

Should Rugby Australia terminate Israel Folau's contract?

What they said...

'I believe that it is a loving gesture to share passages from the Bible with others'

Israel Folau

'People my age and older than me grew up hearing that homosexuality was an illness, a crime and a sin against God. Because of this stigma, discovering who we were and who we would one day love was, for some, an insurmountable terror'

Sally Rugg, the executive director of Change-org, commenting on the effect of remarks like Israel Folau's

On April 10, 2019, Israel Folau, an Australian professional rugby player with the New South Wales Waratahs and the Australian Wallabies, wrote on Instagram that 'Hell awaits drunks, homosexuals, adulterers, liars, fornicators, thieves, atheists and idolaters'. In response, Rugby Australia announced its intention to terminate Folau's \$4 million, four-year contract, arguing he had violated the game's Code of Conduct by being abusive toward those with a homosexual orientation.

The year before, in April of 2018, Folau had also posted religiously-inspired comments on social media which were widely perceived as homophobic. Citing its policy of inclusion and under pressure from sponsors, Rugby Australia had asked Folau to desist from making further comments of this nature.

<https://www.theguardian.com/sport/2019/may/02/israel-folau-the-ramifications-of-his-rugby-australia-code-of-conduct-hearing>

After the threatened termination of his contract, Folau sought a Code of Conduct hearing to challenge the foreshadowed sacking. In May 2019, he was found guilty of breaching Rugby Australia's Code of Conduct, <https://www.bbc.com/sport/rugby-union/48184011> and later that month he lost a sponsorship deal with Asics. <https://www.bbc.com/sport/rugby-union/48198396>

While Folau's comments have been generally criticised, Rugby Australia, and others who have condemned him, have been accused of denying the player his freedom of religious expression. If his contract is terminated, it seems likely that Folau will lodge an appeal and may challenge the decision in the courts. .

<https://www.theguardian.com/sport/2019/may/02/israel-folau-the-ramifications-of-his-rugby-australia-code-of-conduct-hearing>

Folau's opponents have tended to see his threatened termination as a justifiable response to homophobic, non-inclusive, off-field behaviour; his supporters have tended to construe his case as part of a more general attack on freedom of religious expression in Australia.

Background

The information below has been taken from the Wikipedia entry titled 'Israel Folau'. The full text can be accessed at https://en.wikipedia.org/wiki/Israel_Folau

Israel Folau is an Australian professional rugby player who played for the New South Wales Waratahs in the Super Rugby. He has previously played professional rugby league and Australian rules football. In 2019, he became the record holder for most tries scored in Super Rugby history. From 2017, Folau's social media postings and statements about homosexuality

brought him into conflict with the board and chief sponsor of Rugby Australia (RA), and in 2019 they moved to sack him from rugby union. The matter is yet to be resolved.

Folau's previous sporting history

Folau played rugby league for the Melbourne Storm in the National Rugby League (NRL) from 2007 to 2008, where he broke the record for most tries in a debut year. He then played with the Brisbane Broncos from 2009 to 2010. Playing as a wing or centre, Folau represented Queensland in the State of Origin and Australia, becoming the youngest player to play for both teams.

In 2011, Folau joined the Greater Western Sydney Giants in the Australian Football League (AFL) and played for two seasons. In December 2012, Folau announced he was to switch codes again, this time for rugby union, and signed a one-year contract with the Waratahs.[8] He made his international debut for Australia in 2013 against the British & Irish Lions. "Israel Folau Street" was named in his honour on October 2010 in a suburb of Goodna, Ipswich, Queensland where Folau played junior rugby league.

Folau's religious convictions and previous and current controversies

Raised a Mormon, Folau converted to the Assemblies of God Pentecostal church as an adult. In 2017, he dissented from Rugby Australia's announcement of support for the 'Yes' case in the national plebiscite on same-sex marriage, and later expressed the Pentecostal view that gay people should repent or face Hell, earning a rebuke from Rugby Australia.

