



MAPPING RELIGION IN WESTERN AUSTRALIAN LEGISLATION: AN EMPIRICAL ANALYSIS OF RELIGIOUS TERMS IN STATE STATUTES

RENAE BARKER*

Scholarship on freedom of religion and belief ('FoRB') and state-religion relations in Australia has largely focused on federal law, often treating state legislation as a homogeneous adjunct to Commonwealth arrangements. This paper addresses that gap through an empirical analysis of religious terms in Western Australian legislation. Building on methodology developed by Ambrose and Barker for federal legislation, it examines the occurrence, frequency and legislative context of religious terminology across public Acts of Parliament in Western Australia. Religious terms are classified as confessional, deconfessionalised or neutral, enabling comparison with patterns identified at the federal level. The findings reveal that neutral religious terminology overwhelmingly dominates, while confessional and deconfessionalised terms, predominantly of Christian origin, persist in specific legislative contexts. The paper argues that these linguistic patterns reflect both convergence with Commonwealth legislative practice and the continued embedding of Christian privilege in state law. Framed as a scoping study, the analysis contributes to emerging state-level scholarship on religion, legislation and Australian federalism and points to areas for future comparative research.

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* Senior Lecturer and Deputy Head Teaching and Learning, UWA Law School, The University of Western Australia; Honorary Research Fellow, Centre Muslim States and Societies. Generative AI was used in the drafting and editing of this paper. The author remains responsible for all aspects of the research and writing.

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I INTRODUCTION

Scholarship on freedom of religion and belief ('FoRB') in Australia has been dominated by accounts emphasising its limited protection and fragmented legal sources. Scholars inevitably begin by noting that there is limited legal protection for FoRB, going on to describe what has been referred to as a 'patchwork'¹ or 'ethos'² of protection for FoRB. Central to these analyses is a discussion of s 116 of the *Australian Constitution*, state-based human rights instruments and the role of exemption clauses, sometimes referred to as 'balancing clauses',³ in various federal

¹ See Elenie Poulos, 'Three Discourses of Religious Freedom: How and Why Political Talk about Religious Freedom in Australia Has Changed' (2023) 14(5) *Religions* 669, 672; Renae Barker and Tania Pagotto, 'Modelling the Anchor and Range of State-Religion Relationships in Australia and Italy: Towards a New Understanding of State-Religion Typologies' (2025) 6 *Australian Journal of Law and Religion* 1, 5.

² See Paul T Babie, 'The Ethos of Protection for Freedom of Religion or Belief in Australian Law' (2010) 47(1) *University of Western Australia Law Review* 64 ('The Ethos of Protection').

³ See Neil Foster, 'Freedom of Religion and Balancing Clauses in Discrimination Legislation' (2016) 5(3) *Oxford Journal of Law and Religion* 385.

and state anti-discrimination laws.⁴ Reference may also be made to other legislative carve-outs, privileges and exemptions for religion in, for example, education or weapons legislation, as well as to the possible existence of FoRB at common law.⁵ Similarly, analysis of the state-religion relationship in Australia either deals exclusively with the interaction at the federal level or, where it does engage with state-based laws, treats them as parts of a whole making up a single melded relationship spanning the entirety of the continent.⁶ The difficulty with this approach for both FoRB and state-religion analysis is that it fails to recognise the complexity introduced by Australia's federal nature and the division of legislative competence between the Commonwealth and state legislatures.

The *Constitution* limits federal legislative competence to enumerated heads of legislative power, primarily to heads of power found in ss 51 and 52. Remaining areas of legislative competence, referred to as residual powers, are the exclusive province of state legislatures. The effect of this division of legislative power is that significant areas of legislative competence — which are historically important for FoRB and state-religion relations such as health, education and crime — are within the residual power and, therefore, within the exclusive legislative competence of the states. Further, federal legislative competence is divided into either exclusive or concurrent powers, with the latter being shared with the states and any conflict being resolved in favour of the Commonwealth.⁷ This expands greatly the scope of state competence to legislate on matters related to religion. For example, until the passage of the *Marriage Act 1961* (Cth), under the marriage power in s 51(xxi), states had their own marriage laws which, inter alia, included the regulation of religious

⁴ For a recent example, see Alex Deagon, *A Principled Framework for the Autonomy of Religious Communities: Reconciling Freedom and Discrimination* (Hart Publishing, 2023) 39–69. For an early example of the same approach, see Carolyn Maree Evans, *Legal Protection of Religious Freedom in Australia* (Federation Press, 2012). See also Nicholas Aroney and Paul Taylor, 'The Politics of Freedom of Religion in Australia: Can International Human Rights Standards Point the Way Forward?' (2020) 47(1) *University of Western Australia Law Review* 42, 44–9; Paul T Babie, 'State Aid for Australian Non-Government Religious Schools' in Charles Russo (ed), *State Funding for Teaching about Religion: International Perspectives on State Aid for Schools with a Religious Character* (Routledge, 1st ed, 2025) 9, 11–19. ('State Aid for Religious Schools'); Neil Foster, 'Religious Freedom and the Law in Australia' in JR Nethercote (ed), *Upholding the Australian Constitution: Proceedings of the Samuel Griffiths Society* (The Samuel Griffith Society, 2015) vol 27, 39; Renae Barker, 'No Jab – No Pay, No Jab – No Play, No Exceptions: The Removal of Conscientious and Religious Exemptions from Australia's Childhood Vaccination Policies' (2017) 20(2) *Quaderni di diritto e politica ecclesiastica* 513, 519–21.

⁵ In relation to the common law, see, eg, Babie, 'State Aid for Religious Schools' (n 4) 19; Foster (n 4) 56–9. As regards the existence or otherwise of a common law right to FoRB, reference is usually made to *Grace Bible Church Inc v Reedman* (1984) 36 SASR 376.

⁶ See, eg, Barker and Pagotto (n 1) 11–12, 15–19; Deagon (n 4) 153–82; J Christopher Soper, Kevin R Den Dulk and Stephen V Monsma, *The Challenge of Pluralism: Church and State in Six Democracies* (Rowman & Littlefield, 3rd ed, 2017) 121–55.

⁷ *Australian Constitution* s 109.

marriages.⁸ Federal legislative influence generally and in relation to religion specifically, has expanded greatly as a result of federal legislation covering the field in relation to concurrent legislative powers and expanded interpretation of specific heads of power, such as the foreign affairs power. However, significant scope remains for state legislatures to have a real impact on both FoRB and state-religion relations.

The scope and role of the states in influencing FoRB and state-religion relations is further strengthened via the operation of s 116 of the *Constitution*. Section 116 is found in Part V of the *Constitution*, titled *The States*.⁹ However, the provision, on its face, says nothing about state rights, limitations on state legislative power or the interactions between the states or between a state and the Commonwealth. Instead, it is couched as a limitation on federal legislative competence, preventing the Commonwealth from prohibiting FoRB, establishing a state church, imposing any religious observance or requiring a religious test for public office.¹⁰ It is well settled that these limitations do not apply to state legislatures.¹¹

As to the location of s 116 in Part V, one hypothesis is that as the early version of the provision presented at the Constitutional Conventions referred to the states, it was simply left where it was when passed. This is the 'lazy drafting' hypothesis. This hypothesis rests upon a view that Sir Edmund Barton was 'fed up' with the provision, which he felt was unnecessary.¹² However Barton was just one of three members of the drafting committee, the other two being Andrew Inglis Clark and Charles Kingston.¹³ Further, the drafting committee made substantive amendments to the text of what has now become s 116. Some of these revisions have subsequently become important in the interpretation of the provision.¹⁴ A more compelling explanation is that, even though the states are not referred to explicitly in s 116, the provision was understood as a mechanism to divide legislative competence between

⁸ For a history of marriage law in Australia, see Garfield Barwick, 'The Commonwealth Marriage Act 1961' (1962) 3(3) *Melbourne University Law Review* 277.

⁹ Part V contains ss 106–22 inclusive.

¹⁰ For a discussion of the meaning, breadth, history and associated case law involving s 116, see Luke Beck, *Religious Freedom and the Australian Constitution: Origins and Future* (Routledge, 2018). See also Renae Barker, *State and Religion: The Australian Story* (Routledge, 2019) 68–99.

¹¹ Although there is more debate about whether it applies to the territories: see HT Gibbs, 'Section 116 of the Constitution and the Territories of the Commonwealth' (1947) 20 *The Australian Law Journal* 374. See also *Kruger v The Commonwealth* (1997) 190 CLR 1.

¹² See JA Le Nauze, *The Making of the Australian Constitution* (Melbourne University Press, 1972) 229. As to Barton's views regarding s 116, see Tony Blackshield, 'Religion and Australian Constitutional Law' in Peter Radan, Denise Meyerson and Rosalind F Croucher (eds), *Law and Religion: God, the State and the Common Law* (Routledge, 2005) 75, 81, 83–4, 89. See also *Official Record of the Proceedings and Debates of the Australasian Federal Convention*, Melbourne, 2 March 1898, 1771–2 (Edmund Barton); *Krygger v Williams* (1912) 15 CLR 366, 371–3 (Barton J).

¹³ Blackshield (n 12).

¹⁴ Beck (n 10) 96–7.

the state and federal legislatures. This is the 'states' rights' hypothesis.¹⁵ This hypothesis is supported by the arguments in favour of the provision's inclusion from one of its proponents, Henry Bournes Higgins:

[T]he powers which the states individually have of making such laws as they like with regard to religion shall remain undisturbed and unbroken ... there is no intention whatever to give to the Federal Parliament the power to interfere in these matters ...¹⁶

Section 116's role, therefore, is to restrict federal legislative competence in matters of religion, leaving the states to determine such things according to local custom and need.¹⁷

Regardless of which hypothesis is correct, the practical effect is that legislative competence in relation to religion lies firmly with the states via the operation of residual powers, concurrent powers and s 116. This is not to say that the Commonwealth has not had a significant influence on FoRB and state-religion relations. As discussed above, there is indeed significant scope for the Commonwealth to legislate in ways that directly impact both FoRB and state-religion relations. For example, central to most accounts of Australia's state-religion relationship is federal funding of non-government, predominantly religious, schools in a non-discriminatory and pluralistic way.¹⁸

While state legislation concerning religion often shares notable similarities, there are also numerous differences in both substance and form. For example, in the 1960s, Victoria, Western Australia and South Australia passed legislation attempting to ban the Church of Scientology.¹⁹ Other states did not follow suit. Another more contemporary example of divergence is state-based bills or charters of rights which include FoRB. The Australian Capital Territory,²⁰ Victoria²¹ and Queensland²² all have legislative bills or charters of rights, while Tasmania²³ has a FoRB provision in

¹⁵ See *Kruger v The Commonwealth* (1997) 190 CLR 1, 60 (Dawson J).

¹⁶ *Official Record of the Proceedings and Debates of the Australasian Federal Convention*, Melbourne, 2 March 1898, 1769 (Henry Higgins).

¹⁷ Debate during the Constitutional Convention centred around Sunday observance laws: see, eg, *Official Record of the Proceedings and Debates of the Australasian Federal Convention*, Melbourne, 7 February 1898, 656 (Henry Higgins).

¹⁸ See Soper, Den Dulk and Monsma (n 6) 121–55; Babie, 'State Aid for Religious Schools' (n 4) 11–19. For the constitutional basis of this funding, see *Attorney-General (Vic) (ex rel Black) v Commonwealth* (1981) 146 CLR 559.

