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Hon Peter Foster MLC
Chair, Standing Committee on Environment and Public Affairs
Harvest Terrace, Parliament House
PERTH WA 6000

Via email: env@parliament.wa.gov.au

Dear Mr Foster,

Re: PETITION NO. 084 – RELIGIOUS FREEDOM

Thank you for the invitation to provide a written submission to expand on the issues raised in my petition.

Australia has had a long tradition of 'live and let live'. In Australia being a person of faith was once considered a 'cultural good'. In my time at university in the 1970s studying agricultural science I never once experienced any ridicule or mocking of my faith by fellow students or lecturers who were atheist or agnostic. Within Australian society there once was a tradition of respecting other people's beliefs and it was considered unacceptable to belittle or denigrate a person on account of their faith, be it Christian, Muslim, Sikh or any other faith. As a result, there was no need for legislation to protect people of faith from ridicule or vilification.

However, the on-going use of derogatory terms being used by journalists and others (including in the editorial in The West Australian on 30/01/2023, which prompted me to initiate the petition) has led to calls for a response from Government. While I recognise that journalists should have freedom of speech, freedom of speech does have limits. To refer to Christians as 'Bible bashers', 'happy clappers' or 'God botherers' is offensive and does not in any way add value to any discussion or examination of Christian beliefs. It is nothing more than a deliberate attempt to belittle and marginalise people of faith and to create the false impression that they have no legitimate stake in public discourse, and thus push people of faith out of public debates and from involvement in politics.

The use of such terminology impacts on affected people's fundamental human right to freedom of religion, thought and conscience. These freedoms are enshrined in various international instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (Art 18 in particular). The right to hold different religious beliefs is reflected in our Australian constitution where it states:

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

At the state level, we have the Equal Opportunity Act 1984 ,which makes it an offence to discriminate against a person on the grounds of their religious beliefs. Yet it is noteworthy that the Law Reform Commission in its review of the Equal Opportunity Act 1984 observed that the Act does not adequately protect religious freedom.

In my role as the WA State Director of the Australian Christian Lobby I regularly receive calls from persons who have been threatened with dismissal for having given expression to their Christian faith in informal conversation in their workplace or on account of posts they have made on social media.

In practice, the right to religious freedom (which is closely aligned with the freedom of speech) is all too often treated as a lesser right than other human rights. As the Ruddock Report pointed out, fundamental human rights are not to be arranged in a hierarchy, but are all to be put on an equal footing. One human right cannot be made subservient to another.

Thus, the growing tendencies of institutions to prioritise all other human rights above the right to freedom of religion, is causing increasing distress in faith communities in our state. The massive response to the Australian Law Reform Commission's Consultation Paper entitled *Religious Educational Institutions and Anti-Discrimination Laws* (Jan 2023) highlights the level of concern in the community about religious freedom. Over 40,000 people completed their online questionnaire, and 420 substantive submissions were made.

Government has a responsibility to ensure that people of faith are properly protected. Hence my request that the Committee should investigate whether the current provisions for protecting people of faith are adequate for people in Western Australia.

Summary: I would be most grateful if the Committee could honour the request of the petitioners by calling on the WA government to publicly affirm that:

- a. it recognises that freedom of religion, thought and conscience are fundamental human rights
- b. it considers it abhorrent to use derogatory terms such as Bible basher, happy clappers or God-botherers and calls on the media in our state to refrain from using such terms.
- c. It will prioritize legislation that better protects the fundamental human rights of religion, thought and conscience, and carefully scrutinise all legislation to ensure that it does not undermines the fundamental right of freedom of religion

And further, to examine ways of improving the remedies that are available to those who are subject to these attacks.

Respectfully submitted,

Peter Abetz