Again in 2018, shortly after the original controversy surrounding his views on homosexuality, in an article for Players Voice, Folau wrote that he reads the Bible every day and that faith in Jesus Christ is the "cornerstone of every single thing in my life" and "I believe that it is a loving gesture to share passages from the Bible with others. I do it all the time when people ask me questions about my faith or things relating to their lives, whether that's in-person or on my social media accounts."

Folau shared a biblical quote, like that posted in 2018, before Easter 2019. Rugby Australia alleged that this constituted a "high level" breach of its "inclusiveness" commitment and announced an intention to sack him. The matter then went to a disciplinary hearing where RA's charges were sustained.

Same-sex marriage and homosexuality

In 2017, the Turnbull government called a national plebiscite on the question of changing Australian law to recognise same-sex marriage. In September, the ARU management declared the Wallabies in support of the change, prompting Folau to announce his personal opposition a day later on Twitter, where he wrote: "I love and respect all people for who they are and their opinions. but personally, I will not support gay marriage." Folau later wrote in Players Voice: "I didn't agree with Bill Pulver taking a stance on the same sex marriage vote on behalf of the whole organisation, but I understand the reasons behind why he did."

Folau's religious views became a subject of serious controversy in April 2018, when he responded to a question on his Instagram account. Folau was recuperating from injury and wrote on his Instagram account: "Consider it all joy when you encounter various trials, because the testing of your faith produces endurance ... so that you may be lacking in nothing." An Instagram follower asked him below the post what God's "plan for homosexuals" was, and Folau replied: "Hell, unless they repent of their sins and turn to God."

Internet information

On May 11, 2019, The Australian published a comment by Chris Merritt titled 'Religious freedom lost to an offensive culture'. Merritt, The Australian's Legal Affairs Editor, argues

that in Australia the tendency of anti-discrimination laws to protect minority groups from offensive comments or behavior has served to undermine the freedom of expression of those with certain religious beliefs.

The full text can be accessed at <https://www.theaustralian.com.au/inquirer/religious-freedom-lost-to-an-offensive-culture/news-story/c4d7b95cd2941159be4a43c6a14c5e16>

On May 9, 2019, ABC News published a report titled 'Bishop brands Australian rugby player Israel Folau's religious comments "hate speech"' The report details the concerns of the Anglican Bishop of Grafton, the Right Reverend Dr Murray Harvey, regarding the comments Israel Folau has made about homosexuals.

The full text can be accessed at <https://www.abc.net.au/news/2019-05-09/bishop-brands-israel-folau-religious-comments-as-hate-speech/11095702>

On May 9, 2019, Mumbrella published a comment by Patrick Southam titled, 'The Rugby Australia brand is damned after the Israel Folau ruling'. Southam, a co-founder and partner at corporate PR firm, Reputation Edge, argues that, from a public relations point of view, Rugby Australia has consistently mishandled the Israel Folau and seriously damaged its brand.

The full text can be accessed at <https://mumbrella.com.au/the-rugby-australia-brand-is-damned-after-the-israel-folau-ruling-578664>

On May 9, 2019, The Sydney Morning Herald published a report titled 'Folau "shouldn't suffer an employment penalty" for views, Shorten says'. The report details the reservations of the Labor Opposition leader regarding the use of employment contracts to limit employees' freedom of religious expression.

<https://www.smh.com.au/federal-election-2019/folau-shouldn-t-suffer-an-employment-penalty-for-views-shorten-says-20190508-p511lgf.html>

On May 8, 2019, The Australian Christian Lobby (ACL) posted a comment by Martyn Iles titled 'Israel Folau Has Done Nothing Wrong'. Iles Martyn Iles is a lawyer and an Australian political lobbyist. Iles became Managing Director of the Australian Christian Lobby in 2018. His piece argues that Rugby Australia's decisions regarding Israel Folau constitute 'dangerous precedent for religious freedom in Australia'.