¹⁹ See *Psychological Practices Act 1965* (Vic) ss 30–2; *Scientology Act 1968* (WA); *Scientology (Prohibition) Act 1968* (SA).

²⁰ *Human Rights Act 2004* (ACT).

²¹ *Charter of Human Rights and Responsibilities Act 2006* (Vic).

²² *Human Rights Act 2019* (Qld).

²³ *Constitution Act 1934* (Tas) s 46.

its constitution. The remaining states and territories have no equivalent legislative or constitutional provisions. At a more technical level, all states and territories provide some form of exemption from generally applicable weapons legislation for Sikhs, who wear the kirpan as part of their religious obligations. However, the exact mechanisms vary. For example, the *Police Offences Act 1935* (Tas) contains a specific religious exemption in relation to carrying a dangerous article, including a knife.²⁴ By contrast, in Western Australia, Sikhs must rely on the generic exemption, which allows the carrying of a knife where the person carrying it has a 'lawful excuse'. However, religious beliefs or practices are not listed specifically as a lawful excuse.²⁵

Despite the wide competence of states to legislate in respect of religion and the divergent approaches taken by states, both historically and in more recent debates and legislative reforms, little research has focused on either state-based FoRB or state-religion relations. It is beyond the scope of this article to conduct a full analysis of the differing interactions and protections or abrogation of FoRB at the state and territory level. This article, however, takes a small step towards remedying the gap by examining the use of religious terms in legislation in just one state: Western Australia. It is intended as a scoping study for future comparative analysis of legislation regulating religion, both within Australia and internationally.

This article proceeds as follows. Part Two outlines the methodology used to identify and classify religious terminology in Western Australian legislation. Part Three then outlines the key findings, including the distribution and frequency of religious terms, with a limited comparison to Commonwealth legislation. Part Four examines what these patterns reveal about Christian privilege, legal linguistic deconfessionalisation and the Western Australian state-religion relationship. The article concludes by identifying the limits of the current study and directions for future research.

II METHODOLOGY

In their 2025 study, Ambrose and Barker (the present author) noted that the most frequent religious terms found in Australian federal legislation were *Religion* and *Religious*, observing that these were 'relatively speaking, neutral in that they are not typically associated with a particular belief system, religion, denomination or sect'.²⁶ Their study also identified the use of religious terms such as *Bible* and *Bishop*, which are confessional terms, in that they are typically associated with a specific religion, in this case Christianity. They also noted that some terms, such as *Faith*, were used

²⁴ See *Police Offences Act 1935* (Tas) s 15C(4)(e).

²⁵ See *Weapons Act 1999* (WA) s 5A. See also s 10.

²⁶ Maria Ambrose and Renae Barker, 'Mapping Religion in Australian Federal Legislation: An Empirical Analysis of 288 Federal Statutes' (2025) 14(6) *Laws* 90, 96.

in the legislation in a religiously neutral way. Those terms are ‘typically associated with Abrahamic religions’²⁷ and ‘most typically associated with Christianity’,²⁸ respectively. Such terms have undergone legal linguistic deconfessionalisation. Their usage has transitioned from an association with a particular religion to a more generalised or neutral association, at least in their usage within federal legislation.

This analysis takes the observations of Ambrose and Barker further, considering the use of religious terms in Western Australian legislation and classifying them into the three categories identified above: confessional, deconfessionalised and neutral. The religious terms identified in Western Australian legislation, as well as the terms’ frequency, are then compared to Ambrose and Barker’s findings for federal legislation.

A Dictionary of Religious Terms

The first stage of the analysis was to identify a dictionary of religious terms that could form the foundation of searches to be conducted in the Western Australian legislative database.²⁹ Ambrose and Barker’s dictionary of terms, found in Appendix A of their study, was initially adopted to facilitate a comparative analysis. This was updated throughout the search process outlined below, adding additional religious terms found in close proximity to religious terms already in the dictionary. These new religious terms were then further analysed and, where appropriate, their analogues, synonyms or other connected terms were also added to the dictionary. The need to add new terms to the dictionary was anticipated due to the differing legislative power of federal and state legislatures under the *Constitution*. Further, as anticipated by Ambrose and Barker, ‘while every effort was made to ensure a comprehensive dictionary of religious terms, ... it is likely that some terms that indicate an interaction between religion and the federal legislature may have been overlooked’.³⁰ Therefore, new terms were added to the dictionary of religious terms to mitigate this limitation of the original study.

However, despite the expanded dictionary used in this analysis, it is still likely that religious terms may have been overlooked. One significant religious term identified during the data collection phase of this analysis, which was absent in Ambrose and Barker’s study, is *God*. While perhaps an obvious inclusion in hindsight, it was one of the last terms added to the dictionary of terms used for this analysis. Its

²⁷ Ibid.

²⁸ Ibid.

²⁹ Government of Western Australia, *Western Australian Legislation* (Web Page, 2026) <www.legislation.wa.gov.au>.

³⁰ Ambrose and Barker (n 26) 96.

identification at this late stage, and absence from Ambrose and Barker's analysis, highlights the need to identify and acknowledge limitations in studies of this type. If a term is inadvertently excluded, its absence can influence the findings and conclusions. As will be highlighted below, the exclusion of *God* from the previous Ambrose and Barker study may be attributed to the way the term is most frequently used in legislation, such that *God* has become linguistically secular. Further, views on whether a term should be considered religious are likely to differ. For example, as will be discussed below, the term *Pastoral Care* could be argued to be both religious and secular, depending on the legislative context. Indeed, some terms have arguably undergone such extensive deconfessionalisation that their original religious context has been entirely lost.

As will be discussed below, the analysis identified a significant number of private Acts of Parliament.³¹ Where a religious term was found exclusively in private Acts of Parliament, it was excluded from the findings. These terms remained in the dictionary, along with terms not found during the search process, to enable future comparative analysis with other jurisdictions where these terms may be found. The full list of terms included in the search dictionary can be found in Appendix A.

B Search of Religious Terms

The Western Australian legislative database was searched using the identified dictionary of terms between October 2025 and January 2026. This time period was initially selected to coincide with the annual summer Parliamentary recess and, therefore, to minimise the chance that new legislation and amendments to existing Acts would impact the data collection phase.³² Consistently with Ambrose and Barker's study, the search was restricted to 'Acts in force', using the 'exact phrase' search box and including 'document text'. For each religious term in the search dictionary, searches were conducted for each term along with its word variants (eg, plural and other morphological variants). For example, searches were conducted for both *Religion* and *Religions*. Similarly, searches were conducted for *Worship*, *Worships*, *Worshiper* and *Worshippers*. Results for word variants were grouped together in the results. In line with this approach, *Roman Catholic* and *Catholic* were

³¹ See Ivor Richardson, 'Private Acts of Parliament' (2010) 41(4) *Victoria University of Wellington Law Review* 653, 653–4.

³² Seven Acts were passed during this time: *Petroleum Retailers Rights and Liabilities Repeal Act 2025* (WA); *Terrorism Legislation Amendment (Extension of Expiry) Act 2025* (WA); *Charitable Collections Amendment Act 2025* (WA); *Assisted Reproductive Technology and Surrogacy Act 2025* (WA); *Liquor Control Amendment Act 2025* (WA); *State Development Act 2025* (WA); *Help to Buy (Commonwealth Powers) Act 2025* (WA).

separately searched for, along with their morphological variants, but grouped together in the results.

Ambrose and Barker's dictionary of religious terms included several phrases such as *Religious Practitioner*, *Religious Institution* and *Minister of Religion*. However, all these phrases contain one or more religious terms that were separately included in the dictionary. To avoid duplication of the initial search, this study focuses solely on individual religious terms.

C Classification of Legislation and Religious Terms

Acts of Parliament can be classified as either public or private. The default position is that all Acts passed by Parliament are public,³³ in that they are 'worded generally and ... applicable to the public at large'.³⁴ As Dennis Pearce and Robert Geddes note, '[it] is unusual for a public Act to refer specifically to any individual person or body corporate'.³⁵ By contrast, a private Act 'is one concerned with a club, a company an organisation or so on'.³⁶ Acts creating and regulating trusts for the control of church property are a common type of private Act.³⁷ The search process identified a significant number of private Acts of Parliament, such as the *Anglican Church of Australia (Diocesan Trustees) Act 1888* (WA), *University of Western Australia Act 1911* (WA) and *Churches of Christ, Scientist, Incorporation Act 1961* (WA). Such Acts contain numerous confessional terms given their nature and purpose. Inclusion of these Acts in the analysis would therefore have significantly inflated the number of confessional terms identified, as well as their frequency. As a result, as outlined above, private Acts of Parliament and religious terms appearing exclusively in private Acts of Parliament have been excluded.³⁸

The final stage of the analysis was to classify the religious terms found in public Acts of Parliament into the three categories identified above: confessional, deconfessionalised and neutral. In considering which classification to apply to a

³³ *Interpretation Act 1984* (WA) s 28 ('*Interpretation Act*').

³⁴ Dennis C Pearce and Robert S Geddes, *Statutory Interpretation in Australia* (LexisNexis Butterworths, 8th ed, 2014) 25.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ The role of private Acts of Parliament and in particular private Acts creating and regulating trusts for the control of church property in Australia has not been specifically considered in the existing literature and should be the subject of future research. For a discussion of church-specific legislation affecting the Australian Anglican, Presbyterian and Uniting Churches and the implications of that legislation for the Australian state-religion relationship, see Benjamin B Saunders, 'Defining the Boundaries of Church and State: Legal Establishment of Churches in Australia' (2026) *Oxford Journal of Law and Religion* 1. For a discussion of private Acts in the New Zealand context, including in relation to religious organisations, see Richardson (n 31).

particular term, both its ordinary meaning, having regard to the *Oxford English Dictionary*, as well as its legislative context were considered. While some religious terms — such as the name of a particular religion, denomination or sect (for example, *Anglican* or *Roman Catholic*) — are clearly confessional, other classifications are less clear, requiring careful consideration of both their ordinary meaning and legislative context. For example, both the terms *Church/es* and *Chapel/s* were found in Western Australian legislation. However, analogous confessional terms such as *Synagogue*, *Mosque* and *Temple* were not. Both *Church* and *Chapel* are traditionally associated with Christianity. For example, the *Oxford English Dictionary* defines *Church* as:

A building for public Christian worship or rites such as baptism, marriage, etc, traditionally cruciform in shape and typically having a tower, dome, or spire; distinguished originally from an *oratory* or place of private prayer.³⁹

Similarly, *Chapel* is defined, inter alia, as:

[A]ny place for Christian worship other than a church or cathedral; an oratory.⁴⁰

Or, as:

A private place for Christian prayer or worship.⁴¹

However, chapel can also include:

Any other place of religious worship, esp. a small temple, shrine, or sanctuary with an altar to a god,⁴²

suggesting a more neutral and pluralistic meaning.

Church was found in seven Acts,⁴³ while *Chapel* was found in two.⁴⁴ In both instances where it appears, its legislative context suggests that *Chapel* is deconfessionalised. It is being used to refer not only to a Christian religious building, but also to religious

³⁹ *Oxford English Dictionary* (online at 4 February 2026) 'church' (def I.1.a).

