

No barriers to local intelligent design lessons

By Linda Morris Religious Affairs Reporter

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THERE is no constitutional impediment to teaching intelligent design in religious classrooms or school science laboratories, some Australian legal experts say.

Educational curriculum content is the domain of the state, says John Williams, a reader in law at the Australian National University.

However, there was nothing to stop the Commonwealth from linking school grants with curriculum standards that could consider alternatives to evolution, provided it did not mandate a state religion.

"It would be a leap of faith to think the Australian constitution would stand in the way of a curriculum that included such things as intelligent design," Dr Williams said. "The wall between state and church in Australia is more of a bush or a low hedge. "The Commonwealth can fund religious schools, and does, and, by inference, allows religious teachings in all schools, private or public."

The NSW Minister for Education, Carmel Tebbutt, has ruled out the teaching of intelligent design in NSW public schools because it is not scientific or evidence-based.

More than 100 schools already teach intelligent design as science, alongside the curriculum requirement to study evolution. These schools include Christian community, Seventh Day Adventist, and a small number of Anglican schools.

The Greens say that the Commonwealth funded about 80 Christian community schools in NSW to the tune of \$140 million during a one-year period. Section 116 of the constitution expressly prohibits the Commonwealth from establishing a religion, requiring or prohibiting religious practice, or imposing any religious test for public office.

Carolyn Evans, deputy director of the Centre for Comparative Constitutional Studies at the University of Melbourne, said the US case had no legal implications here. "The High Court in Australia has been extremely reluctant to follow the lead of the United States Supreme Court in cases of religious freedom," Dr Evans said. "In the United States and Australia the constitutions prohibit the establishment of a religion. The Australian constitution is almost exactly the same words as the US constitution but Australian judges interpret it very differently. In the United States the funding of religious schools is considered establishment of a religion, in Australia it is not."

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