The full text can be accessed at https://www.acl.org.au/mr_nat_israelfolau2

On May 7, 2019, Rugby Australia issued a media release referring to the finding of the Code of Conduct hearing into Folau's conduct. The release stated in part, 'The Code of Conduct hearing in the matter of Israel Folau has concluded in Sydney today...The panel has today provided a judgement that Israel Folau committed a high-level breach of the Professional Players' Code of Conduct with his social media posts on April 10, 2019.' The full text can be accessed at <https://www.rugbyau.com/news/2019/05/07/code-of-conduct-hearing-for-israel-folau-concludes>

On May 5, 2019, ABC News published an updated report titled 'Israel Folau's case prompts Australian religious leaders to pen letters to Scott Morrison, Bill Shorten'

The report details the letters sent to the current leaders of the Liberal and Labor parties by Australian religious leaders seeking reassurance regarding each parties' plans to guarantee religious freedom in Australia.

The full text can be accessed at <https://www.abc.net.au/news/2019-05-11/israel-folau-religious-leaders-send-letter-to-shorten-morrison/11104094>

On May 5, 2019, The Sydney Morning Herald published a report titled “Kids are killing themselves”: Roberts' stern message to Folau’.

In the report, Ian Roberts, Australia’s first openly homosexual rugby league player, is quoted extensively detailing the damage that remarks such as Israel Folau’s can inflict upon young homosexual people struggling with their sexuality.

The full text can be accessed at <https://www.smh.com.au/sport/rugby-union/kids-are-killing-themselves-roberts-stern-message-to-folau-20190505-p51k87.html>

On May 2, 2019, The Guardian published an analysis and comment by Brett Harris titled ‘Israel Folau: the ramifications of his Rugby Australia code of conduct hearing’.

The article presents the issue from the point of view of both Rugby Australia and Israel Folau and his supporters. It also presents the ramifications of the issue whether Folau’s contract is terminated or not, suggesting that neither result would satisfactorily resolve the situation from the perspective of all stakeholders.

The full text can be accessed at <https://www.theguardian.com/sport/2019/may/02/israel-folau-the-ramifications-of-his-rugby-australia-code-of-conduct-hearing>

On April 30, 2019, The Conversation published an analysis by Jack Anderson, Professor of Sports Law, Melbourne Law School, University of Melbourne, titled ‘Explainer: does Rugby Australia have legal grounds to sack Israel Folau for anti-gay social media posts?’

Professor Anderson presents the legal justifications offered by Rugby Australia and Israel Folau. He also considers these two cases in the context of human rights and discrimination law and considers the possible outcomes of the dispute.

The full text can be accessed at <https://theconversation.com/explainer-does-rugby-australia-have-legal-grounds-to-sack-israel-folau-for-anti-gay-social-media-posts-116170>

On April 26, 2019, The Sydney Morning Herald published a comment by sports columnist Darren Cane titled ‘Rugby Australia treading on dangerous ground if they sack Israel Folau’.

Cane, though personally opposed to Israel Folau’s views, argues that Rugby Australia would be unjustifiably attempting to limit the player’s freedom of religious expression were they to terminate his contract.

The full text can be accessed at <https://www.smh.com.au/sport/rugby-union/rugby-australia-treading-on-dangerous-ground-if-they-sack-israel-folau-20190426-p51hj9.html>

On April 16, 2019, The Otago Daily Times published a news report titled ‘Folau a disservice to Christianity: NZ Catholic Church’

The report gave the view of a prominent New Zealand Catholic lay person, Dame Lyndsay Freer, that Folau’s comments promoted a negative perception of Christianity.

The full text can be accessed at <https://www.odt.co.nz/news/national/folau-disservice-christianity-nz-catholic-church>

On April 15, 2019, The Sydney Morning Herald published a report titled ‘Folau ignored my warning, says Rugby Australia chief Castle’.

The report gives a detailed account of Raelene Castle’s claims that Israel Folau had been clearly warned a year ago of the consequences of homophobic social media posts.