⁴⁰ *Oxford English Dictionary* (online at 10 September 2026) 'chapel' (def I.1).

⁴¹ *Ibid* 'chapel' (def I.2).

⁴² *Ibid* 'chapel' (def I.3).

⁴³ *Auction Sales Act 1973* (WA); *Commercial Arbitration Act 2012* (WA); *Evidence Act 1906* (WA) ('*Evidence Act 1906*'); *Heritage Act 2018* (WA) ('*Heritage Act*'); *Land Tax Assessment Act 2002* (WA) ('*Land Tax Assessment Act*'); *Sale of Land Act 1970* (WA); *School Education Act 1999* (WA) ('*School Education Act*').

⁴⁴ *Cemeteries Act 1986* (WA) ('*Cemeteries Act*'); *Land Tax Assessment Act* (n 43).

buildings used by other religions in a similar way to a Christian chapel. For example, in the *Cemeteries Act 1986* (WA) it appears in:

34 Permission for denominational chapel

If the members of a religious denomination desire, at their own expense, to build and maintain a *chapel* in a cemetery and the plans and specifications of the proposed chapel are approved by the Board, the Board may permit the chapel to be built in such part of the cemetery as the Board may determine.⁴⁵

In a multi-cultural and multi-faith secular democracy it would, arguably, create an absurdity for this use of religious term *Chapel* to be confined to Christian denominations.⁴⁶ As a result, *Chapel* was classified as deconfessionalised. The religious term *Church*, by contrast, is more complex. Examination of its legislative context reveals both confessional and deconfessionalised usage. For example, in the *Auction Sales Act 1973* (WA), *Church* appears in s 5, where its interpretation as applying exclusively in a Christian context would produce the same absurdity as outlined above for *Chapel* in relation to the *Cemeteries Act 1986* (WA).⁴⁷ By contrast, in the *Evidence Act 1906* (WA), the relevant legislative provision refers to the priest-penitent privilege,⁴⁸ an originally common law evidentiary concept applicable only to Christian denominations which have a ritualistic form of private confession:

Application of protection provisions

...

- (5) The protection provisions (PCR) do not affect the law relating to evidence of a confession made by a person to a member of the clergy in the member's professional capacity according to the ritual of the *church* or religious denomination concerned.⁴⁹

An argument could be advanced that, historically, the concept of a priest-penitent privilege could be applied in a multi-faith context to any religious tradition with an analogous form of ritualised confession, such as auditing in Scientology. However, such an application is doubtful. As a result, *Church*, when understood in its legislative

⁴⁵ *Cemeteries Act* (n 44) s 34 (emphasis added).

⁴⁶ Although I note the term *Denomination* is similarly linguistically challenging to categorise given it is permanently used in connection with Christianity, with sub-groupings within other faiths more commonly being referred to as *sects*.

⁴⁷ The relevant portion of s 5 reads: '(1) Nothing in this Act applies to – (g) any bazaar or sale of gifts where the whole of the proceeds are devoted for charitable, educational or church purposes; or ...'.

⁴⁸ See Renae Mabey, 'The Priest-Penitent Privilege in Australia and Its Consequences' (2006) 13(2) *Murdoch University Electronic Journal of Law* 51; Mark Hill and A Keith Thompson (eds), *Religious Confession and Evidentiary Privilege in the 21st Century* (Shepherd Street Press, 2021).

⁴⁹ *Evidence Act 1906* (n 43) s 20B(5) (emphasis added).

context, appears in both confessional and deconfessionalised contexts. The predominant usage of *Church* in Western Australian legislation was in deconfessionalised contexts and, as a result, the term has been classified as deconfessionalised. Other religious terms that were difficult to classify were *Altar*, *Denomination/s/al*, *God*, *Pastoral Care* and *Sect*.

Altar was found only once, in sch 2 of the *Parliamentary Commissioner Act 1971* (WA). The *Oxford English Dictionary* contains both religious neutral and confessional definitions of *Altar*. For example, it is defined as both:

A block, table, stand, or other raised structure with a flat top used as the focus for a religious ritual, especially for making sacrifices or offerings to a god or gods.

And, inter alia:

In the Roman Catholic and Orthodox churches: the raised flat-topped structure or table, typically placed at the eastern end of the church in the sanctuary, on which the Eucharist is celebrated as a sacrifice during Mass.

In sch 2 of the *Parliamentary Commissioner Act 1971* (WA), it appears in the phrase *Altar Serving*, which is included in a list of examples of 'activities, facilities or services' offered by religious bodies that 'provide a means for adults to have contact with children'. Included within this list are activities such as art groups, sports teams and tutoring services, which are generally secular in nature. Also included are activities which, while described as religious in nature, are couched in neutral terminology, such as '*Faith-based Children's and Youth Groups*', '*Multi-faith Networks*' and '*Religious Festivals and Celebrations*'. However, '*Altar Serving*' and '*Bible Study Groups*', which are also included on the list, are different in that both are typically associated with Christianity. *Torah Study Groups*, *Quran Study Groups* or *Religious Text Study Groups* are not included, although the phrase 'Saturday schools, Sunday schools and after school religious education' is. Despite this close association with Christianity in its legislative context, *Altar Serving* appears to be used in a deconfessionalised way, taking advantage of both the confessional and neutral definitions of the term to be both inclusive and exclusive. As a result, altar was classified as deconfessionalised.

The religious term *Denomination/s/al* was found in five Acts,⁵⁰ with the majority of the references in the *Cemeteries Act 1986* (WA). As the *Oxford English Dictionary* definition confirms, while the term *Denomination* is most typically applied to

⁵⁰ *Cemeteries Act* (n 44); *Evidence Act 1906* (n 43); *Heritage Act* (n 43); *Parliamentary Commissioner Act 1971* (WA); *School Education Act* (n 43).

Christianity, it can also be applied to any 'collection of individuals classed together under the same name'.⁵¹ Legislative usage confirms this with the term being most often used in such a way as to be applicable to all religions and not just Christianity. *Sect* is similarly defined by the *Oxford English Dictionary*, but without the association with Christianity.⁵² It was found in just two Acts: the *School Education Act 1999* (WA) and *Cremation Act 1929* (WA). In the *School Education Act 1999* (WA), *Sect* appears alongside the word *Denomination* in s 68:

- (1) The curriculum and teaching in government schools is not to promote —
(a) any particular religious practice, *denomination* or *sect*; ...
[emphasis added]

In the *Cremation Act 1929* (WA), by contrast, it appears in the phrase 'peculiar to any race or sect or community'.⁵³ In both instances, the usage appears to be intended to broaden the application of the relevant provision. *Sect* was, therefore, classified as neutral, while *Denomination/s/al* was classified as deconfessionalised due to its association with Christianity.

Pastoral Care was found in the *Children and Community Services Act 2004* (WA) and *Education Service Providers (Full Fee Overseas Students) Registration Act 1991* (WA). It was not included in Ambrose and Barker's analysis and, arguably, may not always be considered a religious term depending on context. For example, in relation to the National School Chaplaincy and Student Welfare Programme ('NSCSWP'), secular pastoral care workers were introduced as an alternative to chaplains, suggesting a secular, as opposed to religious, meaning. However, when initially describing the National School Chaplaincy Programme ('NSCP'), which preceded the NSCSWP, then Prime Minister John Howard described the role of chaplains as 'providing greater pastoral care and supporting the spiritual wellbeing of their students',⁵⁴ suggesting that pastoral care is a function of chaplains — a term that has been classified as deconfessionalised in this study. In the *Children and Community Services Act 2004* (WA), pastoral care is one of the functions of a school counsellor,⁵⁵ while in the *Education Service Providers (Full Fee Overseas Students) Registration Act 1991* (WA),

⁵¹ *Oxford English Dictionary* (online at 4 February 2026) 'denomination' (def 5).

⁵² *Ibid* 'sect' (def I.1.a).

⁵³ *Cremation Act 1929* (WA) s 17(1)(d).

⁵⁴ John Howard, 'National School Chaplaincy Programme' (Media Release, Department of the Prime Minister and Cabinet, 29 October 2006). In relation to the religious aspects of both the NSCP and NSCSWP, see Renae Barker, 'A Critical Analysis of Religious Aspects of the Australian Chaplaincy Cases' (2015) 4 *Oxford Journal of Law and Religion* 26.

⁵⁵ *Children and Community Services Act 2004* (WA) s 124A.

it is one of the services that applicants are required to provide.⁵⁶ Both of these are secular usages. However, the term was retained as a religious term within the study due to the religious connotations as identified by Howard and was classified as neutral.

Finally, God would appear, on its face, to be a confessional term as the name of a deity. However, as highlighted by the Malaysian case *Menteri Dalam Negeri & Ors v Titular Roman Catholic Archbishop of Kuala Lumpur*,⁵⁷ the use of the name of God is not always so simple. In that case, the Titular Roman Catholic Archbishop of Kuala Lumpur argued that the word Allah simply meant God. Accordingly, it could be used by non-Muslims, in this case Roman Catholics, as the word for God. After a protracted legal battle, the Malaysian Court of Appeal ruled that only Muslims could use Allah to refer to God.⁵⁸ References to God found in Western Australian legislation were in oaths,⁵⁹ the phrase Act of God⁶⁰ or as part of the styles and titles of the monarch.⁶¹ God was not included in the dictionary of religious terms in Ambrose and Barker's analysis, although a search of Commonwealth legislation conducted in January 2025 identified 26 federal acts containing God. In all of these instances, as with the Western Australian legislation, God is contained in an oath, the phrase Act of God or as part of the styles and titles of the monarch. In the case of oaths, the term is being used in a neutral sense, without connection to a specific religion or faith, while in the case of styles and titles of the monarch, it has a confessional meaning due to the monarch's position as the head of the Church of England. The phrase Act of God is perhaps the most interesting usage. As with pastoral care, it is arguably not a religious term given the secular meaning of the phrase as a term of art, meaning 'an event or occurrence due to natural causes which occurs independently of human intervention and either could not be foreseen or, if foreseen, could not be reasonably guarded against'.⁶² While the phrase is now a legal term of art with no overt religious connotation, apart from the word God, it cannot really be understood unless you

⁵⁶ *Education Service Providers (Full Fee Overseas Students) Registration Act 1991* (WA) s 13(1)(g).

⁵⁷ [2013] 6 MLJ 468 (Court of Appeal). Leave to appeal was subsequently refused by the Malaysian Federal Court in *Titular Roman Catholic Archbishop of Kuala Lumpur v Menteri Dalam Negeri & Ors* [2014] 4 MLJ 765 (Federal Court of Malaysia).

⁵⁸ See Joshua Neoh, 'Titular Roman Catholic Archbishop of Kuala Lumpur v Home Minister: What Is the Name of God?' in Renae Barker, Paul T Babie and Neil Foster (eds), *Law and Religion in the Commonwealth: The Evolution of Case Law* (Hart Publishing, 2022) 33.

⁵⁹ *Transfer of Land Act 1893* (WA) s 13; *Public Notaries Act 1979* (WA) s 13; *Oaths, Affidavits and Statutory Declarations Act 2005* (WA) s 4(1)(a) ('*Oaths, Affidavits and Statutory Declarations Act*'); *Constitution Act 1889* (WA) s 54.

