



Submission to Oberon Council's Draft Code of Meeting Practice

5 December 2025

This is a formal submission by the Rationalist Society of Australia (RSA), which is Australia's oldest freethought organisation promoting reason, secularism and evidence-based public policy. We are grateful for the opportunity to make this submission to Oberon Council's Draft Code of Meeting Practice. We hope that each council member will consider the submission as part of their deliberations on this matter.

We urge Oberon Council to remove acts of religious worship from the formal proceedings of council meetings.

The imposition of prayers at the opening of meetings is inappropriate for a number of reasons. The practice is also likely unlawful and exposes the council to legal risk.

We would be supportive of council replacing prayers in the Code of Meeting Practice with a practice that is secular, and more inclusive and welcoming of all.

Australian councils know there are legal risks in continuing to include religious prayers as part of their official meetings. In 2023, a Victorian council abandoned prayers from its Governance Rules after receiving a legal letter acting on behalf of a councillor. The letter argued that the practice was unlawful as it was not authorised by that state's *Local Government Act*.

Similarly, another councillor could seek legal assistance against their council's inclusion of prayers in its meetings.

Legal concerns

The key legal concerns with including a prayer in Oberon's Code of Meeting Practice are:

1. Not authorised by the Local Government Act

The *Local Government Act 1993 (NSW)* does not authorise NSW councils to include a prayer as part of their official business. It is unlawful for a council to do something not authorised by law.

As constitutional law expert Professor Luke Beck has explained in a published article, case law in the United Kingdom holds that English local councils do not have power to commence their meetings with prayer. In his 2021 peer-reviewed paper, he wrote that the reasoning in the English High Court's ruling in *R (National Secular Society) v Bideford Town Council* – that local councils in England had no power to commence their meetings with prayers without express statutory authorisation to do so – applies in NSW and other Australian states¹. He noted:

The Local Government Act of each of these states [including New South Wales] embodies the same fundamental premise – that all councillors are equal participants in council meetings – which animated the reasoning in the Bideford case.

Professor Beck's article analysed the Local Government Act of each of the states and concluded that it is "clear that councils in Australia lack power to engage in religious prayers as part of their council meetings."

2. Not consistent with the NSW model code of meeting practice

The *Model code of meeting practice for local councils in NSW 2025* provides at clause 2.1 that Council decisions should "respect the diverse needs and interests of the local community"².

¹ Beck, L (2021), 'Our Father who art in Town Hall: Do local councils have power to pray?', *Alternative Law Journal*, volume 46, issue 2, <https://journals.sagepub.com/doi/abs/10.1177/1037969X21996364>

² Office of Local Government (2025), *Model code of meeting practice for local councils in NSW 2025*, <https://www.olg.nsw.gov.au/wp-content/uploads/2025/08/2025-Model-Code-of-Meeting-Practice-for-Local-Councils-in-NSW.pdf>



Clearly, by incorporating religious observances as part of council meetings – and being exclusively Christian prayers, typically read aloud by Christian members of the public – Oberon Council fails to meet the legal requirements of operating in an inclusive manner that respects the diverse needs and interests of the local community.

Furthermore, the *Model code of meeting practice* provides a series of mandatory and optional provisions. Prayer is not mentioned in either.

3. Not consistent with the purpose of the power to make a code of meeting practice

Council must not exercise any of its powers for a purpose other than a purpose for which the power was conferred.

The relevant provisions of the *Local Government Act 1993* (NSW) and the *Model code of meeting practice* are limited to making rules that have some connection with the formal decision-making process. The imposition of a particular religious belief or religious view of certain councillors does not have such a connection or serve a relevant purpose.

4. Not consistent with human rights norms

The imposition of religion in a government institution is inconsistent with Australia's various international human rights commitments. The *Universal Declaration of Human Rights* (Article 18) declares the "right to freedom of thought, conscience and religion"³. Similarly, Article 18 (1 and 2) of the *International Covenant on Civil and Political Rights* (ICCPR) states: "Everyone shall have the right to freedom of thought, conscience and religion"⁴.

³ United Nations, 'Universal Declaration of Human Rights', accessed November 2025, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁴ United Nations, 'International Covenant on Civil and Political Rights', accessed November 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>



In explaining what Article 18 means for governments, the federal Attorney-General's Department says that "Government may not impose restrictions on the right to hold positions based on religious or other beliefs, *nor may it impose religious or other beliefs.*"⁵ Oberon Council contravenes this prohibition on imposing religion by having an official prayer.

Given the seriousness of this issue, the Rationalist Society of Australia, supported by a number of non-religious, ex-religious and pro-secular groups, asked the member nations of the United Nations Human Rights Council to consider the issue of prayers in parliaments and local governments as part of the Universal Periodic Review (UPR) into Australia's human rights review (fourth cycle), being conducted next year⁶. In a submission to the UPR, this issue was raised among a number of examples of discriminatory and unfair treatment against non-religious people, on the grounds of religion and belief, in government institutions and programs.

