **no evidence** that the Christian voice has been silenced in the 'public square'.

2.3 There are current laws that further "promote" religious freedom:

Here we cite the Law Council of Australia (LCA) ⁽⁸⁾ who, on 9.10.15, lodged a submission to the then Human Rights Commissioner, Tim Wilson, and the "Religious Freedom Roundtable". It stressed that Freedom of Religion already had "strong protections in domestic and international law". LCA comments included:

At the Commonwealth level, protections for freedom of religion are provided under section 116 of the Commonwealth of Australian Constitution Act, as well as various provisions of the Fair Work Act 2009 (Cth), Migration Act 1958 (Cth), Age Discrimination Act 2004 (Cth), Sex Discrimination Act 1984 (Cth) and the Evidence Act 1995 (Cth).

Meanwhile at the State and Territory level there are equal opportunity and anti-discrimination laws which protect freedom of religion through various exemptions. This is in addition to protections provided under section 14 of the Human Rights Act 2004 (ACT) and section 14 of Charter of Human Rights and Responsibilities Act 2006 (Vic). Under some state and territory anti-discrimination laws, if there is a 'conflict' between religious freedoms and equality before the law, the right to discriminate on religious grounds may be justified, but only when and if necessary.

There are also protections for Religious Freedom under international law, also itemised by the LCA. This detailed information alone makes clear that all Australian religions have more than adequate 'freedoms'.

2.4 Laws that limit the right to religious freedom:

2.4.1 **There are none.** We cite here the Law Council of Australia (LCA) research. ⁽⁹⁾ From the Law Council's submission to the AHRC on 'Religious Freedom', dated 9.10.15. There are no laws which prevent, in any way, people exercising the freedom to embrace and express any faith.

⁽⁵⁾ SMH 3.6.04: Prof. Helen Irving: [Framers of the Constitution wanted Australia to be secular.](#)

⁽⁶⁾ ICCPR Article 18 (1): [Everyone shall have the right to freedom of thought.](#)

⁽⁷⁾ The Guardian, 22.9.17, [ACL gained more media coverage than all YES campaigners.](#) (graph).

⁽⁸⁾ Law Council of Australia: [List of legal exemptions: No laws limit religious freedom.](#)

⁽⁹⁾ Ibid.

- 2.4.2 Laws to protect *minorities* are generally made to ensure the *vulnerable* are not discriminated against — on race, gender, sexual identity, or religion. Personal faith is protected, but religious institutions may not use Church doctrine to victimise those who don't share their beliefs.
- 2.4.3 We must not **disadvantage** minorities, many of whom are not protected from **religious influence** by anti-discrimination laws, due to *exemptions* that favour church institutions. **Item 2.3 refers.**
- 2.4.4 'Religious Liberty' is a term promoted by Christian lobbyists who seek to reprogram the concept of 'freedom of thought' to mean 'religious action' to proselytise — particularly to children in schools, extracurricular activities, sporting organisations, and through church programs. **Item 5.0 refers.**
- 2.4.5 The Royal Commission's final report, emphasised in this article from *The Age*,⁽¹⁰⁾ illustrates how the spiritual, political, economic, and psychological power of religious organisations is unrestricted. Religions often circumvent laws that protect the vulnerable, with devastating results for children.

2.5 Religious organisations providing government funded public services:

- 2.5.1 The rights of citizens who receive public services from government-funded religious organisations — whether in education, health, aged care, welfare or other fields — are currently not protected from religious coercion or proselytising. The law needs to change, to provide public protection.
- 2.5.2 Staff employed by a religious service-provider must generally adhere to the faith of that employer. This includes staff who provide a purely *secular service* to non-faith citizens — and that can be in industries from education to religious businesses, and from charities to aged services. It amounts to publicly funded religious discrimination and should not be permitted in a secular society.