⁶⁰ *Port Authorities Act 1999* (WA) s 114E(1)(a); *Sea-Carriage of Goods Act 1909* (WA) s 7(2)(c); *Strata Titles Act 1985* (WA) sch 1 bl 1(1)(b).

⁶¹ *Royal Styles and Titles Act 1947* (WA) sch.

⁶² See Ray Finkelstein et al (eds), *LexisNexis Concise Australian Legal Dictionary* (Lexis Nexis, 7th ed, 2026) 14. See also *Commissioner of Railways (WA) v Stewart* (1936) 56 CLR 520.

conceive of God as having control over natural phenomenon, such as the weather or earthquakes. Therefore, some understanding of God or a type of God, is needed. So, while in this context God has been secularised, the term God retains religious meaning even within this very secular legislative context. God was, therefore, classified as neutral given its neutral usage within oaths and secular usage in Act of God.

D Limitations

As with any empirical, text-based legislative analysis, the methodology employed in this study has several inherent limitations.

First, this study is confined to Western Australian public Acts of Parliament, with comparison to Commonwealth legislation used only to contextualise the findings. The analysis does not extend to other Australian states or territories. While this allows for a focused examination of one jurisdiction, it necessarily limits the generalisability of the findings. As with Ambrose and Barker's federal-level study, the results of this study should, therefore, be understood as jurisdiction-specific and preliminary, providing a foundation for future comparative state-level research rather than a comprehensive account of the use of religious terms in Australian legislation.

Second, the analysis examines the presence, classification and frequency of religious terms, not the broader regulatory themes, purposes or effects of the legislation in which those terms appear. As a result, the conclusions that can be drawn are necessarily limited to legislative language rather than legislative substance. While the contextual usage of individual terms is examined in some detail, this study — unlike Ambrose and Barker's study of federal legislation — does not attempt a thematic analysis of how religion is regulated across policy domains such as education, anti-discrimination, criminal law or health. More substantive conclusions about the Western Australian state-religion relationship would require close doctrinal and thematic analysis of key legislative schemes.

Third and relatedly, this approach does not capture the regulation of religious belief or practice where such regulation is framed in neutral or secular language. Legislative regimes that have significant implications for religious practice but do not employ explicitly religious terminology fall outside the scope of this study. Examples include weapons legislation affecting the wearing of the kirpan by Sikhs, police search and identification powers intersecting with face coverings (such as the niqab) and medical law governing blood transfusions relevant to Jehovah's Witnesses. As a result, the interaction between Western Australian law and religion

is almost certainly broader than that captured by analysis of religious terminology alone.

Fourth, the analysis is limited to primary legislation. Delegated legislation was excluded, as were judicial decisions, both of which are significant loci of state-religion interaction in a common law system. Important dimensions of religious accommodation, restriction and recognition may therefore be located in regulations, by-laws, policies or case law rather than in Acts of Parliament themselves. Addressing these sources would substantially expand the scope of inquiry and is best left to future research.

Fifth, while the timing of the searches was deliberately selected to minimise the impact of legislative change, the findings are necessarily time-limited. Amendments to existing Acts or the enactment of new legislation after the search period may affect both the frequency and distribution of religious terms. As with Ambrose and Barker's study, the results represent a snapshot of legislative usage at a particular point in time rather than a static or exhaustive account.

Finally, despite efforts to develop and iteratively refine a comprehensive dictionary of religious terms, it remains possible that relevant terms were overlooked or excluded, as already discussed in relation to the late inclusion of *God*. Decisions concerning term selection and classification inevitably involve interpretive judgement, particularly where concepts have undergone legal linguistic deconfessionalisation or extensive secularisation. These classificatory choices may affect both term counts and categorisation outcomes.

Taken together, these limitations suggest that the interaction between Western Australian legislation and religion is likely to be more extensive than reflected in this analysis. Nonetheless, the methods employed are sufficient to capture prevailing patterns of religious terminology in public Acts and to support the study's core claim: that Western Australian legislation exhibits a predominantly neutral linguistic approach to religion, alongside the continued, contextual persistence of Christian-derived terminology. As a scoping study, this article is intended to map terrain rather than to offer definitive conclusions and to identify avenues for more detailed doctrinal and comparative research.

III FINDINGS

The analysis of Western Australian legislation identified 30 religious terms across 80 public Acts of Parliament, including five imperial statutes. A full list of these Acts can be found in Appendix B. A further 94 private Acts, being a mix of Acts related to religious organisation, educational organisations, mining and industry, were also

identified. A full analysis of these private Acts is beyond the scope of this study and accordingly, as outlined above, they have been excluded. This compares with 24 religious terms across 288 statutes in Ambrose and Barker's original study.

A Western Australia

As shown in Table 1, of the 30 religious terms found in Western Australian public Acts, 14 (46%) were classified as confessional, 7 (23%) as deconfessionalised and 9 (30%) as neutral.⁶³

Table 1: Classification of religious terms in Western Australian public Acts

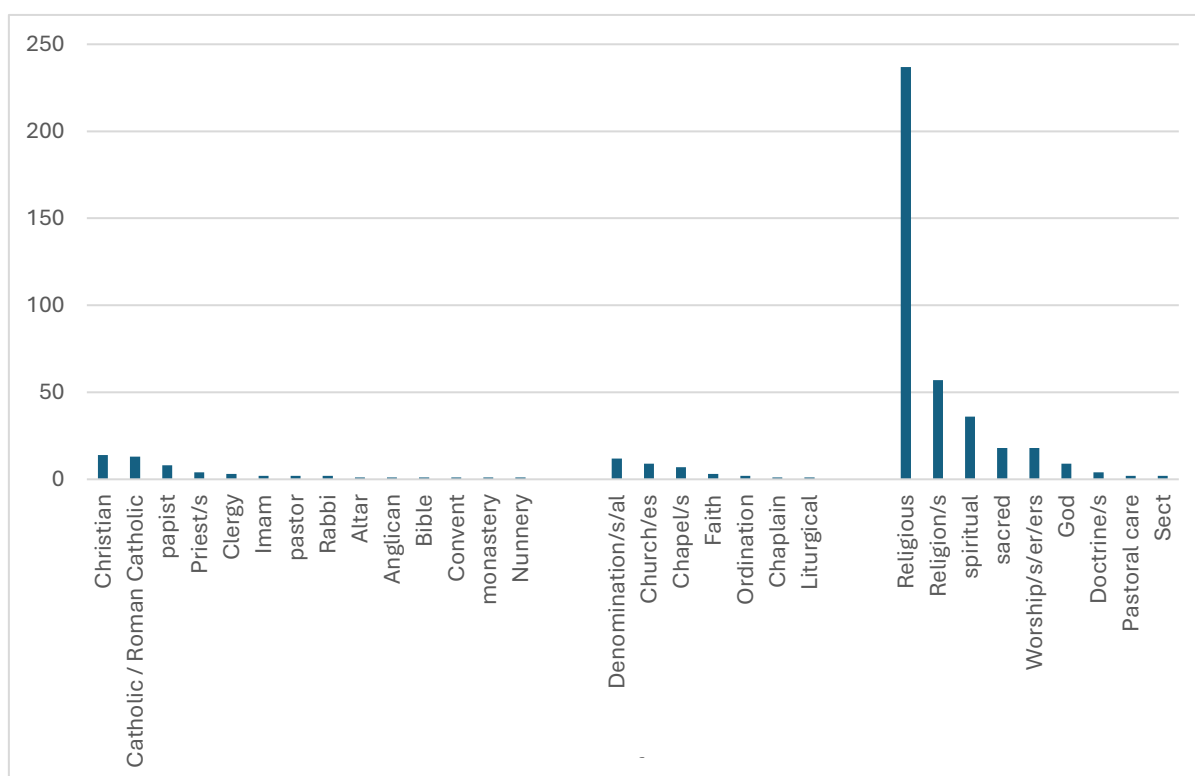
Confessional	Deconfessionalised	Neutral
Altar	Chapel/s	Doctrine/s
Anglican	Chaplain	God
Bible	Church/es	Pastoral Care
Catholic / Roman Catholic	Denomination/s/al	Religion/s
Christian	Faith	Religious
Clergy	Liturgical	Sacred
Convent	Ordination	Sect
Imam		Spiritual
Monastery		Worship/s/er/ers
Nunnery		
Papist		
Pastor		
Priest/s		
Rabbi		

Most of the confessional terms (11) relate to Christianity, while only two, *Rabbi* and *Imam*, are connected to other religions, specifically Judaism and Islam. Similarly, all of the deconfessionalised terms have confessional origins associated with Christianity. However, the above classifications do not account for the frequency of the occurrence of each of the religious terms. As shown below in Figure 1, the five

⁶³ Percentages have been rounded to the nearest whole number.

most frequent religious terms were neutral: *Religious* (237), *Religion/s* (57), *Spiritual* (36), *Worship/s/er/ers* (18) and *Sacred* (18).⁶⁴

Figure 1: Frequency of religious terms in Western Australian public Acts



The most common confessional term was *Christian* (14), with the majority of references occurring in the *Business Names Act 1962* (WA) (13). All 13 references to *Christian* in the *Business Names Act 1962* (WA) are to the phrase *Christian name*.⁶⁵ As will be discussed below, the use of *Christian name*, as opposed to a more neutral term such as forename, speaks to the underlying Christian assumptions in Western Australian legislation. The second most common confessional term was *Catholic / Roman Catholic* (13) with the majority of occurrences in the *Succession to the Crown Act 2015* (WA) in reference to the disqualification of Roman Catholics from succession to the Crown. The remaining references occur in the *School Curriculum and Standards Authority Act 1997* (WA) and *School Education Act 1999* (WA) in relation to education. As shown in Figure 1, the frequency of confessional terms is low when compared to the frequency of neutral terms. The frequency of

⁶⁴ This includes references in headings as well as in the text of legislative provisions.

⁶⁵ The remaining reference is in the *Constitution Act 1889* (WA).

deconfessionalised terms is also comparatively low. The most frequent deconfessionalised term was *Denomination/s/al* (12).

B Comparison with Federal Legislation

While this analysis draws upon the foundational research undertaken by Ambrose and Barker the current study utilises a more comprehensive and systematically refined dictionary to identify relevant terminology. Consequently, the methodological enhancements implemented in this article render direct comparison with the findings of Ambrose and Barker more complex.

For example, Ambrose and Barker separated instances of the term *Religion* from *Minister of Religion* as well as *Religious* from *Religious Institution* and *Religious Practitioner*. Similarly, Ambrose and Barker treated *Catholic* and *Roman Catholic* as separate religious terms, while in this analysis they have been grouped together.

Despite these differences in approach to developing and refining the dictionary of religious terms, similarities can be seen between Ambrose and Barker's findings and those set out above for Western Australia. As shown in Table 2, 16 religious terms were found in both studies with a further seven found only in Ambrose and Barker's study and 18 found only in this study. For the purposes of clarity, Ambrose and Barker's dictionary has been used in Table 2.

Table 2: Comparison of religious terms identified in Ambrose and Barker's Commonwealth legislation analysis and this Western Australian analysis

Both analyses	Ambrose and Barker only	This analysis only
Bible	Bishop	Altar
Catholic ⁶⁶	Devotion	Anglican
Chaplain	Jewish	Chapel/s
Christian	Religious Practitioner ⁶⁷	Chaplain
Church	Synagogue	Convent
Clergy	Temple	Denomination/s/al
Doctrine	Theology	God

⁶⁶ In this analysis, *Catholic* and *Roman Catholic* have been combined. The terms appeared as separate phrases in Ambrose and Barker's analysis.

