

Sydney Anglicans

2026: Issue 2 - Human Rights Special

FREEDOM MATTERS

Religious Freedom Update



Informing and equipping you to
take action to protect religious freedom

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Reflection

Human Rights Special Report

There is an ongoing push to introduce Human Rights Acts ('HRA') in various forms in Australia. Victoria, the ACT and Queensland all have a Human Rights Act or 'Charter'. At a Federal level, the Australian Human Rights Commission ('AHRC') proposed a model for a Federal Human Rights Act in 2023 and a Parliamentary Joint Committee held an [Inquiry](#) into Australia's human rights framework concluding that the government should introduce an HRA broadly reflecting the AHRC's model, despite significant concerns regarding this model expressed in submissions to that Inquiry. On 25 May Andrew Wilkie MP introduced his Human Rights Bill 2026 (Cth), [stating](#) that his Bill flowed from the PJC Inquiry and was based on the AHRC model.

The idea of a Human Rights Act sounds like something we should support, given that religious freedom is a 'human right'. However HRAs never properly protect religious freedom and always seek to limit the right to freedom of thought, conscience and belief, while elevating 'non-discrimination' rights above those freedoms, contrary to International covenants. Human rights are politically contested ideas and are usually defined broadly requiring judicial interpretation. All legislation must then be interpreted in accordance with an HRA's definition of rights which requires judges to interpret and prioritise rights based on a judge's personal values.

In NSW, the latest attempt is the Human Rights Bill 2025 promoted by the NSW Greens. This is the worst example of an HRA we have seen to date. It limits fundamental freedoms of thought, conscience and belief, elevates non-discrimination rights, invents new progressive rights and institutes an oppressive investigative and enforcement regime which will impact faith-based schools, child-care centres, hospitals and aged-care facilities. Please read this briefing paper and contact your MP to let them know your concern regarding these proposals.

Threat level

This document sets out various threats to religious freedom, a description of the threat, the threat level (the seriousness of the threat) and what action you can take.



Overall threat level to religious freedom in Australia is **HIGH**

Current Threat



NSW Human Rights Bill Inquiry

What is the Threat to Religious Freedom in this Bill?

The NSW Greens introduced a Human Rights Bill in Oct 2025. This has now been sent to a Parliamentary Inquiry with a submission deadline of 3 July 2026. The Bill poses a significant threat to religious freedom if it were to be passed, especially in its current form which is lop-sided and flawed.

Why would we oppose a Human Rights Bill?

There are fundamental problems with Human Rights Acts in general. They are ineffective, unnecessary and undemocratic.

1. **Ineffective** – Human Rights Acts don't actually protect human rights. Human Rights Acts have proven to be ineffective in Australia in protecting rights especially in cases of emergency.

Two examples prove this:

- Victoria's *Charter of Human Rights and Responsibilities Act 2006* (VIC) failed to protect human rights during covid-19 lockdowns. The actions of police arresting protestors in the Queen Victoria Markets and arresting a pregnant woman for a Facebook post questioning lockdown rules, demonstrate that freedom of expression (clause 15) and freedom of peaceful assembly and association (clause 16) were not protected during this time despite the existence of a Charter of Rights.
- The ACT's *Human Rights Act 2004* (ACT) did not protect freedom of belief and religion where the government acquired the Calvary Catholic Hospital in a hostile takeover in Canberra because it refused to provide abortion services in accordance with Catholic doctrine.

Current Threat



NSW Human Rights Bill Inquiry

Why would we oppose a Human Rights Bill?

2.Unnecessary – Advocates for a Human Rights Act claim that “Australia is now the only Western democracy without some kind of national Human Rights Act or bill of rights.” ([AHRC](#)). But a Human Rights Act is not required, because Australia meets its obligations under the *International Covenant on Civil and Political Rights* (‘ICCPR’) and other covenants to which it is a signatory by other legislative means. The only problem is that there are gaps in protecting certain rights – religious freedom is a case in point. This Human Rights Bill doesn’t address this gap. Legislative protection for freedom of religion, and all forms of freedom of expression should first be established in line with the ICCPR before introducing a Human Rights Act. The highest priority should be a Religious Discrimination Bill of generous ambit and providing meaningful positive protections. Protection against discrimination is already protected in anti-discrimination law and vilification provisions.

