

Nation in denial on religious revolution

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The Morrison-Shorten uproar over religion and LGBTI rights should concern all Australians given the parliament was deadlocked late last year with Labor proposing a bill denounced by Christian churches and the Coalition as an attack on freedom of religion.

Religious freedom is the missing element in this election yet it is a pivotal issue. The certainty, post-election, is that new laws will be put by the incoming government with the potential to alter fundamentally the discretion enjoyed by religion in this country. These laws will vary dramatically depending on whether it is a Morrison or Shorten government.

Religious schools have effectively been put on notice by Labor. For Labor, LGBTI rights will be a priority issue if it forms government. How do we know this? Because of what happened last year.

After the Wentworth by-election, Labor put a bill to the parliament to guarantee LGBTI rights that Attorney-General Christian Porter branded “an extraordinary and unprecedented incursion on religious freedom in this country”. He said Labor’s proposed law would undermine religious freedom “beyond the schoolyard and into churches, synagogues, mosques and temples nationwide”.

While Labor says it remains committed to religious freedom, its priorities are apparent — Bill Shorten said last year that “discrimination against kids” was the No 1 issue. The only question is how much under a Labor government the discretion of schools to teach their faith will be infringed and limited, and the extent to which they will be exposed to legal action under revised anti-discrimination law.

Labor gets infuriated when confronted by the consequences of its policies and the winding back of religious freedom, which it proposes yet keeps trying to deny. The previous parliament broke amid an embittered deadlock; it was unable to agree on new laws to protect LGBTI students at religious schools yet ensure such schools retained the right to pursue their mission of religious education.

This is not just a lawyers’ technical dispute about how to reconcile competing interests between religious freedom and LGBTI rights. It is a Liberal-Labor conflict over values, interests and religion. This is the documented reality despite the self-interested denials often from both sides. The revelatory point last year came when Labor refused to accept a government amendment to its bill saying it was not unlawful to engage in teaching activity if that activity “(a) is in good faith in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed; and (b) is done by, or with the authority of, an

educational institution that is conducted in accordance with those doctrines, tenets, beliefs or teachings”.

Just consider these words to grasp the turning point that the nation now confronts. The Morrison government said this amendment was essential to protect religious education. Labor repudiated the amendment. It said it would make discrimination against the LGBTI community even worse. Shorten said the government’s position would lead to great public division and would “replace one form of discrimination with another”. Liberal senator Amanda Stoker told the Senate this provision was “utterly non-negotiable in a free society”.

The truth is that neither the government nor the overwhelming majority of religious schools accept Labor’s assurances that in protecting LGBTI rights it will not infringe on the discretion enjoyed by religious school to teach their faith and employ teachers who reflect their faith. If they are denied that by the state their entire meaning is negated.

The reality, however, is that Labor has become the party of LGBTI rights. Shorten’s attack on Morrison this week was highly relevant — its significance being that Labor, if it wins the election, will invoke LGBTI rights for any new laws it proposes that have the consequence of winding back religious freedom.

Neither side has sought to make religion and LGBTI rights a major election issue. This has been the best outcome. But nobody should doubt the conflict over this issue, its far-reaching consequences or that it will come to a head after the election.

What is happening now is the inevitable ramification for religious freedom of the passage of same-sex marriage that meant the law of the state and the law of the church (most churches) came into conflict. That conflict began to play out late last year in an epic and extended clash in the parliament.

The upshot during the Wentworth by-election over the leaking of the Ruddock report saw political leaders pledging to ensure that LGBTI students could not be expelled from religious schools — with the schools saying they had no interest in such a power. Labor decided to move unilaterally with its Senate leader, Penny Wong, proposing a bill.

She said: “Labor wants to be clear — nothing in this bill would compromise the ability of churches to continue to uphold their religious teachings, whether in the classroom or through the enforcement of school rules.”

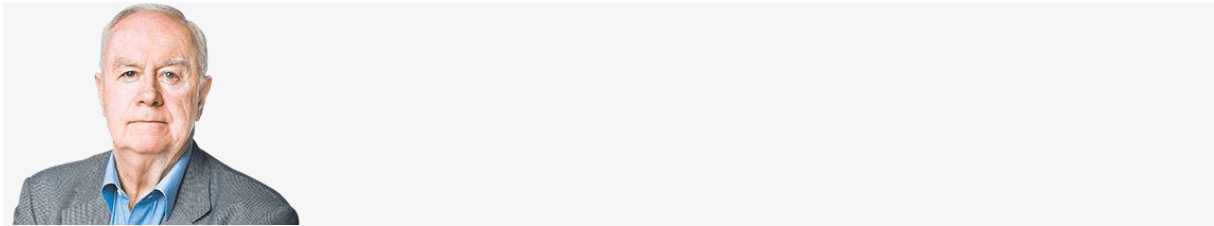
She said Labor backed the “indirect” discrimination provisions of the Sex Discrimination Act that allowed faith-based institutions to impose their own practices consistent with their religion.

In response, Attorney-General Porter said: “Labor’s bill completely removes the ability of religious educational institutions to maintain their ethos through what they teach and the rules of conduct they impose on students. This is because Labor’s bill would, for the first time, expose religious schools to litigation under the Sex Discrimination Act merely because they impose reasonable rules, such as requiring students to attend chapel.”

The government argued Labor's bill left religious institutions exposed on multiple fronts. If Labor wins the election the prospect is high that its proposed laws will meet the entrenched opposition of the religious schools sector.

Scott Morrison, if elected, remains committed to a religious discrimination act for the simple reason — as experts have pointed out for many years — Australia has laws to safeguard against discrimination on grounds of sex, race and disability, but not religion.

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