⁶⁷ *Religious Practitioner* was not separately identified as a religious term and is instead captured by the term *Religious*. See the discussion of words as opposed to phrases in Part II above.

Faith		Imam
Minister of Religion ⁶⁸		Liturgical
Papist		Monastery
Religion		Nunnery
Roman Catholic ⁶⁹		Ordination
Religious		Pastor
Religious Institution ⁷⁰		Pastoral Care
Secular		Priest/s
Worship		Rabbi
		Sacred
		Sect

Noting the already identified absence of some terms, such as *God*, from Ambrose and Barker's dictionary of terms, a further search was conducted of Commonwealth legislation on 2 January 2026 to confirm the presence or absence of terms identified as only present in this study in Commonwealth legislation. This identified a further five religious terms as found in both Commonwealth and Western Australian legislation: *Convent*, *Denomination/s/al*, *God*, *Ordination*, *Pastoral Care* and *Sacred*. Phrases were also collapsed to their essential religious term, consistently with this analysis. *Catholics* and *Roman Catholics* were also combined into a single religious term using the dictionary of terms from this analysis. As shown in Table 3, this led to a final list of 36 religious terms found across Western Australian and Commonwealth legislation, with 19 found in both Commonwealth and Western Australian legislation, five found only in Commonwealth legislation and 11 found only in Western Australian legislation.

⁶⁸ *Minister of Religion* was not separately identified as a religious term and is instead captured by the term *Religion*. See the discussion of words as opposed to phrases in Part II above.

⁶⁹ As noted above (n 66), *Catholic* and *Roman Catholic* have been combined. The terms appeared as separate phrases in Ambrose and Barker's analysis.

⁷⁰ *Religious Institution* was not separately identified as a religious term and is instead captured by the term *Religious*. See the discussion of words as opposed to phrases in Part II above.

Table 3: Religious terms identified in Commonwealth and Western Australian legislation

Both Cth and WA	Cth only	WA only
Bible	Bishop	Altar
Catholic / Roman Catholic	Devotion	Anglican
Convent	Jewish	Chapel/s
Chaplain	Synagogue	Imam
Christian	Temple	Liturgical
Church	Theology	Monastery
Clergy		Nunnery
Denomination/s/al		Pastor
Doctrine		Priest/s
Faith		Rabbi
God		Sect ⁷¹
Ordination		
Papist		
Pastoral Care		
Religion		
Religious		
Sacred		
Secular		
Worship		

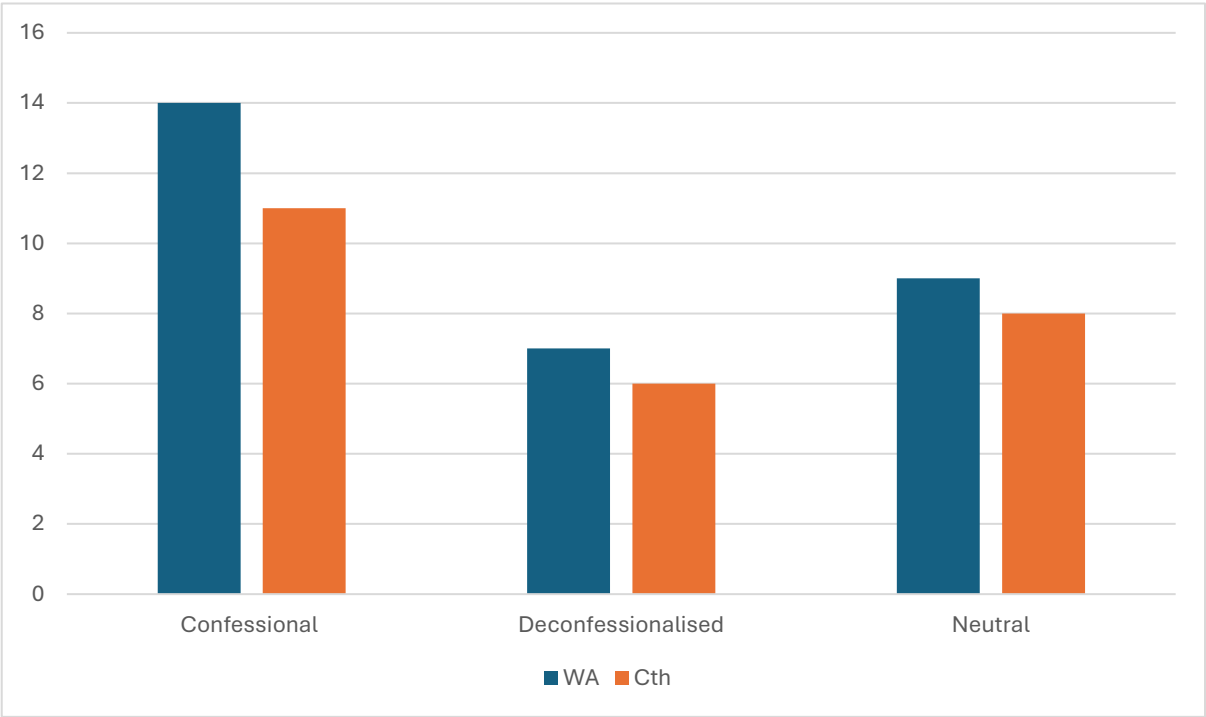
When the tripartite classification outlined above is applied to the 25 religious terms found in Commonwealth legislation, a similar divide to that seen in Western Australian legislation emerges. As shown in Table 4 and Figure 2 below, of the 25 religious terms found in Commonwealth legislation, 11 (44%) are confessional, 6 (24%) are deconfessionalised and 8 (32%) are neutral.

⁷¹ While the word 'sect' does appear in Commonwealth legislation, this is as an abbreviation for 'section', rather than as a religious term.

Table 4: Classification of religious terms in Commonwealth legislation

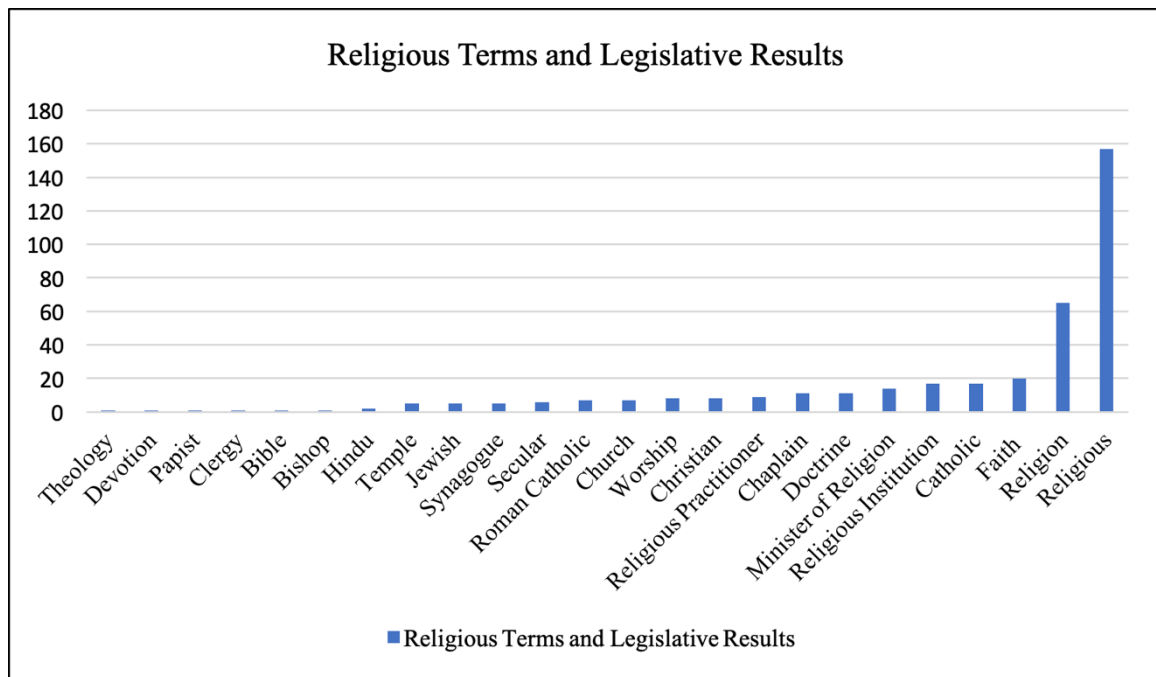
Confessional	Deconfessionalised	Neutral
Bible	Chaplain	Doctrine
Bishop	Church	God
Catholic / Roman Catholic	Denomination/s/al	Pastoral Care
Christian	Devotion	Religion
Clergy	Faith	Religious
Convent	Ordination	Sacred
Jewish		Secular
Papist		Worship
Synagogue		
Temple		
Theology		

Figure 2: Number of religious terms found in Western Australian and Commonwealth legislation



An analysis of the frequency of religious terms in Commonwealth legislation is beyond the scope of this study. However, as shown in Figure 3, in their analysis Ambrose and Barker found that *Religion* and *Religious* were the most frequent religious terms in Commonwealth legislation.⁷² This is consistent with the finding for Western Australian legislation outlined above.

Figure 3: Religious terms and legislative results from Ambrose and Barker



IV DISCUSSION AND ANALYSIS

Analysis of legislative terminology at both the Commonwealth and Western Australian levels reveals that, while the raw number of confessional and deconfessionalised terms may exceed neutral terms, the frequency and prominence of neutral terms such as *Religion* and *Religious* far surpasses that of their confessional and deconfessionalised counterparts. This finding is consistent with Ambrose and Barker's results at the federal level and reflects an alignment with the principles of secularism, pluralism and inclusivity within the legal framing of state-religion relationships. The prevalence of neutral terminology suggests a deliberate effort to construct legislative language that does not privilege any particular religion

⁷² Ambrose and Barker (n 26) 96.

and instead facilitate a legal environment that accommodates Australia's diverse and multi-faith society.

Nonetheless, it is important to acknowledge that, despite the widespread use of neutral terms, confessional terms remain present in the legislative landscape. Many of these confessional terms appear as part of inclusive lists, which attempt to recognise a range of religious traditions and thereby promote pluralism. For example, terms such as *Rabbi* and *Imam* are incorporated alongside Christian titles in the statutory definitions of *Minister of Religion*, reflecting a broader, more inclusive approach. However, the overwhelming majority of confessional terms retain a distinctly Christian character. The retention of these terms, particularly where neutral options are available, is a reminder of a less inclusive Christian heritage, the fingerprints of which can still be seen in Western Australian legislation. For example, while the term *Roman Catholic* appears in highly specific contexts (one of which is not directly relevant to the Australian state-religion relationship), it nonetheless gestures to the unique constitutional position of the King as both Australia's Head of State and, among other titles, the Head of the Church of England and Defender of the Faith.

As identified above, the residual confessional terms found in legislation are almost exclusively Christian and their presence warrants examination within their specific legislative contexts. Moreover, all identified deconfessionalised terms are either Christian or, at minimum, Abrahamic in origin. While these terms are frequently employed in a religiously neutral manner, their etymological roots and historical associations with Christianity persist, shaping the shared cultural understanding necessary for their interpretation. This enduring connection underscores the historical legacy of Christian privilege in the Australian legal system.

