

Religious freedom under new threat in Victoria

Act now to keep our freedom!

Victorians have already lost the right to free speech on religious matters because of the Racial and Religious Tolerance Act 2001 - under which Christians have been prosecuted for truthful but critical comments on Islam and for opposing witchcraft.

The Victorian Department of Justice is now carrying out an “Exceptions Review” of the Equal Opportunity Act 1995 which could lead to the removal of the **three important general exceptions** to discrimination based on religion:

- Section 75 protects **a religious body (e.g. a church or a school run by a church)** by allowing them to discriminate in any way necessary to conform to its doctrines or to avoid offending its adherents. *Example: A church is currently not obliged to hire a practising homosexual as a youth group leader if the church teaching is that homosexual behaviour is sinful.*

- Section 76 gives a similar protection to any other person or body who runs **an educational institution for religious purposes (e.g. the board of a parent-controlled Christian school)**. *Example: A parent-controlled Christian school can currently require parents to agree to a doctrinal statement and code of behaviour before enrolling their children in the school.*

- Section 77 protects **individual believers** so that any act, which would otherwise be unlawful discrimination, is lawful if it is necessary “to comply with the person's genuine religious beliefs or principles”. *Example: A person owning a bed and breakfast business can currently refuse to let a room with a double bed to a homosexual couple if the person genuinely believes this would be wrongful cooperation with immoral behaviour.*

Several groups - e.g the Greens, the Law Institute of Victoria's Young Lawyers Section, and the Human Rights and Equal Opportunity Commission - **have already called for the removal or weakening** of these general exceptions.

If the exceptions are removed, then churches, Christian schools and individual Christians **could be forced to act in ways contrary to their faith** or face penalties under the Equal Opportunity Act 1995. Churches and Christian schools could be forced to hire atheists, witches or homosexual activists as employees. The owner of the bed and breakfast mentioned above would have the choice of violating his religious principles by letting rooms with double beds to homosexual couples, or being forced out of his business. This has already happened to Christians in Canada under a similar law. In England, an Anglican bishop has been forced to hire a homosexual youth group leader.

Current exceptions under threat

The “Exceptions Review” is weighing up the current exceptions in the Equal Opportunity Act 1995 against a provision in the Charter of Rights and Responsibilities which says that every person “has the right to equal and effective protection against discrimination”.

However, the Charter also states (Section 14) that:

“Every person has the right to freedom of thought, conscience, religion and belief, including — the freedom to demonstrate his or her religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private”

and

“a person must not be coerced or restrained in a way that limits his or her freedom to have or adopt a religion or belief in worship, observance, practice or teaching.”

Maintaining the religious exceptions in the Equal Opportunity Act 1995 is absolutely necessary to ensure the right of Victorians to exercise genuine religious freedom.

The current general exceptions are compatible with the Charter’s (Section 14) provision on the right to “freedom of thought, conscience, religion and belief”.

ACTION: Write a brief submission to the “Exceptions Review” asking specifically for **all three religious exceptions – Sections 75, 76 and 77 – in the Equal Opportunity Act 1995 to be kept without change.**

In your own words state that freedom of religion is a fundamental right that should not be limited by discrimination law.

Send your submission to: “Exceptions Review”, Department of Justice, Level 24, 121 Exhibition Street, Melbourne Victoria 3000.

Submissions by email are preferred to: civil.law@justice.vic.gov.au

DON'T DELAY: Submissions close Friday 18 April.

Some points you could make in your submission are:

- Religious freedom is meaningless if Christians are forced to act against their deeply held beliefs.
- Churches must be free to hire ministers and other workers who uphold the beliefs and conform to the practices of that church.
- Christian schools have the right to hire staff and other workers who share the religious beliefs the school was established to promote.
- People whose beliefs or practices are at odds with those of a church or Christian school have no right to demand employment at that church or school.
- If the Charter of Rights and Responsibilities is used to take away the rights of religious believers, then it will have failed to protect human rights in Victoria.

For further information or copies of this action alert please contact Pastor Peter Stevens, Victorian State Officer, Festival of Light Australia, phone 1300 365 965, mobile 0413 467 831, email pjs@fol.org.au.

Action Alert prepared by Festival of Light - <http://www.fol.org.au/>