FREEDOM OF THOUGHT, CONSCIENCE AND BELIEF: AUSTRALIAN CASES
JOBS AND QUALIFICATIONS UNDER THREAT FOR PERSONAL STATEMENTS OF BELIEF

**MICHELLE**

Michelle* is a mental health counsellor who was stripped of her accreditation after receiving a complaint from a political activist. Michelle had never received a complaint from an LGBT+ client and never spoken on LGBT+ issues during counselling engagements. A Victorian mental health qualifying body revoked her accreditation after receiving a complaint from the activist about the counsellor’s teaching videos on science and LGBT+ ideology given at Christian conferences. The qualifying body required Michelle to sign up to controversial gender fluidity ideology, even though this topic had never come up in her mental health teaching and counselling. Michelle has opted not to take legal action and has taken up a different career.

**PETER**

Peter* was a doctor in QLD who had complaints made about him to the Medical Board over personal posts on a social media platform about traditional Christian beliefs on sexuality and gender. Without notification to Peter of any problematic posts, the Medical Board started an investigation into Peter’s social media use. The investigation questioned whether Peter’s personal posts promoted the health of the community and wellbeing of individual patients. Peter rejects the (anonymous and unclear) accusations of breaching any policy. The proceedings were discontinued after legal assistance was provided.

**SALLY**

Sally* is a mental health practitioner who was forced to go through disciplinary proceedings because of a misrepresentation and complaint made about a talk on sexuality and gender that she gave to Christian school students. Despite not finding any breach of her responsibilities, the professional qualifications body ultimately revoked her accreditation.

**IAIN**

Ian Shepherd is a teacher in the NT who was subjected to a formal investigation by the Department of Education for his private social media posts about his religious beliefs after complaints by activists. The investigation was long and stressful for Ian, with the overarching threat of possible termination for his personal posts that linked to Christian news articles about same-sex marriage, sexuality, and gender issues. Ian has never been accused of discrimination or mistreatment of students. After legal assistance was provided, the Department of Education dropped its investigation.

**MELISSA**

Melissa* is a medical practitioner who has never received a complaint of discrimination or differential treatment from any of her patients in over fifteen years of medical practice. The Medical Board received two anonymous complaints from activists (not from any patients) about Melissa’s personal social media posts about same-sex marriage, transgenderism, radical feminist theory and various conservative political issues. The Medical Board is investigating Melissa for harming the reputation of the medical profession, and have threatened her with indefinite suspension of her registration because of her strong criticisms of same-sex marriage and sex-change procedures. If she is unable to continue practicing medicine, Melissa will lose her livelihood.

**ISRAEL**

Israel Folau was a professional rugby player for NSW and the Australian national rugby team, the Wallabies. In May 2019, Folau’s employment was terminated by Rugby Australia for posting a Bible verse on social media which warned various categories of people (including homosexuals) that hell awaits unless they repent and turn to Jesus Christ. Rugby Australia determined that Folau’s personal posts violated Rugby Australia’s commitment to inclusivity, diversity and acceptance that constituted a high-level breach of the Union’s Professional Players Code of Conduct. In a high profile case, Folau has commenced legal action against Rugby Australia for unlawful termination because of his religion under the Federal Fair Work Act having no recourse under current NSW state law.
Stephen Chavura was an academic at Macquarie University who had never been accused of discrimination, abuse or inflammatory speech on LGBT+ issues. In 2017, activists publicly pressured Macquarie University to fire Dr. Chavura because he was a director of the Lachlan Macquarie Institute, a Christian political training organisation. Activists claimed that Dr. Chavura’s position at LMI conflicted with the University’s support of LGBT+ issues. Dr. Chavura received no support from university governance or management.

White Magazine is a company that was forced to shut-down due to the omission of same-sex content, and the company’s refusal to take a public political stance on the issue. LGBT+ activists pressured advertisers to boycott White Magazine, and as a result of the campaign White Magazine was forced to cease publication.