A *Christian Privilege*

As Douglas Ezzy and co-authors explain, 'Christian privilege is institutionally embedded in the law'.⁷³ As a result, 'the primary basis from which religion is imagined institutionally and against which the citizen self-assesses is a universal Christianity that is expressive of shared values'.⁷⁴ This privilege can be seen in the use of Christian confessional and deconfessionalised terms in Western Australian legislation. Twelve of the 14 confessional terms and all seven of the

⁷³ Douglas Ezzy, Rebecca Banham and Lori Beaman, 'Religious Diversity, Legislation, and Christian Privilege' (2023) 59(1) *Journal of Sociology* 70, 72.

⁷⁴ Lori G Beaman, 'The Will to Religion: Obligatory Religious Citizenship' (2013) 1(2) *Critical Research on Religion* 141, 145, cited in *ibid* 72.

deconfessionalised terms identified are Christian in origin, reflecting a Christian heritage⁷⁵ and ongoing privileging within Western Australian law.

This ongoing privileging of Christianity is highlighted by the usage of the confessional term *Christian* in the *Business Names Act 1962* (WA). As outlined above, 13 of the 14 occurrences of *Christian* occur in this Act. In all 13 instances, the word *Christian* appears in the phrase *Christian name*.⁷⁶ Rather than using the neutral term forename, the legislature instead opted to define *Christian name* as '[including] any forename'.⁷⁷ While the age of the Act arguably explains the choice to use *Christian name* rather than forename, it is notable that the Act has not been amended to adopt the more neutral and secular term, even though forename appears elsewhere in the legislation. This continued use of *Christian name* highlights an underlying Christian privilege. Those from a Christian background understand this phrase to refer to a person's first or fore name as opposed to their family or surname. However, those from non-Christian backgrounds, via necessity, are required to also gain this understanding, they do so via exposure to the predominate underlying Christian culture which gives rise to Christian privilege in the linguistic legislative drafting choices.

A similar argument could be advanced in relation to the phrase *Act of God*. While the word *God* was classified as neutral, due to its legislative context, it is not a truly neutral term. It is inherently religious and its transition from a religious word to a legal term of art in a similar way to the phrase *Christian name* highlights the inherent embedding of religious ideas within law and legislation. This religious underpinning persists even where they have been shorn, through long usage, of their religious connotations.

Embedded Christian privilege can also be seen in the use of the confessional terms *Convent*, *Monastery* and *Nunnery*, all of which occur exclusively in the *Local Government Act 1995* (WA). Section 6.26(d) of that Act provides an exemption from rates for

land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister

⁷⁵ Deagon (n 4) 168. For a comprehensive discussion of the Christian foundations of the common law, see Augusto Zimmermann, *Christian Foundations of the Common Law* (Connor Court Publishing, 2018) vol 3.

⁷⁶ The single occurrence of *Christian* outside of the *Business Names Act 1962* (WA) is in the *Constitution Act 1889* (WA), where the term *Christian* is also used in the context of the concept of a Christian name: at s 41.

⁷⁷ See *Business Names Act 1962* (WA) s 4(1).

of religion, a *convent*, *nunnery* or *monastery*, or occupied exclusively by a religious brotherhood or sisterhood. [emphasis added]

While the provision includes religiously neutral phrases, such as *Religious Body* and *Public Worship*, it also uses the deconfessionalised phrase *Minister of Religion* and the confessional terms *Convent*, *Nunnery* and *Monastery*. While the terms *Brotherhood* and *Sisterhood* were not included in this dictionary of religious terms for this analysis, with the contextual modifier *Religious*, these terms are arguably also confessional or deconfessionalised. In a western context *Convent*, *Nunnery* and *Monastery* are all, almost exclusively, associated with Christianity. While there are, for example, Buddhist monasteries and nunneries even this non-Christian usage is an example of Christian privilege. These are not the terms originally used for such institutions and represent a mapping of English language Christian concepts onto pre-existing Buddhist concepts in order to make them comprehensible in that context. This can be contrasted with the use of confessional terms in the definition of *Minister of Religion*, where a much more inclusive, but not necessarily unproblematic, picture emerges.

The only non-Christian confessional terms, *Rabbi* and *Imam*, both appear twice in Western Australian legislation, appearing together in the *Evidence Act 2025* (WA) and *Children and Community Services Act 2004* (WA) as part of a list provided of examples of roles included in the definition of *Minister of Religion*.⁷⁸ The relevant provisions, which are identical, are extracted below:

minister of religion —

- (a) means a person who is recognised in accordance with the practices of a faith or religion as a person who is authorised to conduct services or ceremonies in accordance with the tenets of the faith or religion; and
- (b) includes such a person regardless of how the person's position or title is described (for example, *member of the clergy*, *priest*, *minister*, *imam*, *rabbi* or *pastor*). [emphasis added]

The definition of *Minister of Religion* was inserted into the *Children and Community Services Act 2004* (WA) in 2021⁷⁹ as part of reforms following the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.⁸⁰ The *Evidence Act 2025* (WA) has adopted this definition. The definition is drafted to be

⁷⁸ *Evidence Act 2025* (WA) s 3; *Children and Community Services Act* s 124A.

⁷⁹ See *Children and Community Services Amendment Act 2021* (WA) s 52(3).

⁸⁰ Western Australia, *Parliamentary Debates*, Legislative Assembly, 2 June 2021, 1164 (Simone McGurk, Minister for Child Protection).

inclusive rather than exclusive or exhaustive and relies for its meaning and effect on the neutral term *Religion* and the deconfessionalised term *Faith*. Here, unlike in the *Local Government Act 1995* (WA) discussed above, confessional terms are included not to delineate further categories of exemption and privilege, but to ensure an inclusive understanding of *Minister of Religion* includes not only Christian religious leaders (clergy, priest, minister or pastor), but also Islamic (imam) and Jewish (rabbi) leaders.

The phrase *Minister of Religion* is also found in six other Western Australian Acts.⁸¹ However, it is only defined in one other Act. In the *Oaths, Affidavits and Statutory Declarations Act 2005* (WA), *Minister of Religion* is defined by reference to the definition of *Minister of Religion* in the *Marriage Act 1961* (Cth).⁸² The *Marriage Act 1961* (Cth) defines *Minister of Religion* as:

- (a) a person recognised by a religious body or a religious organisation as having authority to solemnise marriages in accordance with the rites or customs of the body or organisation; or
- (b) in relation to a religious body or a religious organisation in respect of which paragraph (a) is not applicable, a person nominated by:
 - (i) the head, or the governing authority, in a State or Territory, of that body or organisation; or
 - (ii) such other person or authority acting on behalf of that body or organisation as is prescribed;

to be an authorised celebrant for the purposes of this Act.

As with the Western Australian definition, that found in the *Marriage Act 1961* (Cth) relies on neutral terms, in this instance, *Religious Body* and *Religious Organisation*. However, the confessional terms listing specific religious leadership positions as exemplars are absent. On the one hand, their absence in the Commonwealth definition makes the definition more religiously neutral. Conversely, the Western Australian definition arguably makes the diversity of Australia's religious community more visible and explicit. The confessional terms make visible the pluralistic nature of both Australia's multi-faith, multi-cultural community and state-religion relationship, while the Commonwealth's definition obscures it. The obfuscation is enhanced by the phrase *Minister of Religion* itself. While in both

⁸¹ See *Cemeteries Act* (n 44); *Community Protection (Offender Reporting) Act 2004* (WA); *Local Government Act 1995* (WA); *Working with Children (Screening) Act 2004* (WA); *Oaths, Affidavits and Statutory Declarations Act* (n 59); *Parliamentary Commissioner Act 1971* (WA) ('Parliamentary Commissioner Act').

⁸² See *Oaths, Affidavits and Statutory Declarations Act* (n 59) sch 2 item 26.

instances the phrase *Minister of Religion* is defined using neutral and deconfessionalised terms, the use of *Minister* to describe a religious leader is more typically associated with Christianity, often in reference to the term *Priest* in Protestant denominations. This said, the *Oxford English Dictionary* also defines *Minister of Religion* as including '[a]n official of a non-Christian religion ... the spiritual leader of a Jewish congregation'.⁸³

While the use of confessional terms in the Western Australian definition of *Minister of Religion* encompasses Islam and Judaism, by using these two religions as exemplars, the meaning of *Minister of Religion* is triangulated around the three Abrahamic faiths. This further focuses attention on the Christian understanding of the term *Priest*, which can also have non-Christian applications. It excludes other non-Abrahamic confessional terms for religious leaders, such as *Priestess*, *Lama*, *Sensei*, *Guru*, *Swami*, *Elder* or *Daoshi*, to name just a few. So in drawing attention to diversity, on the one hand, other manifestations of that diversity are suppressed. If examples were drafted based on religious demographics at the last census, terms for Hindu and Buddhist religious leaders would be included ahead of Jewish ones.⁸⁴ This suggests that the choice of exemplars was not based on objective criteria but rather on the privileging of the Abrahamic faiths.

It is worth noting that the *Parliamentary Commissioner Act 1971* (WA), while not defining *Minister of Religion*, also uses the neutral phrase *Religious Leader*, including both within the concept of officer or employee of a religious body.⁸⁵ The phrase *Religious Leader* does not occur in any other Western Australian Act and is not defined in the *Parliamentary Commissioner Act 1971* (WA).⁸⁶ Instead, the *Prisons Act 1981* (WA) and *Terrorism (Preventative Detention) Act 2006* (WA) use the phrase *Religious and Spiritual Advisor*. As with *Religious Leader*, these terms are not defined. However, a *Religious and Spiritual Advisor* would appear to be wider than *Minister of Religion* which requires, as discussed above, some form of recognition by the

⁸³ *Oxford English Dictionary* (online at 4 February 2026) 'minister' (def 2.d).

⁸⁴ Australian Bureau of Statistics, *Religious Affiliation in Australia: Exploration of the Changes in Reported Religion in the 2021 Census* (Article, 4 July 2022) ('*Religious Affiliation in Australia*').

⁸⁵ *Parliamentary Commissioner Act* (n 81) s 19D(2). The reference to both officer and employee is a recognition of the ongoing legal question as to the status of religious leaders: see Ilija Vickovich, 'Towards a Responsive Law Paradigm for Faith Workers' (2009) 9 *Macquarie Law Journal* 93.

⁸⁶ The phrase *Religious Leader* does not appear in Commonwealth legislation. Other phrases used to describe those performing leadership functions in religious bodies or organisations in Commonwealth legislation include *Religious Practitioner*, *Religious Official* and *Spiritual Leader*. While beyond the scope of this study, further analysis needs to be conducted on the practical and symbolic differences in these terms for religious leaders. See, eg, *Taxation Laws Amendment Act (No 5) 2001* (Cth); *Combating Antisemitism, Hate and Extremism (Criminal and Migration Laws) Act 2026* (Cth).

relevant religion or faith. Spiritual advisor may be so wide as to include an advisor on, for example, ethical veganism, which would ordinarily fall outside the realm of the religious.⁸⁷

What the foregoing demonstrates is the complexity of crafting a definition that is comprehensive and encompassing of the various forms and styles of religious leadership in Australia given the increasingly diverse religious landscape.⁸⁸ While using exclusively religiously neutral terms is, arguably, a more secular approach, it obscures the diversity and pluralism which the use of confessional terms highlights. However, in the context of the phrase *Minister of Religion* specifically, the inclusion of non-Christian confessional terms also highlights the inherent dissonance in using a term typically associated with Christianity to encompass religious leaders from a range of different religious traditions.