The full text can be accessed at <https://www.smh.com.au/sport/rugby-union/folau-ignored-my-warning-says-rugby-australia-chief-castle-20190415-p51ee3.html>

On April 14, 2019, Neil Foster, Associate Professor of Law at the University of Newcastle, published a comment titled ‘Reflections on the Israel Folau Affair’ on his blog Law and

Religion Australia. Lecturer Foster argues that Israel Folau's treatment by Rugby Australia has been contrary to the law and the Rugby Australia's own internal policies and codes on a number of grounds.

The full text can be accessed at <https://lawandreligionaustralia.blog/2019/04/14/reflections-on-the-israel-folau-affair/>

On April 12, 2019, The Australian Christian Lobby (ACL) posted a comment by Martyn Iles titled 'Folau Sacking is Religious Discrimination'. Iles Martyn Iles is a lawyer and an Australian political lobbyist. Iles became Managing Director of the Australian Christian Lobby in 2018. His piece argues the Rugby Australia is discriminating against mainstream religious beliefs.

The full text can be accessed at https://www.acl.org.au/mr_nat_israelfolau1#splash-signup

On April 12, 2019, The Guardian published a comment by Sally Rugg, one of the co-founders of Change.org, titled 'Freedom of speech does not preclude Israel Folau from consequences'. Rugg argues that Folau, while free to express his opinion, has made damaging and hurtful comments and must expect to be censured.

The full text can be accessed at <https://www.theguardian.com/sport/2019/apr/12/freedom-of-speech-does-not-preclude-israel-folau-from-consequences>

On April 11, 2019, The 42 published a report titled 'Rugby Australia to sack Israel Folau for "disrespectful" social media posts'. The report quotes Rugby Australia spokespeople at length explaining why Israel Folau's comments and behaviour cannot be accepted within Australian rugby.

The full text can be accessed at <https://www.the42.ie/israel-folau-terminate-contract-social-media-4586881-Apr2019/>

On April 11, 2019, The Roar published a comment by Will Knight titled 'Israel Folau does not deserve the sack'

Though Knight does not share Israel Folau's beliefs, he argues that there are several other more appropriate penalties that could be applied than to terminate the player's contract.

The full text can be accessed at <https://www.theroar.com.au/2019/04/12/israel-folau-does-not-deserve-the-sack/>

On April 11, 2019, The Australian published a comment by its sports editor, Wally Mason, titled 'Israel Folau is wrong, offensive but we don't need to sack him'.

Mason argues that it is far better to contend with Folau and those who hold similar views than it is to terminate his contract.

The full text can be accessed at <https://www.theaustralian.com.au/sport/opinion/wally-mason/israel-folau-is-wrong-offensive-but-we-dont-need-to-sack-him/news-story/1f27b2235e36f5ba35456c4906ac269f>

On April 19, 2018, The Australian published a report on Rugby Australia's rejection of Israel Folau's comments re homosexuality. The report also detailed the social media posts of other rugby players who reject Folau's views.

The full text can be accessed at <https://www.theaustralian.com.au/sport/rugby-union/rugby-australias-plea-for-respect-to-one-man/news-story/2713a3d2234ba3b813a19f8054d4097c>

On April 16, 2018, Israel Folau wrote a comment, published in Players Voice, titled 'I'm a Sinner Too'. The piece is a response to accusations made in 2018 about Folau's supposed

homophobia after he posted comments on social media regarding homosexuals', and others', need to reform their lives. Folau defends his warnings as motivated by Christian concern. The full text can be accessed at <https://www.playersvoice.com.au/israel-folau-im-a-sinner-too/#>

On April 9, 2018, B & T (the leading publication for Australia's advertising, marketing, media and PR industries) published a report titled 'Qantas Reconsiders Wallabies Sponsorship After Player's Homophobic Comments' detailing Qantas' concern, as a sponsor, regarding Israel Folau's criticisms of homosexuality. The full text can be accessed at <https://www.bandt.com.au/media/qantas-reconsiders-israel-falou-sponsorship-homophobic-comments>