Bernard Gaynor is an internet publisher who has been subjected to a half-decade legal battle over his promotion of Christian views of marriage, gender and the family. An LGBT+ activist in NSW has filed over 30 complaints of discrimination and vilification against Mr Gaynor for the views expressed on his blog. Defending these accusations has been stressful, time consuming and costly for Mr Gaynor with over $400k of legal fees. Mr Gaynor has been unable to have complaints dismissed as vexatious harassment, despite the fact that not a single discrimination claim against him has ever been successful.

Mark Allaby is a senior executive who was targeted by LGBT+ activists in NSW. The activists lobbied PWC to force him to resign from the Board of the Australian Christian Lobby, an organisation that holds orthodox Christian views on marriage and gender. The activists objected to the idea that Mark should be able to hold a position on the ACL Board at the same time as working at PWC. PWC did not defend Mark against the attack. He felt that it was impossible for him to continue working at PWC with such visible and vitriolic attacks and stay on the ACL Board.

Joshua Lawless is a university student who was forced to undertake compulsory training and counselling after praying with a fellow student who was struggling with anxiety. Even though the student gave permission to pray, she subsequently complained to the university that Josh made her feel unsafe. The university disciplined and suspended Joshua, instructing him that he could only return to university if he undertook training and received counselling once every two weeks. Joshua was reinstated after obtaining legal assistance.

Rabbi Shimon Cowen is an academic who was dismissed from his position at Monash University during the same-sex marriage debate for using his university e-mail to disseminate his opposition to the issue on the basis of his orthodox Jewish beliefs.

The freedom to believe lies at the core of all human rights and freedoms. Freedom of speech enables the communication of beliefs, whilst freedom of expression permits beliefs to be lived out in society. Freedom of association allows those of like-mind to form groups, communities and organisations governed by common conviction and to exercise those rights together.
HENRY

Henry* is a teacher who was returning to the classroom after workplace stress leave. His work placement was abruptly terminated because he spoke about his Christian beliefs in conversations initiated by students in the classroom. He had an informal meeting with a deputy principal at the time but no reprimand. Some months later, Henry was suddenly marched out of the school without warning or explanation and his placement was terminated. This was extremely traumatic for Henry and added to his existing stress condition. He still has not returned to the classroom.

CHRIS

Chris* is a government employee who objected to constantly receiving work e-mails encouraging involvement in a “pride” parade and subscription to a “pride” newsletter. When Chris expressed concern about the pressure being placed on him, he was placed under investigation for suspected breach of policy. While these investigations were dropped after Chris obtained legal assistance, Chris was dismissed on the basis of performance issues shortly after despite 30 years of previous unblemished service.

RYAN

Ryan* was a general manager at a digital services company who was terminated in his role after answering unexpected questions at work about the Safe Schools program. Despite his reasoned response about why he opposed the program, Ryan was terminated from his role because he allegedly was creating an unsafe workplace through his comments. Ryan had to pursue lengthy legal action for the abrupt and unjust treatment and eventually received compensation but had to find another job.

DAVID

David Gee is a street evangelist and Campbell Markham is a pastor who were subjected to an anti-discrimination claim under s17 of the Tasmanian Anti-Discrimination Act by an activist for expressions of traditional Christian beliefs in street evangelism. Mr Gee had disputes with the complainant leading up to the claim and the complainant had given an undertaking to the Magistrate’s Court not to harass Mr Gee. The Tasmanian commission accepted the claim despite it being vexatious. Gee and Markham were put to significant time and expense to answer the claim, which was eventually dropped by the activist complainant after Gee and Markham sued the Commissioner in the Supreme Court.

Samantha* is a tertiary lecturer in WA who was ordered to never talk about her religion at work. In her workplace Samantha engaged in informal conversations about Christianity with staff and students. She addressed students using the name of God and Jesus as a curse word by saying “Do you know him? Because I know him.” Her employer issued Samantha with a formal written warning and threatened her with discipline and even a psychiatric assessment for discussing her religious beliefs with students and staff members in workplace conversations.