B *Spiritual versus Religious*

An important principle of statutory interpretation is that words are used consistently. This principle incorporates two interrelated concepts. First, that 'where a word is used consistently in legislation it should be given the same meaning consistently' and, second, 'where legislation could have used the same word but chose to use a different word, the intention was to change the meaning'.⁸⁹ As identified above, multiple terms which could be considered analogous to *Religion* such as *Faith*, *Spiritual*, *Sect* and *Denomination* were identified in Western Australian legislation. While they occur with much less frequency than the terms *Religion* and *Religious*, noting the above principle of statutory interpretation, they must be given some meaning beyond being an alternative word choice to *Religion* in legislative drafting. However, doing so is complicated by the wide definition given to the term *Religion* in Australian law.

In *Adelaide Company of Jehovah's Witnesses Inc v Commonwealth*,⁹⁰ Latham CJ opined that 'it would be difficult, if not impossible, to devise a definition of religion which would satisfy the adherents of all the many and various religions which exist, or have existed in the world'.⁹¹ However, in *The Church of the New Faith v Commissioner of Pay-roll Tax (Vic)*⁹² ('*Scientology Case*'), the High Court of Australia was called upon

⁸⁷ See Kate Offer and Renae Barker, 'Should Ethical Vegans Have a Beef with the Definition of Religion?' (2019) 9(1) *Victoria University Law and Justice Journal* 17.

⁸⁸ *Religious Affiliation in Australia* (n 84).

⁸⁹ Pearce and Geddes (n 34) 150–1.

⁹⁰ (1943) 67 CLR 116.

⁹¹ *Ibid* 123.

⁹² (1983) 154 CLR 120 ('*Church of the New Faith*').

to ‘ponder the imponderable and define the indefinable’.⁹³ In doing so, the Court delivered three judgments, each proffering their own unique definition of *Religion*. However, all three were broad enough in scope to encompass the beliefs and practices of Scientology.⁹⁴ The definitions have since been applied to the Radha Soami Satsang Beas,⁹⁵ finding that the group was a religion, and to the Church of the Flying Spaghetti Monster Australia,⁹⁶ finding that it was not. Justice Kirby has also speculated that the definition of religion articulated in the *Scientology Case* may be wide enough to encompass Indigenous spirituality.⁹⁷

Of the three definitions of religion found in the *Scientology Case*, Mason ACJ and Brennan J’s substantive⁹⁸ definition is arguably the narrowest.⁹⁹ They distilled religion down to two essential elements: first, the ‘... belief in a supernatural Being, Thing or Principle; and second, the acceptance of canons of conduct in order to give effect to that belief’.¹⁰⁰ The definition is neutral and inclusive, covering monotheistic, polytheistic and non-theistic belief systems without imposing moral or ethical value judgments on the nature of the ‘canons of conduct’ beyond the need for these to ‘give effect’ to the ‘belief in the supernatural Being, Thing or Principle’. While the term supernatural has been criticised ‘because it is a loaded word which can carry a variety of connotations’,¹⁰¹ it does not necessarily overly narrow the definition nor exclude concepts such as *Spiritual*, *Faith*, *Denomination* or *Sect*. The High Court of Australia has not had the opportunity to revisit the definition of *Religion* since the *Scientology Case*, which was decided in 1983. However, in a more recent decision from the United Kingdom Supreme Court, *Religion* was defined as

a spiritual or non-secular belief system, held by a group of adherents, which claims to explain mankind’s place in the universe and relationship with the infinite, and to teach its adherents how they are to live their lives in conformity with the spiritual understanding associated with the belief system.¹⁰²

⁹³ *Jacques v Hilton*, 569 F Supp 730, 731 (D NJ 1983) (Sarokin J).

⁹⁴ See Renae Barker, ‘Church of the New Faith v Commissioner of Pay-Roll Tax: Defining Religion for the World?’ in Renae Barker, Paul Babie and Neil Foster (eds), *Law and Religion in the Commonwealth: The Evolution of Case Law* (Hart Publishing, 2022) 11.

⁹⁵ *RSSB Australia Pty Ltd v Ross* (2017) 224 LGERA 224.

⁹⁶ *Watkins and Commissioner for Corporate Affairs* [2021] SACAT 10.

⁹⁷ *Western Australia v Ward and Others* (2002) 213 CLR 1, 249 [586].

⁹⁸ Also referred to as ‘essentialist’: see, eg, Caroline Scheffalitzky de Muckadell, ‘On Essentialism and Real Definitions of Religion’ (2014) 82(20 *Journal of the American Academy of Religion* 945

⁹⁹ Barker (n 4) 20.

¹⁰⁰ *Church of the New Faith* (n 92) 136 (Mason ACJ and Brennan J).

¹⁰¹ *R (Hodkin) v Registrar General of Births, Deaths and Marriages* [2014] AC 610, 627 [57].

¹⁰² *Ibid*.

This formulation arguably broadens the definition further through explicit incorporation of the concept of spiritual understanding within religion.

As discussed above, the definition of *Minister of Religion* in the *Evidence Act 2025* (WA) and *Children and Community Services Act 2004* (WA) includes both the neutral religious term *Religion* and the deconfessionalised term *Faith*, with the two being offered as alternatives to one another. Here, *Faith* is being used to indicate a collective belief system rather than an individual one. In a similar way, the *Prisons Act 1981* (WA) lists *Spiritual* as an alternative to *Religion* in the phrases ‘practice of religion or spiritual beliefs’, ‘prisoner’s religious or spiritual beliefs’, ‘religious or spiritual guidance’ and ‘religious or spiritual adviser’.¹⁰³ The *Terrorism (Preventative Detention) Act 2006* (WA) takes the same approach, using *Spiritual* as an alternative to *Religious* in the phrase ‘religious or spiritual adviser’.¹⁰⁴ In the *School Education Act 1999* (WA), the term *Spiritual* appears as an alternative to both *Religion* and *Morals* in the phrase ‘religious, spiritual or moral values’.¹⁰⁵ However, in other contexts within the *School Education Act 1999* (WA), the terms *Religion* and *Religious* are used alone¹⁰⁶ or as an alternative to *Denomination* and *Sect*.¹⁰⁷

The statutory interpretation principle of consistent word use suggests that including alternatives to *Religion*, such as *Spiritual* and *Faith*, is intended to widen the application of those provisions beyond the already wide definition of *Religion*. However, as these terms have not been defined, their precise scope is uncertain.

Religious terms used to describe collective belief systems do not always appear in the alternative to *Religion*. For example, the word *Spiritual* also appears in s 8 of the *Children and Community Services Act 2004* (WA) as a factor that must be considered in determining a child’s best interests:

- (1) In determining what is in the best interests of a child, the following matters must be taken into account —

...

- (k) the child’s physical, emotional, intellectual, *spiritual* and developmental needs.

... [emphasis added]

¹⁰³ *Prisons Act 1981* (WA) s 95E.

¹⁰⁴ See, eg, *Terrorism (Preventative Detention) Act 2006* (WA) s 43A.

¹⁰⁵ *School Education Act* (n 43) s 68(2)(b).

¹⁰⁶ See, eg, ‘special religious instruction’: *ibid* s 71.

¹⁰⁷ See *ibid* s 68(1)(a) in relation to its prohibition on curriculum and teaching, that promotes ‘any particular religious practice, denomination or sect’.

Spiritual also appears in the *Disability Services Act 1993* (WA) in a similar context. In that Act, it sets out the rights of people with disability to participate in the community and realise their own capacities.¹⁰⁸ In the *Heritage Act 2018* (WA), *Spiritual* is used as an alternative to *Social* and *Cultural* in determining whether a place has cultural heritage significance ('social, cultural or spiritual associations')¹⁰⁹ and as an alternative to *Scientific* and *Social* in the definition of *Cultural Heritage Significance* ('scientific, social or spiritual').¹¹⁰ Here *Spiritual* appears to be being used as an alternative and arguably broader and more inclusive, term than *Religion*.

Spiritual is also used in a much more specific context in the *Mental Health Act 2014* (WA), where it is used as part of the definition of 'traditional healer' as a 'person of Aboriginal or Torres Strait islander descent' who, inter alia, 'uses traditional (including *spiritual*) methods of healing'.¹¹¹ It is also used, in relation to children, in a similar way to the *Children and Community Services Act 2004* (WA) and *Disability Services Act 1993* (WA)¹¹² and as an aspect of diversity in the Charter of Mental Health Care Principles.¹¹³

These terms, which in some instances appear to be used as an alternative to *Religion*, rather than in addition to it, must be given their own meaning. Without an equivalent to the *Scientology Case*, meaning must rest on the ordinary meaning of the word, context and purpose of the relevant provisions.¹¹⁴

While, as has been discussed above, the neutral terms *Religion* and *Religious* dominate the occurrences of religious terms in Western Australian legislation, one usage is notably absent. The phrase *Thought, Conscience and Religion*, which is the cornerstone of international FoRB provisions,¹¹⁵ is conspicuously absent from the Western Australian statutory corpus. The phrase *Thought, Conscience and Religion* arguably includes within it concepts such as *Spiritual* and *Faith*. Its breadth has meant that very little international jurisprudence has expressly defined *Religion* as

¹⁰⁸ *Disability Services Act 1993* (WA) sch 1 cl 3.

¹⁰⁹ *Heritage Act* (n 43) s 38(1)(e).

¹¹⁰ *Ibid* s 5(1).

¹¹¹ *Mental Health Act 2014* (WA) s 4 (emphasis added).

¹¹² *Ibid* s 303(2)(a).

¹¹³ *Ibid* sch 1.

¹¹⁴ *Interpretation Act* (n 33) s 18.

¹¹⁵ See eg International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) art 18; Universal Declaration of Human Rights, GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/RES/217A(III) (10 December 1948) art 18; European Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature 4 November 1950, 213 UNTS 221 (entered into force 3 September 1953) art 9.

the breadth of the phrase has made doing so redundant.¹¹⁶ However, use of this phrase, or morphological variants of it, would arguably solve many of the problems created by the usage of alternatives to *Religion* within Western Australian legislation. Its absence also speaks to the lack of influence of international law on the development of Australian legislation related to religion.

C State-Religion Relationship

The Australian state-religion relationship has variously been described as non-sectarian Christianity,¹¹⁷ formal establishment (symbolic),¹¹⁸ pragmatic pluralism,¹¹⁹ cooperation,¹²⁰ accommodation,¹²¹ non-establishment pluralism,¹²² non-establishment,¹²³ neutral separation/neutrality,¹²⁴ and flexible separation.¹²⁵ However, as discussed above, these categorisations are either based on a holistic examination of the Australian state-religion relationship (including both federal and state and territory laws) or dominated by analysis of federal laws.¹²⁶ Given that there is no constitutional prohibition on a state establishing a church, insisting on religious observances, imposing religious tests or restricting FoRB, it is at least conceivable that states could have a very different state-religion relationship both from each other and the federal government.