2.6 Religious liberty and marriage equality:

- 2.6.1 This cuts to the heart of the Religious Freedom Review, established primarily on political grounds by religious lobbyists and MPs who wish to deny services in the marriage industry to gay couples.
- One stated aim is to give all marriage celebrants — civil and religious — the legal right to refuse to marry same-sex couples. Another is to demand exemptions to anti-discrimination laws — to refuse gay couples retail services, within the marriage industry.
- 2.6.2 **On the basis of “philosophical ethics”, in a *religion-neutral* Australia, NSL rejects the notion that anyone, in a secular democracy, can use religious beliefs against the common good.**
- All citizens need to make concessions in a democracy, but minority religious beliefs must not be allowed to constrain freedoms of the majority. **Religious doctrine does not ‘trump’ civil law.**
- 2.6.3 The ‘right’ of a devout florist, baker or photographer to refuse service to same-sex couples has nothing whatsoever to do with ‘religious liberty’ — rather, it is a **proxy** for religious privilege. We have removed blatant discrimination against the LGBTI community by legislating for same-sex marriage — we must not allow new discriminations by submitting to minority religious pressure.

2.7 Human Rights and religion:

- 2.7.1 Religious freedom is not the exclusive province of those who take the Bible literally. Within a civil society we respect people's rights to hold any faith, but this does not imply blanket agreement to their religious beliefs. All beliefs are open to scrutiny in a nation in which freedom of expression is protected under ICCPR Article 19 (2)⁽¹¹⁾, and particularly when beliefs are not based on evidence!

⁽¹⁰⁾ [The Age](#) 18.12.17: “Hear the children's voices, honour their cries with action”.

⁽¹¹⁾ ICCPR Article 19 (2): [No one shall be subject to coercion which would impair his freedom](#)

2.7.2 Religious beliefs impinge on the rights of others in many ways. Unlike the inherent characteristics of race, gender, and sexual identity, **religion is a matter of choice!**

Examples: how religion maintains a unique status to discriminate against others:

- LGBTI citizens were maligned during a hostile 2-month ‘postal vote’ to change the Marriage Act; but they have been **oppressed by religion** throughout history, based on doubtful Biblical texts.
- Churches continue to **avoid paying compensation** to abuse victims: Royal Commission.
- Catholicism can create a **setting for grooming**, abuse and sexual exploitation: Royal Commission.
- **Confidentiality of the confessional**, contrary to Royal Commission Child Sexual Abuse findings.
- Churches are **uniquely tax exempt** for “advancing religion”.⁽¹²⁾ To claim that every activity is a “charity” is simply to promote a religious ideology, placing further strain on the budget deficit.
- For-profit religious businesses (not charities) avoid tax by diverting profits to religions at an estimated cost to the nation of **\$20b per annum**.⁽¹³⁾
- All anti-discrimination laws for which **religions are given privileged exemptions**. (Item 2.3).
- Religious institutions discriminate against non-faiths when hiring staff — requiring all to conform to the organisation’s beliefs — even if the **designated duties are in fact secular**.
- **\$12b in taxpayer funds**⁽¹⁴⁾ go to private religious schools to help promote religion.
- Religious schools **teach 40% of children**⁽¹⁵⁾ just one faith, **contrary to secular values**.
- Public funds go to over 400 private religious schools⁽¹⁶⁾ teaching the **anti-science of creationism**.
- Home schooling is mainly religious, open to the **indoctrination of children**, against their rights.⁽¹⁷⁾
- Church discrimination **against women** — regarding abortions, the clinics, clinicians, clinic staff.
- Religious hospitals **refuse abortions** and related treatments based on religious dogma.
- Church clinics can **refuse contraception** and fertility advice for girls and young women.
- **Female genital mutilation** and male **circumcision** violate the human rights of young children.
- Religious doctrine has repressed the **human rights of women** throughout history.
- Prayers in parliament **undermine the secular integrity** of the people’s House and Senate.
- **Segregated gender seating** is permitted in universities (and elsewhere) based on religious belief.
- Religious taxi drivers can **refuse women** to sit in the front seat, or to give location directions.
- **Religious polygamy** is allowed if the marriages have occurred outside Australia.
- Women do not have **equality** in the religious hierarchies of Islam, or in Christian churches.
- No protection for the non-religious against **proselytising or coercion** in religious institutions.
- Public funding of Chaplains in public schools is a **religious privilege** that solely promotes Christianity, contrary to secular principles and the founding ideals of s.116.
- The unrestricted ability to **indoctrinate children with creationism** and anti-scientific dogma.
- **Mandatory appointments** of religious leaders on boards and panels, for a “moral” perspective.
- That the ABS still asks a **biased question on Religious Affiliation**, giving a false ‘high’ for religion.
- Certain faiths given **legal exemptions to cruelly slaughter animals** based on religious tenets.
- **Halal certification** disadvantages consumers, when the arbitrary costs are passed on.
- **Blasphemy laws** deny freedom of expression to question the origins and factual basis of religion.
- Government exemptions for all religions, the **Australian Christian Lobby**, and World Youth Day.
- Religions reject the rights of people, who are dying, to make **end of life choices**.