SAMANTHA

Jane* is a senior executive in the public service. She has voiced her support for traditional marriage and the positions taken by Margaret Court and Israel Folau in casual workplace conversations but has not expressly shared her Christian faith. Other employees mock Jane’s position and have complained that her statements make them feel ‘unsafe’. In her workplace, Jane faces growing ostracism and has been subject to performance management in her role. She is finding the work environment increasingly hostile and will probably quit her job or take redundancy.

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BEN

Ben* worked as a taxi driver for a cab company in NSW. Following an anonymous complaint about Ben, the company instructed all its staff not to talk about their faith or politics with passengers during work. No one had ever made a complaint to Ben before and he had never forced a conversation about religion or politics on any of his passengers.

JOBS UNDER THREAT FOR RELIGIOUS EXPRESSION IN THE WORKPLACE

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JOBS UNDER THREAT FOR RELIGIOUS EXPRESSION IN THE WORKPLACE
CHRISTIANS FACING EXCLUSION BECAUSE OF THEIR FAITH

OLIVER

Oliver* and his wife are homestay parents in Queensland who were given care of an adolescent international student (who was a biological female) studying at a local school. Subsequent to the placement and after the school hosted a transgender activist, the student began presenting as a boy. The student exhibited some sexualised behaviour which worried Oliver and his wife. Concerned for the child’s safety but not wanting to cause distress, Oliver did not approach the student directly but raised the matter with the school and advised he could not in good conscience support or affirm her behaviour because of his Christian beliefs about sex and gender. The school branded them “unsafe” and removed the student from their care within 48 hours of contact from Oliver. Oliver and his wife are deeply distressed about the way they were treated.

CHRIS & MARY

Chris and Mary* are a WA couple who applied to become respite foster carers for children between the age of 0-5 and were promptly rejected and labelled as “unsafe” by the agency due to their traditional Christian beliefs about gender and sexuality. Chris and Mary said they would love any foster child who was placed with them, but that they couldn’t affirm or promote a sexual identity that conflicts with their Christian convictions. Chris and Mary have been traumatised by the way the foster care agency has treated them and are taking legal action.

WHAT WE DO

CALEB

Caleb Corneloup is a preacher in Tasmania whose licence for street preaching was rejected by the Launceston local council on the basis that street preaching was not permitted. Caleb had to take legal action in the Federal Court to confirm his rights to be granted a licence to publicly share his faith.

TRAINING

We provide training to students and practitioners.

LITIGATION ASSISTANCE

We provide legal assistance and representation for cases where people and organisations are in trouble with the law for living out their faith.

RESOURCES

The Human Rights Law Alliance produces resources for faith-based organisations to better protect their freedoms.

LEGAL ADVISORY

We provide our clients with legal advice in relation to existing law, as well as proposed changes to the law, and can represent those clients to present submissions to various governmental enquiries.

ALLIANCE BUILDING

We are growing an alliance of lawyers and experts sharing their respective knowledge for the furtherance of these aims.

The Human Rights Law Alliance exists to provide legal services in the area of freedom of thought, speech, conscience and religion.
CHRISTIANS THREATENED WITH DISCRIMINATION CLAIMS

ARCHBISHOP JULIAN PORTEOUS

Archbishop Julian Porteous became the focus of prominent media controversy after a discrimination complaint was filed against him because he expressed the traditional Catholic doctrines of marriage. A Tasmanian transgender person filed the complaint of discrimination over a pamphlet containing the traditional Catholic view on marriage after it was circulated by the Archbishop to Tasmanian Catholic Schools. The complainant eventually dropped the claim.

WOMEN’S REHAB CENTRE

A Women’s Rehab Centre has been threatened with legal proceedings by a biological male who identifies as female. The Rehab centre runs a Christian restoration program which houses drug-addicted women who have suffered multiple traumas including sexual abuse and physical violence. The applicant was declined admission to the women’s residential rehab program but offered a placement in a day treatment programme for both men and women. The applicant rejected that assistance and threatened a discrimination claim through a lawyer. The rehab centre is largely run by volunteers on a small budget and does not have money to defend a legal claim. Expensive legal proceedings could force them to close down.

