

# AUSTRALIAN CASES:

## FREEDOM OF **THOUGHT**, **CONSCIENCE** AND **RELIGION**





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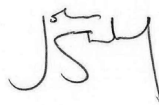
## HUMAN RIGHTS LAW ALLIANCE

The Human Rights Law Alliance (HRLA) is a charitable law firm set up to protect and advance religious freedom for all Australians. Since commencing as a law firm in 2019, HRLA has provided legal representation and advocacy for people who are under attack for living out their faith in public. For every high-profile case such as Israel Folau and Margaret Court, there are large numbers of cases involving ordinary Australians of faith that do not make the headlines. Whether it is students facing university discipline tribunals, ordinary Christians facing legal attack by activists, public servants facing sanctions, or vulnerable children being denied foster parents—Australians are facing increasing hostility. The problem is not going away.

This brochure provides a snapshot of the growing number of Australian cases where freedom is

under threat. Vexatious claims are on the rise and they take a financial, social and emotional toll on individuals and faith communities. The stress of facing a claim is often punishment in itself and most Australians do not have the fame, profile or financial resources necessary to fight this battle. A healthy civil society needs robust protections for freedom of speech, thought, conscience and belief for all Australians. The ability to live according to deeply held values and beliefs not only affects individuals of faith but is a core freedom that all Australians should enjoy.

John Steenhof



**Managing Director**



If you want to learn more about Australian Cases check out:  
[www.australiawatch.com.au](http://www.australiawatch.com.au)



If you want to stay informed about HRLA, sign up at our  
website: [www.hrla.org.au](http://www.hrla.org.au)







# JOBS AND QUALIFICATIONS UNDER THREAT FOR PERSONAL STATEMENTS OF BELIEF



## JEREMY

Jeremy\* is a Christian medical practitioner with over 40 years' experience. He shared his opinion on social media regarding psychological challenges faced by LGBT+ people and an anonymous complaint was made to the Medical Board. Jeremy was subsequently investigated, with his internet history being placed under close scrutiny. Up until this point Jeremy had an unblemished record and no complaints from patients or other health practitioners over his many years as a practitioner. Jeremy was cautioned and had invasive restrictions placed on his license to practice medicine, which included heavy restrictions on his use of social media and education on gender and sexuality issues.



## DR WEERAKOON

Dr Patricia Weerakoon 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 finding that Dr Pat had not breached her responsibilities, the professional qualifications body ultimately revoked her accreditation.

<sup>^</sup>Previously anonymised

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“Freedom of religion and conscience affirms the dignity, worth, and agency of every human person by freeing us to align “who we understand ourselves to be” with “what we believe actually is,” and then to think, speak, and act in line with these convictions.”

*Os Guinness*



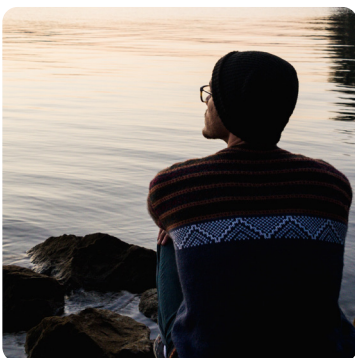


## DR KOK

Dr Jereth Kok is a Victorian family doctor with over fifteen years of experience and an unblemished record of medical practice. The Medical Board received two anonymous complaints about Dr Kok's personal social media posts regarding same-sex marriage, transgenderism, radical feminist theory and various conservative political issues. The complainants were not made by patients. Despite Dr Kok never receiving a complaint of discrimination or differential treatment from any of his patients, the Medical Board exercised emergency powers to investigate over ten years of his internet history and pick out potentially offensive comments. The investigation was conducted over 3 months without Dr Kok's knowledge and he was given a week to provide his defence.

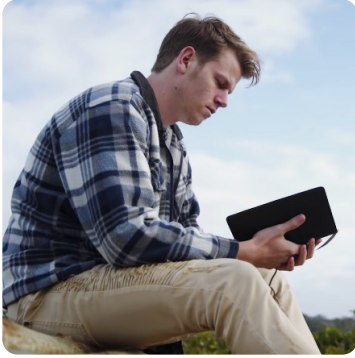
The Medical Board suspended Dr Kok's registration to practice medicine on the basis that it was in "the public interest". Dr Kok appealed to the Victorian Civil and Administrative Tribunal, and whilst the Tribunal acknowledged that "No evidence was placed before us to show that in his actual practice Dr Kok has not endeavoured to protect and promote the health of individuals and the wider community," it upheld the decision to suspend Dr Kok pending the final outcome of the investigation. Dr Kok has been suspended since August 2019 and will remain prohibited from practicing until the Medical Board finally brings the matter to trial where his medical license may be struck off for good.

^Previously anonymised



## MARCUS

Marcus\* is a support worker who helps troubled youth in the community. He is also a Christian and holds traditional views on sexuality and gender. As part of his role, Marcus was asked to sit a psychological suitability assessment, which he was deemed to have failed due to his traditional views on sexuality and gender. Marcus was fired from his position and suspended from working with youth at any residential facility for 12 months. Marcus now has a record lodged with the regulatory authority which will make it difficult for him to find employment in his field of work.