⁽¹²⁾ The Conversation 24.6.16: [Churches are uniquely tax except for “advancing religion”](#)

⁽¹³⁾ SPA Report: [While the tax-free figure \\$31b, tax avoid in for-profile activity is estimated at \\$20b](#).

⁽¹⁴⁾ The Conversation 1.4.16: [\\$12b federal funds to private schools](#). (stats and graph mid-article)

⁽¹⁵⁾ SMH 8.2.14, Marion Maddox: [Private religious schools teach 40% of secondary school children](#).

⁽¹⁶⁾ Marion Maddox: [Taking God to School](#): the end of egalitarian education?

⁽¹⁷⁾ Article 14 (1): [Protecting the rights of the child](#).

2.8 Religion in politics is detrimental to democracy:

- 2.8.1 No religious belief has more authority than any other — they are all protected, unless the pursuit of the religion infringes upon the human rights of other citizens. Article 18 (3) ⁽¹⁸⁾ of ICCPR is clear that “freedom to manifest” one’s religion is limited, to protect the rights of others.
- 2.8.2 In a secular democracy, parliament is the first place where “*to manifest a religion*” must be limited. Yet we frequently hear parliamentary appeals to God. Most recently we hear the Treasurer, Scott Morrison, ⁽¹⁹⁾ has vowed a crusade in defence of Christianity; new senator Lucy Gichuhi claims she is guided by God ⁽²⁰⁾; and Hansard is peppered with endless religious claims and references.
- 2.8.3 While **78% of citizens** ⁽²¹⁾ want religious faith separated from government, it is due to religion in politics that Australia is seen as a “Soft Theocracy”. ⁽²²⁾ That seems unsurprising when we review just some of the country’s laws that provide exclusive benefit and privilege to religious institutions.

- Religious freedom by Section 116 of the Commonwealth of Australian Constitution Act.
 - Various provisions of the Fair Work Act 2009 (Commonwealth).
 - The Migration Act 1958 (Commonwealth).
 - The Age Discrimination 2004 (Commonwealth).
 - Sex Discrimination Act 1984 (Commonwealth).
 - The Evidence Act 1995 (Commonwealth).
 - The ABC Act 1983 that mandates religious programming.
- The ABC broadcasts **8 religious programs** but none with a purely secular perspective.

2.9 Rights of the Child: Human Rights vs Religious Freedom:

- 2.9.1 The Review Panel is charged with the task of providing ‘balance’ to inherent conflicts within Human Rights Conventions relating to children. The Convention on Rights of the Child is clear, where it claims in **Article 14 (1)** ⁽²³⁾ the following:

“States Parties shall respect the right of the child to freedom of thought, conscience and religion”. And Clauses 2 and 3 do not detract from this unequivocal right.

However, **Article 18 (4)** ⁽²⁴⁾ of ICCPR has an entirely different 19th century view, namely:

*“The States Parties to the present Covenant undertake to have **respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.**”*

- 2.9.2 Indoctrination of children into extreme faiths and religious cults is the tragic consequence of such outdated conventions. It now represents “intellectual child abuse” to allow children to be taught Biblical myths — such as **creationism** — that are patently untrue and directly contradict numerous scientific disciplines upon which Australia’s economy now depends.