BALLARAT CHRISTIAN SCHOOL

Ballarat Christian School is being sued by Rachel Colvin, a former teacher, for discrimination because the School required her to teach orthodox Christian sexuality and gender convictions despite the fact that Ms Colvin held different personal beliefs on these issues. The School advised Ms Colvin that she was free to hold her own personal beliefs but that she would be required to support and teach in accordance with the beliefs of the school. The matter is currently in the Victoria Civil and Administrative Tribunal.

CHRISTIAN YOUTH CAMPS LIMITED

The Supreme Court of Victoria found that a Christian Youth Camp provider in Victoria had discriminated against a LGBT+ youth organisation because they refused an application to use the site on the grounds of their religious convictions. It was held, despite the decision being based on their religious beliefs, that they could not claim the religious exemptions under the Equal Opportunity Act.

NEIL

Neil* is the owner of a surf shop that raises funds for Christian ministry efforts to help the poor and needy. A journalist wrote an article in the local paper alleging that a t-shirt he was selling displayed homophobic hate-speech. The t-shirt read, “Love is a Choice”. Neil has received many abusive phone calls and his surf shop was repeatedly vandalised due to the article. Eventually a confidential settlement was reached.

CHRISTIAN SCHOOL

A Christian School was sued by a former student three years after leaving the school claiming discrimination on the basis of gender identity. The school required the biological female student to wear a female school uniform during the short period of time she was at the school. At the time of enrolment the student and her family both identified her as a female. After leaving the school, the student began to identify as male and commenced legal action for monetary damages and seeking orders to force the school to adopt the Safe Schools curriculum and to subject its teachers to sexuality and gender training by non-qualified LGBT+ activists. The matter was settled confidentially.
**CHRISTIANS FORCED AGAINST CONSCIENCE**

**JASON**

Jason Tey is a photographer in WA who was sued for discrimination after he informed a lesbian couple wanting photos that he was a Christian. Jason did not refuse to provide the couple services, but informed them that they might want to approach another photographer because he had a conflict of belief on same-sex marriage. Despite having no real case to answer, the Equal Opportunity Commission referred the matter to the State Administrative Tribunal. Eventually, the complainant dropped the case, but the process was stressful, time consuming and expensive for Jason.

**JAMES**

James* is a pharmacist in South Australia who feels conscience-bound not to dispense hormones to people who reject their biological sex and identify as transgender. James would refer biological men seeking female hormone prescriptions to other pharmacists in his pharmacy but faced hostility. James eventually quit his job and gave up his profession because of the risk of expensive and stressful anti-discrimination claims if he continued to follow his conscience.

**LAURA**

Laura* is a Christian small business owner. A biological female employee who began to identify as a man demanded that Laura and staff in her small business start using male pronouns. As a small business, the costs of a discrimination claim would put Laura out of business. Concerned about the potential ramifications, Laura changed the way that she addressed the employee.

**JONATHAN**

Jonathan* is a father who had a domestic violence restraining order application brought against him for refusing to use female pronouns for his biological male son who now identifies as a female. Jonathan is a Christian. His son instituted proceedings in the Queensland Magistrates Court. The prospect of a restraining order caused Jonathan much anxiety in the lead up to the hearing. His son eventually did not appear at the hearing and the judge dismissed the application.

**MARIA**

Maria* is a doctor who declined to provide IVF services or referral on grounds of conscience. She was subjected to a discrimination claim and investigation by a medical board for her conscientious convictions toward IVF.

As a not-for-profit law firm with a Christian ethos, we work to ensure that all Australians can peacefully live out their faith and convictions both in private and in public without fear.

* Client has been de-identified where settlements were confidential, where issues are sensitive, where requested or where the matter is currently before the Courts.