

- 8 APR 2019



PRIME MINISTER

Reference: MC19-017628

27 MAR 2019

The Most Rev'd Dr Glenn N Davies  
Archbishop of Sydney  
PO Box Q190  
QVB Post Office  
Sydney NSW 1230

Dear Archbishop

Thank you for your letter dated 14 March 2019 regarding religious freedom and future amendments to the *Sex Discrimination Act 1984* (the SDA).

I believe that there is no more fundamental liberty than a person's right to decide what they do, or do not, believe.

My Government's consistent position is that all Australians should be free to choose their religion and be entitled to express and practise their beliefs, without intimidation or interference, as long as those practices are within the framework of Australian law.

The Government's approach to religious freedom is comprehensively addressed in the response to the Report of the Religious Freedom Review. Both documents can be accessed at <https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Freedom-of-Religion.aspx>

On the issue of the current exemptions in the SDA, my Government seeks to balance anti-discrimination law with the right of faith-based schools to preserve their distinctive ethos and to act in a manner consistent with their doctrines, tenets, beliefs and teachings.

As I have publicly stated, the Government supports amendments to the SDA to make it clear that no student of a non-state school can be expelled on the basis of their sexuality. I believe that this accords with community expectations, and is consistent with the views of religious communities and their schools.

My Government has also publicly affirmed that faith-based schools should be able to conduct their affairs and teach in accordance with the doctrines, tenets, beliefs or teachings of their faith. And we believe that faith-based schools should be able to make reasonable rules in relation to student conduct.

This position was reflected in amendments moved by my Government during the Senate consideration of the Opposition's Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018.

It is important that your community and the broader Australian public understand the effect of that particular Bill. The Leader of the Opposition, the Hon Bill Shorten MP, went so far as to put his name to the House version of the Bill. It undoubtedly reflects Labor Party policy. Fortunately, it has not passed the Parliament.

My Government opposes Labor's Bill because it would have the effect of censoring what can be taught by religious bodies, and dictating how those bodies teach their faiths. The measure is not limited to removing discrimination against school students. Far from it. Mr Shorten's Bill would, for the first time, apply the full force of the SDA 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 policy, reflected in his proposed legislation, risks an unprecedented encroachment on religious freedom in this country. My Government would never support such an assault on religious freedom.

Nor does my Government have any intention to amend or remove current SDA exemptions that enable schools to enrol students of one sex.

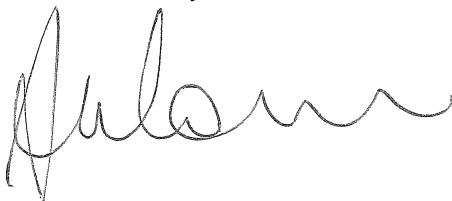
We are conscious of the need to avoid any legislative changes to the SDA that create unintended consequences. To ensure we get this complex issue right, the Government is consulting with states and territories on the terms of a reference to the Australian Law Reform Commission (ALRC).

Our proposal is for the ALRC to consider a number of recommendations made in the Report of the Religious Freedom Review regarding the current approach to anti-discrimination law. This would include arrangements for the employment of staff and contractors in faith-based schools. We believe that the ALRC is the appropriate body to further consider how the law balances anti-discrimination provisions with the right of faith-based schools to organise themselves and their staff in accordance with the doctrines, tenets, beliefs or teachings of their faith. To be clear, my Government intends to preserve that right.

A referral to the ALRC will allow for a process of community consultation on a model, or models, for any specific legislative changes.

I thank you for the opportunity to share the Government's position on these important issues and trust that the above information will be of assistance.

Yours faithfully

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

SCOTT MORRISON