⁽¹⁸⁾ Article 18 (3): [Freedom to manifest religion...subject only to legal limitations.](#)

⁽¹⁹⁾ SMH 22.12.17: [Scott Morrison vows to defend Christianity in 2018.](#)

⁽²⁰⁾ Eternity 8.5.17 Senator Lucy Gughuhi “[You can never lose with the word of God](#)”.

⁽²¹⁾ 2016 IPSOS survey: [78% of Australians want religion separated from government.](#)

⁽²²⁾ Crikey 3.10.06 [Australia is in effect a Soft Theocracy.](#) (7th par)

⁽²³⁾ Article 14 (1) Rights of the Child: [Respect the right of the child to freedom of thought.](#)

⁽²⁴⁾ Article 18 (4) ICCPR: [liberty of parents to ensure religion of children conforms with their own.](#)

2.9.3 Today, **34% of Australians** ⁽²⁵⁾ believe the Bible is the inerrant word of God. The nation will continue to have a disproportionately large number of science-illiterate citizens — in comparison with the advanced nations of Europe — while Article 18 (4) remains binding. It will be calamitous if this one clause of Article 18 becomes enshrined in Australian law.

2.10 Religion and the Constitution:

- 2.10.1 Australia's constitution is founded on secular principles, in the concise but unequivocal Section 116. ⁽²⁶⁾ There are 4 distinct Clauses that state the intentions of those who framed the document. However, since 1901 there has been an erosion of secular intent, and through sustained religious influence — politically, economically, and socially — the nation has become a "Soft Theocracy". ⁽²⁷⁾
- 2.10.2 Clause Three is categorical; there is to be "free exercise of any religion." And today there are no constraints whatsoever on religion. The Law Council of Australia makes that abundantly clear in Item 2.4. Church claims of being "silenced" are simply untrue. Item 2.2 verifies.
- 2.10.3 Clause Four states there will be no "religious test" for public office or trust, yet \$12b ⁽²⁸⁾ in **public funds** go to private religious schools that exclusively promote and educate students in the study of one faith. Today, almost 40% of schoolchildren ⁽²⁹⁾ are groomed toward a specific religion.
- 2.10.4 Clauses One and Two state there will be no law to "establish any religion", or impose any "religious observance". But we have a parliament that observes Christian prayers at the beginning of each sitting day, mandated in parliamentary Standing Orders. ⁽³⁰⁾ In addition, all governments provide religions with privileged exemptions to a wide variety of laws that foster and promote particular religions — the laws in question are detailed by the Law Council of Australia, in **Item 2.3**. The effect of these exemptions is to discriminate against others and strip away their human rights.

2.11 New Laws to prohibit Blasphemy and Religious Vilification:

- 2.11.1 This Religious Freedom Review panel is urged not to surrender to continued lobbying for new laws to prohibit 'Blasphemy' and 'Religious Vilification'. Blasphemy is still a common law crime ⁽³¹⁾ in all states and territories — bar WA and QLD — and these laws need to be repealed. The crime of blasphemy is wholly inconsistent with a secular and religiously diverse Australian society.
- 2.11.2 The crime is solely about protecting God and Christianity from "offence" — and from the secular "right" to question the foundational theology of religion itself. We do need to protect "people" against abuse, but all "beliefs" must be open to challenge. Religion is not an inherent quality of a person that merits protection from "offence" in the same manner as race, ethnic background, skin colour, gender, or sexual orientation.
- 2.11.3 We "choose" religions — no ideology or belief system is innate — and all such choices must be open to question. The subjective perception of *being offended* should not be the criterion that limits freedom of expression. ⁽³²⁾

⁽²⁵⁾ The Guardian 26.9.17: [34% of public believe in creationism](#). Essential Poll (table mid-article)

⁽²⁶⁾ Section 116 of the Constitution: [Australia is a secular nation](#).