On April 5, 2018, sportingnews.com published a report titled 'Former Wallabies hooker Brendon Cannon says Israel Folau's "ignorant perspective" won't please Rugby Australia' The report includes comments from Rugby Australia's spokespeople indicating the code's rejection of Folau's views. The full text can be accessed at <https://www.sportingnews.com/au/rugby/news/israel-folau-homosexuality-instagram-comments-wallabies-rugby-australia/12om3194me5xo1aa25jhl56e1t>

Rugby Australia's Code of Conduct can be accessed at <https://www.rugbyau.com/about/codes-and-policies/integrity/code-of-conduct> The Code states that all players must 'Treat everyone equally, fairly and with dignity regardless of gender or gender identity, sexual orientation, ethnicity, cultural or religious background, age or disability. Any form of bullying, harassment or discrimination has no place in Rugby.'

Rugby Australia's Member Protection Policy can be accessed at <https://www.rugbyau.com/about/codes-and-policies/integrity/member-protection-policy> The Policy offers players protection from discrimination based on 'personal characteristics' protected under state and federal law. These include both sexual orientation and religious belief and practices. Commentators have noted that the difficulty for Rugby Australia will be in finding an appropriate balance between these apparently conflicting obligations.

Arguments in favour of Rugby Australia terminating Israel Folau's contract

1. Folau's comments create a negative image of homosexuality and can be viewed as hate speech

Critics of Israel Folau's social media posts who believe that Rugby Australia should terminate the player's contract argue that his behaviour was divisive and likely to promote self-loathing among and antagonism toward those with a homosexual orientation.

Critics of Folau's comments have noted that there is nothing 'loving' about designating homosexuality a sin which will be punished by eternal damnation. They also argue that there is nothing accepting about requiring homosexuals to deny their sexual orientation if they are to be redeemed. Their options, it has been suggested, would be celibacy or a feigned heterosexuality.

New Zealand Catholic Church spokeswoman Dame Lyndsay Freer has argued that Folau's comments are contrary to the spirit of the New Testament. Dame Freer stated, 'That's presenting God as a God of punishment and a God of vengeance, not a God of love, and

mercy and compassion. It's dangerous territory when you lump everyone together as sinners and damned because at the end of the day it's God that makes that judgement, not us, and not Israel Folau.

There is such a thing as sin, we're all sinners in some way. But at the end of the day it's not for me or anyone else to condemn a person...' <https://www.odt.co.nz/news/national/folau-disservice-christianity-nz-catholic-church>

Commenting on the impact of remarks such as Folau's, Sally Rugg, the executive director of Change-org, has stated, 'I'm a millennial, but people my age and older than me grew up hearing that homosexuality was an illness, a crime and a sin against God. Because of this stigma, discovering who we were and who we would one day love was, for some, an insurmountable terror. For me, when I realised, as a teenager, I was a lesbian I felt like I had cancer.' <https://www.theguardian.com/sport/2019/apr/12/freedom-of-speech-does-not-preclude-israel-folau-from-consequences>

The Anglican Bishop of Grafton, the Right Reverend Dr Murray Harvey, has argued that free speech should not be used to vilify others. Bishop Harvey stated, 'I think there's a difference between free speech and sometimes that can go over the borderline into hate speech.'