## JOSHUA

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 him 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.



## WHITE MAGAZINE

White Magazine is a company that was forced to shut down due to omitting to publish any 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.



## 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 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). Rugby Australia issued an apology and confidentially settled with Folau for an undisclosed amount.



## RABBI SHIMON

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





## IAN

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.



## MADELINE

Madeline\* is a Christian who was an entertainer for a children's party business in Canberra. During the leadup to the 2017 Same-Sex Marriage postal vote, Madeline posted on Facebook, 'It's ok to vote no'. When her employer saw the post, they sacked her alleging that she was homophobic and hurtful. Madeline's employer not only fired her but publicly declared her dismissal on social media. During this time, Madeline suffered significant anxiety and stress. An enquiry by the Fair Work Ombudsman led nowhere and because there is limited legal protection against religious discrimination, Madeline had no real recourse against her employer.



## MARK

Mark Allaby is a senior executive of PWC 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.



## 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 regarding 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.



## BERNARD

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.



## STEPHEN

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.



# **JOBS UNDER THREAT FOR RELIGIOUS EXPRESSION IN THE WORKPLACE**



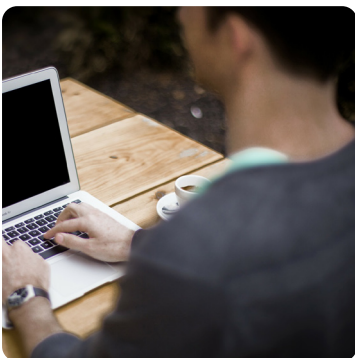
## **JANE**

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.



## **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 "pride" functions. 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.



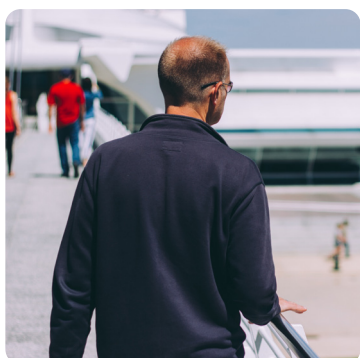
## SAMANTHA

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.



## 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.



## 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.





## 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.

## WHAT WE DO



### 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.



### 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.



### TRAINING

We provide training to students and practitioners.



### RESOURCES

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



### ALLIANCE BUILDING

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

# CHRISTIANS FACING EXCLUSION BECAUSE OF THEIR FAITH



## RILEY SOARES

Riley is a practicing Catholic who is same-sex attracted but lives a celibate life in accordance with Catholic teaching. Riley stood for traditional marriage during the 2017 marriage campaign and was outspoken about his opposition to pro-LGBTQ policies and programs that his University College was adopting, which were contrary to Catholic teachings on sexuality. In 2019, he started a petition opposing the promotion of Pride events by the College. He faced humiliating public attack from other students for which the College provided assistance. In 2019, when he met numerous times with College staff and made an application for continued residency, Riley was strongly discouraged from returning and his application was not progressed. In the end, Riley was forced to leave the College and find alternative accommodation. He strongly believes that this is because of his public stance for the College's Catholic heritage.



## BYRON & KEIRA HORDYK

Byron and Keira 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. Byron and Keira 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. Byron and Keira were devastated at how they were treated by the foster care agency and have made a discrimination claim to ensure that Christians like them are not excluded from consideration as foster carers for needy children.

^Previously anonymised

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“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

*Article 18, Universal Declaration of Human Rights, 1948*



## 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.

# CHRISTIANS THREATENED WITH DISCRIMINATION CLAIMS



## BALLARAT CHRISTIAN SCHOOL

Ballarat Christian College was sued by Rachel Colvin, a former teacher, for discrimination. Mrs Colvin claimed that she was forced to resign as a result of discrimination after the College clarified the wording of its Statement of Faith in regard to marriage being between one man and one woman. The College strongly denied Mrs Colvin's discrimination claim and sought to resolve the situation in accordance with its established policies and procedures. After mediation and to avoid further disruption and costs of legal fees, the matter was settled between Ballarat Christian College and Mrs Colvin. The College was able to reach the settlement without conceding any changes to its Statement of Faith or policies.



## WOMEN'S REHAB CENTRE

A women's rehabilitation 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.





## CHRISTIAN SCHOOL

A Christian school was sued by a former student three years after the student left 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. The student also sought 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.



## 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 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.



## 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.

# CHRISTIANS FORCED AGAINST CONSCIENCE



## 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.



## 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.

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“When people lose their religious freedom, they lose more than their freedom to be religious. They lose their freedom to be human.”

*Timothy Shah*



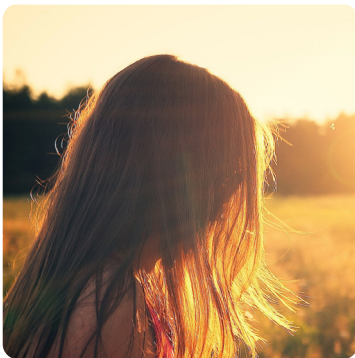
## LAURA

Laura\* is a Christian small business owner. A biological female employee who began to identify as a male 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.



## 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.



## 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.

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







**Human Rights Law Alliance**