⁽²⁷⁾ Crikey 3.10.06 [Australia is in effect a Soft Theocracy](#). (7th par)

⁽²⁸⁾ The Conversation 1.4.16: [\\$12b federal funds to private schools](#). (stats and graph mid-article)

⁽²⁹⁾ SMH 8.2.14: [40% of Australian secondary students attend private schools](#).

⁽³⁰⁾ Parliamentary Standing Orders: [The Speaker to say the blessing and the Lord's Prayer](#).

⁽³¹⁾ The Conversation 19.6.17 [Blasphemy is still a crime in Australia — and it shouldn't be](#).

⁽³²⁾ The Humanist Life 4.11.16: [No one has the right not to be offended](#).

3.0 Reference to previous Religious Reviews:

- 3.1.1 An Interim Report ⁽³³⁾ on “*Legal Foundations of Religious Freedom in Australia*” was released in November 2017 by the Joint Standing Committee on Foreign Affairs, Defence and Trade. Primary concerns related to the almost exclusive reference to Christian preferences for legislative change. The secular viewpoint is absent and we question whether secular groups were invited to submit.
- 3.1.2 Among our concerns are the prospects that ICCPR Article 18 (all clauses) may be brought into Australian law. Article 18 (4) ⁽³⁴⁾ states, in part: “*respect for the liberty of parents...to ensure the religious...education of their children in conformity with their own convictions*”. Indoctrination of children is utterly opposed. **Items 2.9.1 and 2.9.2 refer, relative to the Rights of the Child.**
- 3.1.3 Enshrining into Australian law new anti-discrimination exemptions for religion is of deep concern. We believe that any position within a religious organisation — that requires only ‘secular’ duties — should not be subject to employment exceptions. **Item 2.3 refers.**
- 3.1.4 Another previous review was AHRC’s “**Freedom of Religion Roundtable**” on 5.11.15. The then HR Commissioner, Tim Wilson, stage-managed the event for what appeared to be a political result to protect ‘Religious Liberty’, ahead of mounting pressure to legalise same-sex marriage. Mr Wilson’s own views — in support of the church position for a divided Marriage Act (religious and civil) and for exemptions for religious wedding retailers — are recorded in the *Weekend Australian* 8.8.15.
- 3.1.5 More than 200 Roundtable invitations went to religious organisations — just 3 to secular groups! Only through secular pressure was a 2nd “**non-religious**” Roundtable belatedly scheduled (in late 2015) for **18.2.16**. But Tim Wilson resigned as AHRC Commissioner just days before that meeting with 20 secular groups. It was felt his nomination for Goldstein could have waited another week!
- 3.1.6 A sense of political bias, in favour of Christian organisations, remains. Numerous submissions were heard at AHRC’s Religious Roundtable on 5.11.15, with almost exclusive emphasis and demands for more religious freedom, pending gay marriage being legalised. **No reciprocal hearing** was given to the secular viewpoint. It is felt that the weight of Christian demands has carried over to this Review — coupled with new and robust demands from religious members of parliament. There is a great and understandable concern that the secular voice for “restraint” will be silenced once again.

4.0 The Religious Review Panel:

- 4.1.1 It is recognised that the panel comprises seasoned professionals with impeccable credentials within their own specialised spheres of expertise. However, calls from many organisations for a clear and “well-recognised” secularist to join the panel have been overlooked.
- 4.1.2 Of the five, there may well be those who subscribe to the secular principle of Separation of Church and State. The question remains whether the personal religious convictions of any panellists will be swayed by church demands for new exemptions to anti-discrimination legislation or, indeed, by their recommendations for new laws. A questionable inclusion to the panel is Professor Nicholas Aroney, who is reported in *The Guardian* ⁽³⁵⁾ on 15.12.17, as being open to limited sharia law.
- 4.1.3 The view of secular organisations across Australia is that both ‘canon law’ and ‘sharia law’ must be subject to regulation by civil law, in a **secular society**. ‘Equality’ before the law represents exactly that — equality for all in a fair, just, democratic and egalitarian nation.

⁽³³⁾ Parliamentary Interim Report, Nov. 2017: [Legal Foundations of Religious Freedom in Australia](#).