Bishop Harvey further stated, 'I'd like [Folau] to just to rethink some of his comments because when free speech starts to threaten other people or make other people feel unsafe or undervalued, then that kind of stuff becomes hate speech in my view... Threatening people in this way [with damnation] cannot be disguised as protected religious activity — if it was then things like ethnic cleansing could be justified on religious grounds as having divine approval.' <https://www.abc.net.au/news/2019-05-09/bishop-brands-israel-folaus-religious-comments-as-hate-speech/11095702>

Bishop Harvey concluded, 'I challenge [Israel Folau] to think how he could be a really positive role model for the Christian faith and attract people to the Christian faith — if you want to do that I don't think the kinds of messages that he's been sending out is the place to start.' <https://www.abc.net.au/news/2019-05-09/bishop-brands-israel-folaus-religious-comments-as-hate-speech/11095702>

2. Folau's comments are in breach of his contract as they violate Rugby Australia's Code of Conduct

Opponents of Israel Folau remaining with Rugby Australia claim that his behaviour has been in breach of the association's Code of Conduct. The Code states that all players must 'Treat everyone equally, fairly and with dignity regardless of gender or gender identity, sexual orientation, ethnicity, cultural or religious background, age or disability. Any form of bullying, harassment or discrimination has no place in Rugby.'

<https://www.rugbyau.com/about/codes-and-policies/integrity/code-of-conduct>

Critics of Folau's comments, wherein he presented homosexuality as a sin, equivalent to theft and drunkenness and likely to cause those who did not turn from it to suffer eternal damnation, claim that this is completely outside the values of a code which seeks to treat all sexual orientations with 'dignity'.

The Rugby Australia Code of Conduct also requires that all players 'Do not make any public comment that is...likely to be, the subject of an investigation or disciplinary process; or otherwise make any public comment that would likely be detrimental to the best interests, image and welfare of the Game, a team, a club, a competition or Union.'

<https://www.rugbyau.com/about/codes-and-policies/integrity/code-of-conduct>

Critics of Folau's media posts claim that these were 'public comment...likely to be detrimental to the best interests, image and welfare of the Game...'

Regarding social media use, the Code further states, 'Use Social Media appropriately. By all means share your positive experiences of Rugby but do not use Social Media as a means to

breach any of the expectations and requirements of you as a player contained in this Code or in any Union, club or competition rules and regulations.’

Those who argue that Folau’s behaviour has violated Rugby Australia’s Code of Conduct claim that his use of social media was similarly inappropriate.

On May 7, 2019, Rugby Australia issued a media release referring to the finding of the Code of Conduct hearing into Folau’s conduct. The release stated, ‘The Code of Conduct hearing in the matter of Israel Folau has concluded in Sydney today. A panel of John West QC (Chair), Kate Eastman SC, and John Boultee AM presided over the three-day hearing which commenced on May 4. The panel has today provided a judgement that Israel Folau committed a high-level breach of the Professional Players’ Code of Conduct with his social media posts on April 10, 2019.’ <https://www.rugbyau.com/news/2019/05/07/code-of-conduct-hearing-for-israel-folau-concludes>

3. Folau’s conduct, including his social media posts, reflect on his employer, Rugby Australia. Opponents of Israel Folau’s social media comments regarding homosexuality argue that he is not able to dissociate his views from those of the sporting code for which he plays. According to this point of view, all players are representatives of their codes and the clubs for which they play. If their personal beliefs do not coincide with those of their employing body, they should not broadcast those personal beliefs. If they do publicly disseminate their contrary private beliefs, they should expect to be sacked.

Rugby Australia’s chief executive officer, Raelene Castle, has made plain the quandary Folau has created for the organisation through his comments. Castle has stated, ‘Israel’s comment reflects his personal religious beliefs; however, it does not represent the view of Rugby Australia or NSW Rugby. We are aligned in our view that rugby is a game for all, regardless of sexuality, race, religion or gender, which is clearly articulated in rugby’s inclusion policy. We understand that Israel’s comment has upset a number of people and we will discuss the matter with him as soon as possible.’ <https://www.sportingnews.com/au/rugby/news/israel-folau-homosexuality-instagram-comments-wallabies-rugby-australia/12om3194me5xo1aa25jhl56e1t>

Castle later expanded on Rugby Australia’s position and its consequences for Israel Folau. Castle stated, ‘Whilst Israel is entitled to his religious beliefs, the way in which he has expressed these beliefs is inconsistent with the values of the sport. We want to make it clear that he does not speak for the game with his recent social media posts.