3.Undemocratic – Broad, ill-defined definitions of human rights in an Act transfer decisions over contested moral, political and religious matters from the legislature to judges who cannot be un-elected. Human rights are politically contested ideas. Human Rights Acts require judges to interpret laws based on the judge’s personal values and policy preferences. Requiring judges to intervene in such matters impacts the independence of the judiciary from the legislative and executive arms of government. Deciding the boundaries of overlapping Human rights should remain within the control of the legislature and not the judiciary.

Current Threat

NSW Human Rights Bill Inquiry



What are particular concerns with the NSW Human Rights Bill?

The Bill reveals an ideological bias which is selective about which rights and limitations are included. The Bill is not neutral in this regard.

The Bill does 4 key things:

1. **Rights Regime (Recognition & Creation of Rights)** – the Bill recognises 31 enforceable rights. Some of which are novel and not contained in international covenants to which Australia is a signatory.
2. **Enforcement of Rights against 'public authorities'** – a 'public authority' is required to make decisions taking the defined 'human rights' into account and to operate to uphold such rights. A 'public authority' is defined to include faith-based child-care centres, schools, hospitals and aged-care facilities. These rights can be enforced against these public authorities.
3. **Courts are bound** – to interpret all laws in accordance with this Act, even when a statute cannot be interpreted in such a way.
4. **Oversight bodies and processes** – the Bill creates a new NSW Human Rights Commission and Parliamentary Joint Committee on Human Rights; a complaints, conciliation and enforcement regime.

Current Threat

NSW Human Rights Bill Inquiry

What are particular concerns with the NSW Human Rights Bill?



1. Rights Regime (Recognition & Creation of Rights)

- The Bill contains a general limitations clause which limits freedom of thought, conscience and religious belief contrary to the provisions of the ICCPR in which certain rights cannot be limited **at all**. Limitations in the ICCPR are bespoke to particular rights. The *manifestation* of one's religion can only be limited in Art 18.4 ICCPR by laws which are *necessary* to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. This Bill allows limits on rights that are *reasonable* and may be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.
- The Bill elevates non-discrimination rights over thought, conscience and belief contrary to international law.
- The Bill invents novel 'progressive' rights at the expense of established human rights. Such rights which are not included in treaties ratified by Australia include: rights to First Nations peoples, rights to early childhood and tertiary education, right to respect for one's family model, right not to be unlawfully evicted, right to clean water, right to work on just and favourable conditions.
- The Bill fails to protect rights that are protected in the ratified Covenants including parental rights, especially the right and responsibility of parents to raise their children in accordance with their moral and religious values and to provide direction to a child. The Bill reflects a particular sociological view of the child and family, elevating a child's right to self-determination and independence, failing to reflect any parental rights and creating a novel human right to respect for one's family model which may prevent any comment or criticism of that model.
- The Bill alters International Covenant standards: for example it widens the definition of torture to include 'degrading treatment' (which is broad enough to capture expressions of religious belief or practice on moral or sexual ethics issues).

Current Threat

NSW Human Rights Bill Inquiry



What are particular concerns with the NSW Human Rights Bill?