⁽³⁴⁾ ICCPR Article 18 (4): [liberty of parents to ensure religious conformity with their own](#).

⁽³⁵⁾ The Guardian 15.12.17: [Religious freedom appointee argues for limited sharia law in Australia](#)

5.0 Conclusion:

Religious Freedom is fully guaranteed under existing law, and through numerous legal exemptions that exclusively benefit and privilege all religions (see Item 2.3). There are no legal impediments that penalise or impede the observance and manifestation of any faith. (see Item 2.4). The voice of all religions has not been silenced in the public square (see Item 2.2). **Religious freedom applies equally to secular freedom.**

The clamour for “Religious Liberty” is a new concept that has been brought to Australia from the USA over recent decades. It has become particularly well publicised in the media since community interest grew for legalisation of same-sex marriage. This phenomenon of “Liberty” is the catch-cry of dozens of charismatic and evangelical churches that have their roots in fundamentalist Christian communities in America.

Secular Australians embrace “**freedom of thought, conscience and belief**” for everyone. But difficulties arise for communities when particular beliefs dominate a broad political, educational and social agenda. Negative implications for the nation’s free, secular and egalitarian future may well hinge on changes to the law, with this current push for “liberty” by religious organisations, following changes to the Marriage Act.

We should not follow the US trend, where the religious right campaign for legal exemptions to pursue “*religious liberty*” and openly discriminate against minorities. This is explained in great detail by religious analyst and Senior Fellow of Political Research, Frederick Clarkson. We cite his 12.1.16 Research Paper: “*When Exemption is the Rule: the Religious Freedom Strategy of the Christian Right.*”⁽³⁶⁾ The foreword is written by Rev. Dr. John C. Dorhauer, President of the United Church of Christ. He is a supporter of secular principles and his preface was published in *The Huffington Post*⁽³⁷⁾ on 14.1.16. His comment includes:

“I believe in religious freedom, but not the kind that argues that government should grant me the right to refuse to serve or hire someone because they are homosexual. Removing someone’s civil rights by empowering the government to protect and preserve my religious homophobia is not my idea of religious liberty.”

The following recommendations may go beyond the narrow scope of this Religious Freedom Review, but all are relevant — they illustrate the degree to which religion has imposed itself on our secular society. We do not need the divisiveness of a small section of conservative Christians and fundamentalist groups to further discriminate against a national majority who do not share their devout faith.

A secular community is an “inclusive” community — it should be a free, fair and egalitarian society that guarantees freedom for each citizen’s right to their own ‘thought, conscience and belief’. It must not impinge upon the rights of others, or allow sectarian groups to dominate the social agenda. We see many theocracies around the world — countries where religion represses and controls every aspect of human life. That is not the life to which most Australians aspire. We should avoid the American path to theocracy.

6.0 Recommendations — in 7 categories:

Equality before the Law: * Priority recommendations:

- * That no anti-discrimination exemptions are granted to any businesses in the wedding industry that seek the right to discriminate against same-sex couples by limiting or denying retail services.
- * That no law is made that makes *all* civil celebrants exempt from marrying same-sex couples.
- * That Freedom of Religion is subordinate to Freedom of Expression and Freedom from Discrimination.

⁽³⁶⁾ Frederick Clarkson: Exemption is the Rule: [The Religious Freedom Strategy of the Christian Right](#)

⁽³⁷⁾ HuffPost 14.1.16 Rev Dr John Dorhauer [The Religious Right and The Erosion of Religious Liberty](#)

- * That legislation be introduced to protect all citizens from proselytising or coercion in government-funded religious institutions; including education, health, aged care, welfare, employment and charities.
- * That the national chaplaincy program in public schools be terminated — the High Court having found twice that federal funding is unconstitutional, and the NSCP does not meet the needs of children.
- That exemptions for religious organisations, to hire staff based exclusively on faith, be rescinded, where: (a) funding is provided by government, for public services, and (b) the duties are wholly secular in nature.
- That religious canon law, like sharia law, is clearly stated to be subordinate to civil law.
- That no exemptions from anti-discrimination laws are given to any child adoption agencies to reject same-sex couples, on the basis of that characteristic.
- That including the cost of halal — or other religious certifications — into the food prices for general consumers be made illegal.
- That religion-based non-therapeutic medical procedures — such as male circumcision or female genital mutilation — be banned.