This study does not seek to classify the Western Australian state-religion relationship within existing typologies. Any conclusion about the nature of the

¹¹⁶ Pauline Ridge, 'Not-for-Profit Law and Freedom of Religion' in Matthew Harding (ed), *Research Handbook on Not-for-Profit Law* (Edward Elgar, 2018) 284, 294. See also European Court of Human Rights, *Guide to Article 9: Freedom of Thought, Conscience and Religion*, 30 April 2019, 8 [14].

¹¹⁷ Stephen A Chavura, John Gascoigne and Ian Tregenza, *Reason, Religion and the Australian Polity: A Secular State?* (Routledge, 2019) 254, 255–7. See also Deagon (n 4) 155.

¹¹⁸ Rex Ahdar and Ian Leigh, *Religious Freedom in the Liberal State* (Oxford University Press, 2nd ed, 2013) 104.

¹¹⁹ Soper, Den Dulk and Monsma (n 6) 121; Deagon (n 4) 154–5.

¹²⁰ W Cole Durham Jr and Brett G Scharffs, *Law and Religion: National, International, and Comparative Perspectives* (Wolters Kluwer, 2nd ed, 2019) 124, 126–7, 145–6.

¹²¹ Jonathan Fox, *Political Secularism, Religion, and the State: A Time Series Analysis of Worldwide Data* (Cambridge University Press, 2015) 45.

¹²² Renae Barker, 'Pluralism versus Separation: Tension in the Australian Church-State Relationship' (2021) 16(1) *Religion and Human Rights* 1.

¹²³ Jeroen Temperman, *State-Religion Relationships and Human Rights Law: Towards a Right to Religiously Neutral Governance* (Brill, 2010) 118–9.

¹²⁴ Shimon Shetreet, 'The Model of State and Church Relations and Its Impact on the Protection of Freedom of Conscience and Religion: A Comparative Analysis and a Case Study of Israel' in Winfried Brugger and Michael Karayanni (eds), *Religion in the Public Sphere: A Comparative Analysis of German, Israeli, American and International Law* (Springer, 2007) 87, 90.

¹²⁵ Paul Babie et al, *Religion and Law in Australia* (Kluwer Law International, 2nd ed, 2019) 52–6; Stephen McLeish, 'Making Sense of Religion and the Constitution: A Fresh Start for Section 116' (1992) 18(2) *Monash University Law Review* 221–2.

¹²⁶ See, eg, Deagon (n 4).

Western Australian state-religion relationship must, due to the nature of the current study, be preliminary. Further analysis is needed of the themes that emerge from the legislative context of religious terms identified in this study, along with examination of key Acts such as the *Equal Opportunity Act 1984* (WA). However, despite the potential for great divergence from federal legislation, the results of the comparison between the use of religious terms as identified by Ambrose and Barker and their use in Western Australian legislation indicate a significant degree of convergence between the Western Australian state-religion relationship and that which exists at the federal level.

In both studies, the neutral terms *Religion* and *Religious* emerged as the most dominant with significantly higher frequency than any other religious term. In Western Australia, these terms combined accounted for 58% of religious terms identified. That is not to say that in practice Christianity may not be privileged in the application and effect of legislative provisions couched in neutral terms. What it does indicate is that the state-religion interaction is consistent with neutrality, at least at the legislative linguistic level. Literature on state neutrality divides this classification into two sub-categories: formal and substantive neutrality.¹²⁷ While acknowledging that no state-religion relationship is truly neutral,¹²⁸ the predominant use of neutral religious terms is consistent with formal neutrality. While religion is treated differently than other equivalent secular entities in that the state 'sees' the religiosity of religious entities, it is still formally neutral as between different religions. This might be described as religious plural neutrality, consistent with observations of Australia's state-religion relationship as pragmatic pluralism.¹²⁹ However, pragmatic pluralism as applied to Australia is usually grounded in non-discriminatory federal funding of predominantly religious non-government education.¹³⁰ Similarly, analysis of the Australian state-religion relationship as non-establishment pluralism¹³¹ is grounded in an analysis of the effect and practical application of s 116 of the *Constitution*. As such, further analysis would be needed to determine how such a relationship might be grounded at a state level.

The ongoing use of confessional terms and deconfessionalised terms with Christian origins must also be accounted for in the state-religion relationship. While some of these usages are highly contextualised, as discussed above, they indicate an underlying Christian privilege inherent in the vocabulary of Western Australian

¹²⁷ See, eg, Ahdar and Leigh (n 118) 112–9.

¹²⁸ Darryn Jensen, 'Classifying Church-State Arrangements' in Nadirsyah Hosen and Richard Mohr (eds), *Law and Religion in Public Life: The Contemporary Debate* (Routledge, 4th ed, 2011) 15, 19.

¹²⁹ Soper, Den Dulk and Monsma (n 6) 121 and Deagon (n 4) 154–5.

¹³⁰ Soper, Den Dulk and Monsma (n 6) 121–55.

¹³¹ Barker (n 122).

legislation. This is arguably consistent with Alex Deagon's mild Christian establishment.¹³² However, unlike Deagon, it can be argued that rather than it being desirable to move towards this form of state-religion relationship, the use of confessional and deconfessionalised terms indicates a historical legacy. Whether the state-religion relationship in Western Australia specifically or Australia generally is shifting is beyond the scope of this study. What is clear, however, is that the state-religion relationship in Western Australia as expressed in linguistic choices in Western Australian legislation is not purely either neutral or pluralist.

V CONCLUSION

This article has mapped the presence, distribution and classification of religious terminology in Western Australian public Acts of Parliament, demonstrating that, at a legislative linguistic level, neutral religious terminology overwhelmingly dominates. Terms such as *Religion* and *Religious* appear with far greater frequency than confessional or deconfessionalised terms, mirroring patterns identified in Commonwealth legislation¹³³ and suggesting a high degree of convergence between state and federal legislative practice. This predominance of neutral language is consistent with formal religious neutrality and reflects an attempt to accommodate religious diversity through inclusive, non-sectarian drafting.

However, the analysis also reveals the continued presence of confessional and deconfessionalised terms, almost exclusively of Christian origin. While many of these terms operate in deconfessionalised or secularised ways, their Christian origins persist. The prevalence of Christian-derived vocabulary, including terms such as *Christian name* and *Act of God* and Christian institutional forms, illustrates the enduring embedding of Christian privilege within legislative language. Even where such terms are used neutrally or inclusively, they rely on shared assumptions shaped by a Christian cultural heritage.

The article further demonstrates that variation in legislative word choice, particularly between *Religion*, *Spiritual*, *Faith*, *Sect* and *Denomination*, creates interpretive complexity. These terms are not interchangeable and must be given distinct meaning, yet they remain largely undefined. Their usage both expands and obscures the scope of protection and regulation, highlighting tensions inherent in legislative attempts to reflect pluralism while maintaining coherence.

Taken together, the findings show that Western Australian legislation constructs a state-religion relationship that is formally neutral but linguistically shaped by

¹³² Deagon (n 4) 165–82.

¹³³ Ambrose and Barker (n 26).

historical Christian norms. As a scoping study, this analysis maps the terrain of religious language in state legislation and provides a foundation for further doctrinal, comparative and thematic examination of how religion is recognised, regulated and normalised in Australian law.

APPENDIX A: DICTIONARY OF RELIGIOUS TERMS

Agnostic	Episcopalian	Religion/s
Allahims	Evangelical	Religious
Altar	Faith	Sacred
Anglican	Faithless	Sanctity
Archdeacon	God	Sect
Atheism	Godless	Secular
Bible	Hare Krishna	Soul / Cure of Souls
Bishop / Archbishop / Bishopric	Hindu / Hinduism	Spiritual
Brahmin / Brahmanism	Holy	Synagogue
Buddhism	Imam	Synod
Catholic / Roman	Islam / Islamic	Temple
Catholic	Jesus	Theology
Chapel	Jewish	Worship/s / Worshiper/s
Chaplain	Jihad	
Christ	Liturgical	
Christian	Mohammed	
Christianity	Mohammedan	
Church / Churches	Monastery	
Church of England	Mosque	
Clergy / Clergyman	Muslim	
Cleric	Nunnery	
Consecration	Ordination	
Convent	Papist	
Deacon/s	Parish	
Denomination/s / Denominational	Pastor	
Devotion	Pastoral Care	
Diocese	Pentecostal	
Doctrine/s	Priest/s	
	Quran	
	Rabbi	

APPENDIX B: LIST OF WESTERN AUSTRALIAN PUBLIC ACTS OF PARLIAMENT
FOUND IN THIS STUDY

Factors (1842) (Imp)

Judgments Act 1839 (Imp)

Judgments Act 1855 (Imp)

Mercantile Law Amendment Act 1856 (Imp)

Royal Styles and Titles Act 1947

Aboriginal Heritage Act 1972

Adoption Act 1994

Anatomy Act 1930

Associations Incorporation Act 2015

Auction Sales Act 1973

Australia Acts (Request) Act 1985

Bail Act 1982

Business Names Act 1962

Cemeteries Act 1986

Children and Community Services Act 2004

Commercial Arbitration Act 2012

Community Protection (Offender Reporting) Act 2004

Competition Policy Reform (Western Australia) Act 1996

Constitution Act 1889

Co-operatives Act 2009

Cremation Act 1929

Criminal Code Act Compilation Act 1913

Declared Places (Mental Impairment) Act 2015

Defamation Act 2005

Disability Services Act 1993

Duties Act 2008

Education and Care Services National Law (WA) Act 2012

Education Service Providers (Full Fee Overseas Students) Registration Act 1991

Electoral Act 1907

Emergency Management Act 2005
Equal Opportunity Act 1984
Evidence Act 1906
Evidence Act 2025
Family Court Act 1997
Fire Brigades Act 1942
Gaming and Wagering Commission Act 1987
Guardianship and Administration Act 1990
Health (Miscellaneous Provisions) Act 1911
Heritage Act 2018
Housing Act 1980
Land Tax Assessment Act 2002
Liquor Control Act 1988
Local Government Act 1995
Mental Health Act 2014
Misuse of Drugs Act 1981
Oaths, Affidavits and Statutory Declarations Act 2005
Parliamentary Commissioner Act 1971
Pay-roll Tax Assessment Act 2002
Planning and Development Act 2005
Police Act 1892
Port Authorities Act 1999
Prescription Act 1832 (Imp)
Prisons Act
Privacy and Responsible Information Sharing Act 2024
Private Hospitals and Health Services Act 1927
Public Notaries Act 1979
Public Order in Streets Act 1984
Redemption of Annuities Act 1909
Restraining Orders Act 1997
Retail Trading Hours Act 1987
Road Traffic Act 1974

Sale of Land Act 1970

School Curriculum and Standards Authority Act 1997

School Education Act 1999

Sea-Carriage of Goods Act 1909

Sentence Administration Act 2003

Spent Convictions Act 1988

Strata Titles Act 1985

Succession to the Crown Act 2015

Terrorism (Commonwealth Powers) Act 2002

Terrorism (Extraordinary Powers) Act 2005

Terrorism (Preventative Detention) Act 2006

Transfer of Land Act 1893

Transport (Road Passenger Services) Act 2018

Voluntary Assisted Dying Act 2019

Volunteers and Food and Other Donors (Protection from Liability) Act 2002

Western Australian Treasury Corporation Act 1986

Workers Compensation and Injury Management Act 2023

Working with Children (Screening) Act 2004

Young Offenders Act 1994