2. Enforcement of Rights Against Public Authorities

- A 'public authority' is defined to include faith-based child-care centres, schools, hospitals and aged-care facilities (based on their provision of such services to the public and the receipt of government funding).
- The public authority must take the defined human rights into consideration when making decisions or taking action. Failure to do so gives a person affected by the decision or action the right to:
 - make a complaint to the NSW Human Rights Commission (new)
 - bring proceedings in a Tribunal
 - take legal action in a Court
 - rely on the human right in other legal proceedings.
- 'Taking a human right into consideration' in the Bill requires a public authority to involve certain categories of person in decisions made by the authority when those decisions particularly affect said persons. This elevates the rights of certain persons above others including: First Nations people, women and girls, children, the elderly, LGBTIQA+ people and 'victim survivors'. This is unworkable as (for example) all decisions in a school affect the children at the school; likewise the elderly in aged-care etc.
- The human rights specified in the Bill can be enforced against these 'public authorities'.
- The Bill interferes with the ability of faith-based institutions to operate in accordance with their doctrines, tenets and beliefs.

Current Threat



NSW Human Rights Bill Inquiry

What are particular concerns with the NSW Human Rights Bill?

3. Courts are bound to interpret all legislation in accordance with this Bill

- The Bill requires the Courts to interpret all laws in accordance with this Bill even where a statute *cannot* be interpreted in such a way (clause 45(2)). This may require a judge to contort the plain or well understood meaning of a provision. This interferes with the proper exercise of judicial function to act independently and impartially in interpreting legislation.
- The requirement that all legislation be interpreted in accordance with this Bill's definition of human rights means that exemptions in existing legislation (or a future Religious Discrimination Bill) intended to protect religious freedom may be distorted in its interpretation and provide no protection at all.
- The Bill requires Australian courts to interpret all legislation in accordance with 'international human rights' which is a non-exhaustive list. The list contains treaties to which we are not a party and inappropriately cedes jurisdiction from Australian courts to international progressive bodies.
- Requiring public authorities to have regard to human rights when making decisions and taking action (clause 49), together with the legal rights granted to make complaints or take court action (clause 50) make these rights enforceable against faith-based organisations.

Current Threat



NSW Human Rights Bill Inquiry

What are particular concerns with the NSW Human Rights Bill?

4. Oversight Bodies & Processes

- The Bill creates a new NSW Human Rights Commission ('NSWHRC') with wide powers to investigate public authorities including faith-based bodies with the power to compel provision of documents and to review their policies and practices. This is an unwarranted intrusion in the operation of religious bodies' ability to operate according to their doctrines, tenets and beliefs.
- The powers to compel production of evidence go beyond the parties to the complaint (as in the NSW *Anti-discrimination Act*) and include anyone who the NSWHRC considers may have relevant information. For example if a complaint were made against an Anglican girls school, the NSWHRC could compel evidence of policy and procedures from (say) any Anglican school or any girls school in NSW. There are extravagant penalty provisions for failure to produce documents.
- The conciliation process is biased towards the complainant.
- There are name and shame reporting provisions which presuppose that failure to resolve a complaint is due to wrongdoing on behalf of the respondent and not due to the complainant being unwilling to conciliate or the complaint being baseless or vexatious. Public authorities are required to identify the number of complaints they have received in their annual reports (regardless of whether the complaints were baseless, dismissed etc).
- The Bill permits appeals to the Supreme Court and Court of Appeal to retry cases contrary to established Supreme Court procedures and rules.

Current Threat



NSW Human Rights Bill Inquiry

What are some other concerns with the NSW Human Rights Bill?

- The Bill applies only to 'individuals' and does not apply to protect religious bodies (contrary to international law). This limits the protection for religious freedom as religion is manifested in community with others and corporately through religious bodies.
- The Bill only recognises human rights as arising from birth, contrary to the Convention on the Rights of the Child (CRC) which acknowledges the rights of children prior to birth.

Why does this Bill matter?

- If this Bill is passed in its current form it will have a significant detrimental effect on fundamental rights to thought, conscience and belief and the ability of people of faith to practice their religion. Additionally it will have a detrimental effect on religious bodies to operate in accordance with their doctrines, tenets and beliefs without interference from the State.

How can I find out more?

- Read the NSW Human Rights Bill which can be found [HERE](#)
- Many of the same issues were canvassed in the Federal Human Rights Inquiry. Read the HRLA Submission (#14) and Freedom for Faith Submission (#119) on the Federal proposal [HERE](#)

What action can I take?