Religion in Politics: * Priority recommendations:

- * That the tax loophole where for-profit religious businesses associated with a religion can avoid taxation — based on "*the advancement of religion*" — be closed, where there is no evidence of public benefit.
- * That common law blasphemy, in all states and territories except Qld and WA, be repealed.
- * That no religious vilification law is introduced on the basis of religious freedom, and which may limit the 'freedom of expression' of any citizen to question the veracity or historical origins of any religious belief.
- * That Standing Orders be amended to stop the Speaker saying prayers in parliament.
- That parliament redress Australia's image as a "Soft Theocracy" and reduce current exemptions for religion which already discriminate against the secular community. **Item 2.8 refers.**
- That a clause be added to the Constitution to make it more clear for the High Court that s.116 was established to represent a clear separation between Church and State.
- That the Australian Bureau of Statistics amend the "closed" Census question on Religious Affiliation — "What is the person's religion?" — to the "open" question; "Does the person practice a religion?"
- That religiously biased terminology in all government and legal documentation be removed.

Separation of Church and State: * Priority recommendations:

- * That mandatory reporting of all child abuse be legislated for personnel in all religious institutions.
- * That mandatory selection of recognised "secular" advocates be introduced for all government panels, boards and committees — where religious leaders are selected for their perceived "moral" perspective.
- That parliament not become a platform for religious freedom crusades, as advocated by the Treasurer.
- That the Review rejects claims by religious groups that religions lack "freedom". **Item 2.3 and 2.4 refer.**
- That the government make representations to the Vatican for voluntary celibacy of the priesthood.
- That the anachronistic "confidentiality of the confessional" be removed, in order to protect children.

Education: Science literacy and Critical Thinking: * Priority recommendations:

- * That public funds be withheld from private religious schools that actively teach creationism. **Item 2.9.2**
- * That government funding to religious schools and hospitals be subject to strict compliance with existing anti-discrimination laws, together with an undertaking to abstain from proselytising.
- That government funding be prioritised for all schools teaching "religion-neutral" secular education.
- That single-faith religious schools promote and teach "philosophical ethics" and "critical thinking".
- That the government prohibit the fundamentalist religious indoctrination of children in home-schooling.

Religious Freedom and Children: * Priority recommendations:

- * That consent to indoctrinate children into religion, under ICCPR Article 18 (4), is not introduced into Australian law as it contravenes Article 14 (1) of the *Convention on Rights of the Child*. **Item 2.9 refers.**
- * That government address the Royal Commission's Final Report where elements of Catholicism have significantly damaged children by creating an environment for grooming, abuse and sexual exploitation.
- That children not be permitted to wear overt religious clothing and icons when attending publicly funded schools or institutions.
- That religions, not taxpayers, pay compensation to the victims of sexual, emotional, and physical child abuse — where the offences occurred under their control.

Gender Equality: * Priority recommendations:

- * That taxpayer funds be withheld for religious hospitals that refuse to provide abortions, or to refer patients to an alternate provider of such services.
- * That segregated seating in universities and other places, based on religious doctrine, be made illegal.
- That remaining abortion laws be repealed and that legislative measure be strengthened to ensure better protection for women wanting an abortion, for the clinicians involved, and for the clinics and their staff.
- That religious taxi drivers who ban women from the front seat, or giving directions, must be sanctioned.
- That the government review laws that allow polygamy, where marriages occurred outside Australia.

Dying with Dignity: * Priority recommendation:

- * That people holding particular religious views must be held accountable when they actively discriminate against others who wish to make end of life choices — this is particularly vital in medical institutions.
- That there is a need for Dying with Dignity laws across Australia, now that Victoria has legalised VE.

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