Growing momentum for change

There is growing momentum for change on this issue. In recent years, many elected representatives across the country – members of parliament and councillors – have called for the removal of prayers from the formal proceedings of parliaments and local councils.

Data from 2019 show that an estimated 55 per cent of councils in NSW observed prayers at the opening of their meetings⁷. Across the country, about 36 per cent of councils were estimated to have prayers.

⁵ Attorney-General's Department, 'Right to freedom of thought, conscience and religion or belief', accessed December 2025, <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-freedom-thought-conscience-and-religion-or-belief>

⁶ Rationalist Society of Australia (2025), 'Coalition of groups highlights discrimination of non-religious people in submission to UN Human Rights Council', <https://rationalist.com.au/coalition-of-groups-highlights-discrimination-of-non-religious-people-in-submission-to-un-human-rights-council/>

⁷ Beck, L (2023), 'Local Government Prayers in Australia', *Journal for the Academic Study of Religion*, volume 36, number 1, <https://journal.equinoxpub.com/JASR/article/view/21309>



Since then, a large number of councils have removed prayers or replaced them with secular, more inclusive and welcoming practices. In NSW, we understand that such councils include Wagga Wagga, Shoalhaven, Lismore, Byron Bay Shire, Lane Cove, and Ballina Councils. Others – including Wingecarribee Shire⁸ and Hawkesbury⁹ – have blocked attempts to reintroduce prayers. Compelling arguments made in these cases included that, as a workplace, councillors should not be excluded on the basis of religion or belief, and that no other public service employment workplace would tolerate mandatory religious observance.

Local governments should respect the growing religious and non-religious diversity of the communities that they serve. The religious demographics of modern Australia are changing rapidly, with Census data showing a steep decline in Christian affiliation over recent decades. Indeed, Australians marking ‘No Religion’ at next year’s Census will likely overtake Christianity, which is on track to fall below 40 per cent nationally¹⁰.

The same trends have been evident in Oberon. Although, we note that Census 2021 data suggest that religious affiliation in Oberon is higher than the national Census result, with Christianity reported at about 65 per cent¹¹. However it is important to note that the ABS uses a flawed Census question – ‘What is the person’s religion?’ – that presumes every respondent has a religion. This results in acquiescence bias that inflates the religion results. Other national survey results suggest a significant impact when the bias is removed from the question, finding

⁸ Rationalist Society of Australia (2025), ‘Defiant councillors block attempt to impose prayers in local government meetings’, accessed November 2025, <https://rationalist.com.au/defiant-councillors-block-attempt-to-impose-prayers-in-local-government-meetings/>

⁹ Rationalist Society of Australia (2023), ‘Hawkesbury councillors block push to re-introduce prayers’, accessed November 2025, <https://rationalist.com.au/hawkesbury-councillors-block-push-to-re-introduce-prayers/>

¹⁰ Australian Bureau of Statistics (2022), ‘Religious affiliation in Australia’, accessed December 2025, <https://www.abs.gov.au/articles/religious-affiliation-australia>

¹¹ Australian Bureau of Statistics (2022), Oberon: 2021 Census All persons QuickStats, accessed December 2025, <https://abs.gov.au/census/find-census-data/quickstats/2021/LGA16100>

11-point increases of ‘no religion’ and as many as 52 per cent of adults identifying as religiously unaffiliated¹².

The imposition of acts of religious worship/prayers in Oberon Council meetings alienates many non-religious people – elected representatives, staff, and members of the public – and puts up barriers to equal participation. Local governments should be welcoming and inclusive places for all people.

We note that some councillors at Oberon have expressed concerns about the imposition of prayers and the impact on them. Each councillor has a right to feel welcome and able to participate in council meetings on an equal basis. This is especially so given that council is their place of work. We note that Australia has ratified International Labor Organization anti-discrimination provisions against “any distinction, exclusion or preference made on the basis of ... religion ... , which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”¹³.

Government institutions should be secular. They should uphold the principle of separation of church and state, and be neutral on matters of religion and belief. Government institutions should not favour religion – or a particular religion – over non-religious beliefs. As a matter of principle, governments should provide equal treatment to everyone, regardless of their religious or non-religious beliefs.

¹² Pew Research Centre (2025), ‘Around the World, Many People Are Leaving Their Childhood Religions’, accessed December 2025, <https://www.pewresearch.org/religion/2025/03/26/around-the-world-many-people-are-leaving-their-childhood-religions>

; National Secular Lobby (2021), ‘The Essential Report – National Secular Lobby’, accessed December 2025, <https://www.nsl.org.au/wp-content/uploads/2021/08/NSL-Essential-Report-Census-2021-final.pdf>

¹³ International Labor Organization, ‘C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)’, accessed December 2025, https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312256



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In conclusion, we urge Oberon Council to remove acts of religious worship from its Code of Meeting Practice. The job of Oberon Council is, surely, to represent, and work in the interests of, all of its ratepayers and citizens, not just some. We urge the council to model best practice and ensure that its meetings are inclusive and welcoming of all people who call the Oberon region home.

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