

## Appendix C – Overview of applicable laws in Australian jurisdictions

Table C1 outlines key protections for religious belief in Australian legislation, including anti-discrimination, anti-vilification, constitutional, and human rights protections.

**Table C1: The human right to religious freedom**

Jurisdiction	Constitutional protection	Human rights charter	Discrimination	Vilification	Provision for exemption from special religious education in schools	Provision for exemption from sex education in schools	General provision for exemption from classes in schools
Commonwealth	Limitation on Commonwealth legislative power. Constitution of Australia s 116.	N/A	Religion in employment. <i>Fair Work Act 2009</i> (Cth). Ethnic origin, including ethno-religious origin. <i>Racial Discrimination Act 1975</i> (Cth).	Urging violence against a groups, or members of groups, distinguished by religion. <i>Criminal Code Act 1995</i> (Cth).	N/A	N/A	N/A
Australian Capital Territory	None.	Freedom of thought, conscience, religion and belief. <i>Human Rights Act 2004</i> (ACT).	Religious conviction. <i>Discrimination Act 1991</i> (ACT).	Religious conviction. <i>Discrimination Act 1991</i> (ACT). Religious conviction. <i>Criminal Code 2002</i> (ACT).	Yes – parents may request for their children to receive religious education. <i>Education Act 2004</i> (ACT).	No.	No.
New South Wales	None.	N/A	Race, including ethno-religious origin. <i>Anti-Discrimination Act 1977</i> (NSW).	Race, including ethno-religious origin. <i>Anti-Discrimination Act 1977</i> (NSW).	Yes. <i>Education Act 1990</i> (NSW).	Covered by general exemption provision. <i>Education Act 1990</i> (NSW).	Only on religious grounds. <i>Education Act 1990</i> (NSW).
Northern Territory	None.	N/A	Religious belief or activity. <i>Anti-Discrimination Act 1996</i> (NT).	None.	Yes. <i>Education Act 2015</i> (NT).	Covered by general exemption provision. <i>Education Act 2015</i> (NT).	Yes. <i>Education Act 2015</i> (NT).
Queensland	None.	N/A	Religious belief or religious activity. <i>Anti-Discrimination Act 1991</i> (Qld).	Religion. <i>Anti-Discrimination Act 1991</i> (Qld).	Yes. <i>Education (General Provisions) Act 2006</i> (Qld).	No.	No.
South Australia	None.	N/A	Religious appearance or dress. <i>Equal Opportunity Act 1984</i> (SA).	None.	Yes. <i>Education Act 1972</i> (SA). Educational Regulations 2012 (SA).	No.	No.
Tasmania	Freedom of conscience and the free profession and practice of religion. <i>Constitution Act 1934</i>	N/A	Religious activity or affiliation, or religious belief. <i>Anti-Discrimination Act 1998</i> (Tas).	Religious activity or affiliation, or religious belief. <i>Anti-Discrimination Act 1998</i> (Tas).	Yes. <i>Education Act 2016</i> (Tas).	No.	Yes (for activities). <i>Education Act 2016</i> (Tas).

Jurisdiction	Constitutional protection	Human rights charter	Discrimination	Vilification	Provision for exemption from special religious education in schools	Provision for exemption from sex education in schools	General provision for exemption from classes in schools
	(Tas).						
Victoria	None.	Freedom of thought, conscience, religion and belief. <i>Charter of Human Rights and Responsibilities Act 2006 (Vic).</i>	Religious belief or activity. <i>Equal Opportunity Act 2010 (Vic).</i>	Religious belief or activity. <i>Racial and Religious Tolerance Act 2001 (Vic).</i>	Yes. <i>Educational Training and Reform Act 2006 (Vic).</i>	No.	No.
Western Australia	None	N/A	Religious conviction. <i>Equal Opportunity Act 1984 (WA).</i>	None.	Yes. <i>School Education Act 1999 (WA).</i>	Covered by general exemption provision. <i>School Education Act 1999 (WA).</i>	Yes. <i>School Education Act 1999 (WA).</i>