



PRIME MINISTER

Mark Spencer
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Dear Mark

Thank you for your letter dated 10 May 2019 concerning the important issue of religious freedoms. My responses to your questions are as follows.

Question (a)

I believe there is no more fundamental right than the right to decide what you believe, or do not believe. That means Australians of faith should be free to hold and practise that faith without fear of discrimination against them. And it is why my Government is committed to providing Australians of religious belief with protections equivalent to those guaranteed in relation to other protected attributes under Commonwealth anti-discrimination law. Nobody in Australia should suffer discrimination on the basis of their identity, including their religious identity.

I have committed to introducing a Religious Discrimination Bill if re-elected. The Bill will make it unlawful to discriminate on the basis of a person's religious belief or activity, including on the basis that a person does not hold any religious belief or does not engage in any religious activity.

The Bill will follow the structure of existing federal anti-discrimination legislation. It will set out specific protections from discrimination, including protection from discrimination on the grounds of religious belief or activity in defined areas of public life. For example, the Bill will protect against religious discrimination in education, employment, access to premises, the provision of goods, services and facilities, and accommodation.

In line with other federal anti-discrimination legislation, the Bill will also include appropriate exemptions that safeguard the freedoms of religious bodies, educational institutions and charities.

Question (b)

My Government believes that religious institutions must be free to uphold and to teach the tenets of their faiths. Provided that the teachings or practices of a religious

institution do not contravene criminal law, the government has no business meddling with them. My Government does not propose to reach into the pulpit.

But this view appears not to be shared by the Labor Party.

In the last Parliament, the Leader of the Opposition introduced a Bill that would, for the first time, apply the full force of the Commonwealth *Sex Discrimination Act* to all bodies established for religious purposes: churches, mosques, synagogues, monasteries, convents, prayer groups, faith study groups, theological colleges, and all others.

Mr Shorten's *Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018* risks an unprecedented encroachment on religious freedom in this country. The effect of these changes would be to censor what can be taught in religious bodies and dictate how these bodies teach their faiths.

My Government would never support such an attack on the character of Australians' religious institutions.

Question (c)

I believe that faith-based charities should be supported, not just because of the requirements of international law but primarily because such charities do good in the community. They make an invaluable contribution to our vibrant civil society.

The Religious Discrimination Bill that I intend to introduce into Parliament will provide comprehensive protection against discrimination based on religious belief or activity. As mentioned above, and consistent with the existing federal anti-discrimination Acts, the Bill will contain appropriate exemptions to allow religious bodies, including charities, to preserve their authentic character.

In addition, if re-elected, my Government will introduce legislation to clarify that engaging in, or promoting, activities that support a view of marriage as previously defined in the *Marriage Act* will not amount to a 'disqualifying purpose' that would prohibit a charity from being registered under the *Charities Act*.

Question (d)

To the extent that it provides funding to charities, my Government will not discriminate on the basis of the particular teachings of any charity, provided that it does not contravene the *Charities Act* and any other applicable laws.

Question (e)

Parents should be able to ensure that their children receive a faith-based education that aligns with their worldview and moral convictions. This is an essential part of being a parent and raising children. I understand the value of faith-based schools, because I send my own daughters to one of them.

Under the federal system established by our Constitution, the regulation of schools is primarily a matter for State and Territory governments. However, if re-elected, my

Government will work with all Australian jurisdictions to develop model national guidelines relating to parents' and guardians' rights to request the removal of a child from a class that contains instruction on religious or moral matters. In this way, we will seek to ensure that parents' rights are consistently understood and respected in all Australian schools, regardless of jurisdiction.

Question (f)

My Government is committed to preserving the ability of religious schools to maintain their distinctive faith-based ethos. The right of religious institutions to conduct themselves in a way consistent with their ethos must be protected.

At the same time, my Government also believes that to the extent practicable, legislative exemptions to prohibitions on discrimination based on a person's identity should be limited or removed altogether.

We recognise that achieving these twin purposes gives rise to complex legal and drafting issues. That is why, in response to the Ruddock Review, we committed to an Australian Law Reform Commission (ALRC) review of anti-discrimination laws across the country.

My Government has already delivered on that commitment. The ALRC review of anti-discrimination laws has commenced, and the report is due in April 2020.

If re-elected, in line with the commitments made in the response to the Ruddock Review, my Government will engage in a consultative process that would allow any necessary legislative changes to be introduced to Parliament with the benefit of broad cross-party and community support.

Question (g)

As someone who recognises the value of religious schools, I commit to ensuring that they remain able to teach in accordance with their doctrines.

Question (h)

If re-elected, my Government will stand by the commitment made in its response to the Ruddock Review: we will amend the *Marriage Act* to make it clear that the ability to refuse to make facilities available or provide goods or services for the purposes of the solemnisation of a marriage extends to educational institutions established for religious purposes.

Question (i)

If re-elected, my Government will stand by the commitments it made in response to the Ruddock Review.

Specifically, my Government will introduce legislation to make it clear that engaging in, or promoting, activities that support a view of marriage as previously defined in the *Marriage Act* will not amount to a 'disqualifying purpose' for a charity.

Further, to the extent that it provides funding to charities, my Government will not discriminate on the basis of the particular teachings of any charity, provided that it does not contravene the *Charities Act* and any other applicable laws.

Question (j)

If re-elected, my Government will stand by all of the commitments it made in response to the Ruddock Review.

Question (k)

In its response to the Ruddock Review, my Government recognised the complexity of the legal and drafting issues around religious exemptions in anti-discrimination laws across all Australian jurisdictions.

That is why we asked the ALRC to inquire into the issue.

The inquiry aims to achieve the twin purposes of: (1) limiting or removing legislative exemptions to prohibitions on discrimination based on a person's identity, while also (2) guaranteeing the right of faith-based institutions (including religious schools) to conduct their affairs in a way consistent with their religious beliefs and ethos.

Crucially, the inquiry is being conducted by the ALRC — not only because it has the independence, impartiality and legal expertise to make sensible recommendations in a notoriously difficult area, but also because it has the capacity to look at discrimination laws in every State and Territory.

There are nine sets of anti-discrimination laws across Australia. The ALRC would be expected to consider, receive submissions on, and recommend changes to, laws in every Australian jurisdiction. The inquiry is a very substantial body of work.

The Labor Party now wants to gut that inquiry and introduce laws that could penalise religious schools for adhering to their faith. As is typical of this election campaign, Labor refuses to outline exactly what it will do if it forms Government.

Labor appears not to be interested in hearing careful, well thought-out proposals for changes to our anti-discrimination legislation. It seems Labor wants to pre-empt the ALRC inquiry, because it has its own designs on this area of law.

Nobody should be surprised by this.

As I have pointed out, in the last Parliament Bill Shorten himself sponsored legislation that would effectively censor what could be taught by religious bodies. To make matters worse, Mr Shorten refused my offer to allow a conscience vote on the issue. He wanted Labor members to toe the party line, regardless of their deeply held convictions.

Only a re-elected Morrison Government can be trusted to protect religious freedoms in Australia.

Thank you again for writing to me on this important issue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Morrison', written in a cursive style.

SCOTT MORRISON

14 May 2019