- Contact your MP to express concern at this ambit claim Bill which affects religious freedom.
- Make a submission to the Inquiry. Deadline for submissions is **3 July 2026**. Click [HERE](#) to go to the Inquiry's page.

Current Threat

CTH Human Rights Bill 2026



What is the threat?

- On 25 May 2026, Andrew Wilkie tabled a new Human Rights Bill into the Federal Parliament. Our prima facie reasons for opposing a Human Rights Bill in NSW are the same in respect of this Bill.
- Whilst the Federal Bill makes a better attempt to reflect the parameters of and limitations to human rights in ratified treaties, it still requires that all legislation (both existing and future) be interpreted in accordance with this Bill.
- Section 11 renders invalid all legislation inconsistent with this Bill (at both a Federal and State level). Given the emphasis the Bill places on protecting against discrimination (s22) there is a real possibility that protections by way of exemptions in sections 37 and 38 of the *Sex Discrimination Act 1984* (Cth) ('SDA') could be rendered invalid especially in relation to children's education which must be 'without discrimination' (s44). The exemptions in the SDA enable religious bodies including faith-based schools to operate in accordance with their doctrines, tenets and beliefs especially in relation to sex and gender identity.

How can I find out more?

- Read the Human Rights Bill 2026 (Cth) [HERE](#)
- The Bill is based on the model proposed by the Federal Human Rights Inquiry. Read the HRLA Submission (#14) and Freedom for Faith Submission (#119) on the Federal proposal [HERE](#)

What action can I take?

- Contact your MP to express concern at this Bill which affects religious freedom. Labor promised that religious freedom would not go backwards under their government and the Liberal party has recently committed to protect religious schools. This Bill would impact both those promises.

Other Current Threats



For an assessment of other Current & Future Threats click [HERE](#) to access prior editions of Freedom Matters for an explainer of the threat and action to take, or on the links below for details of relevant submissions.

Conversion Practices Ban Act 2024 (NSW) – Read the [Freedom for Faith analysis](#) of the Act. Click [HERE](#) for to read the ADNSW view

NSWLRC Anti-Discrimination Act Review – Read the Anglican Diocese of Sydney Submission [HERE](#)

Voluntary Assisted Dying Legislative Review (NSW) – The Anglican Church Diocese of Sydney submission is not yet publicly available.

Crimes Summary Offences Amendment Bill 2025 (NSW) – Click [HERE](#) for Anglican Diocese of Sydney Submission

Future Threats



VIC Inquiry into Cults. Read the Freedom for Faith Submission [HERE](#)

WA Conversion Practices Ban

Past Threats

For Past Threats, click [HERE](#) to access prior editions of Freedom Matters for an explainer of the threat and action to take, or on the links below for details of relevant submissions.



Combatting Antisemitism Hate & Extremism Act 2026 (Cth) – Click [HERE](#) for Freedom for Faith Submission #182

NSW Hate Crimes (Inciting Racial Hatred) Act 2025 (NSW)

Click [HERE](#) for Anglican Diocese of Sydney Submission to Sackar Review

Religious Discrimination Bill (Cth) – the ‘RDB’

For more information see the Freedom for Faith website [HERE](#)

Read the past edition of Freedom Matters on the RDB [HERE](#)

NT Anti-Discrimination Amendment Bill 2025

Read the past edition of Freedom Matters on the NT Bill [HERE](#)

Read the [NT government explainer](#) of the proposed changes

Taking Action

Resources to assist you to contact your local MP on current issues can be found at: www.contactyourmp.org.au

For more information on current issues, go to: www.freedomforfaith.org.au/current-issues/

Disclaimer

The content of this document is intended only to provide a summary and general overview on religious freedom matters. It is not intended to be comprehensive nor does it constitute legal advice. If you need advice in relation to a particular situation you should seek your own independent legal advice.