Israel has failed to understand that the expectation of him as a Rugby Australia and NSW Waratahs employee is that he cannot share material on social media that condemns, vilifies or discriminates against people on the basis of their sexuality.

Rugby is a sport that continuously works to unite people. We want everyone to feel safe and welcome in our game and no vilification based on race, gender, religion or sexuality is acceptable and no language that isolates, divides or insults people based on any of those factors can be tolerated.’ <https://www.the42.ie/israel-folau-terminate-contract-social-media-4586881-Apr2019/>

Castle concluded by indicating that Folau’s publicly stated beliefs, at variance with Rugby Australia’s values, meant that he could not remain as a representative of the game. Castle indicated, ‘As a code we have made it clear to Israel formally and repeatedly that any social media posts or commentary that is in any way disrespectful to people because of their sexuality will result in disciplinary action.

In the absence of compelling mitigating factors, it is our intention to terminate his contract.’ <https://www.the42.ie/israel-folau-terminate-contract-social-media-4586881-Apr2019/>

The same problem exists regarding Folau’s relationship with his individual sponsors and with Rugby Australia’s relationship with its sponsors for so long as it continues to employ Folau.

On May 9, 2019, it was announced that Folau has lost his contract with his personal sponsor ASICS sportswear. The company stated, 'ASICS is dedicated to sport and its healthy contribution to society. We believe sport is for everyone and we champion inclusivity and diversity. While Israel Folau is entitled to his personal views, some of those expressed in recent social media posts are not aligned with those of ASICS. As such, our partnership with Israel has become untenable and he will no longer represent ASICS as a brand ambassador.' <https://www.abc.net.au/news/2019-05-09/israel-folau-dropped-by-sponsor-asics/11095318>

The public stances taken by players also have implications for their employers regarding sponsorship. Sponsoring companies financially support a club or a code because the qualities that the sporting body represents coincide either with the image of a product the company manufactures or because the sporting body supports values that the company also endorses. The impact upon a club or code of a player promoting divergent views from those of a sponsor can be seen with Qantas. Qantas strongly supports gay rights and gay inclusion. When Israel Folau made similar homosexuals and hell comments in 2018, it was reported that Qantas was re-evaluating its sponsorship of the Wallabies. Qantas warned Rugby Australia, 'As a sponsor of Rugby Australia, we're supportive of their approach towards tolerance and inclusion, which aligns with our own. We've made it clear to Rugby Australia that we find the comments [made by Israel Folau] very disappointing.' <http://www.bandt.com.au/media/qantas-reconsiders-israel-falou-sponsorship-homophobic-comments>

4. Folau has been warned about previous homophobic posts

Critics of Israel Folau's comments regarding homosexuals and hell argue that he has been warned of the inappropriateness of such remarks in the past and therefore his repeat misconduct deserves the termination of his contract.

A year ago, on April 4, 2018, Folau replied to an Instagram post asking what God's plan for gay people was with, 'HELL... Unless they repent of their sins and turn to God.' https://www.smh.com.au/sport/rugby-union/israel-folau-sparks-controversy-by-saying-god-s-plan-for-gay-people-is-hell-20180404-p4z7rd.html?_ga=2.136122423.761103520.1557724617-310157602.1557724617

The exchange was picked up and shared on Twitter before going viral around the world. A Rugby Australia spokesman said Folau had deleted the comment, although it was still visible on part of Folau's profile on Wednesday afternoon.

Rugby Australia claims that it reached an understanding with Folau regarding the inappropriateness of what he had written. On April 10, 2018, Rugby Australia's chief executive officer, Raelene Castle was reported claiming, 'Israel acknowledged that maybe he could have put the positive spin on that same message and done it in a less disrespectful way. He understands he has caused some people some grief over this. Rugby Australia has got a policy of inclusion and using social media with respect. We shared stories, ideas and positions and both of us recognise that what we want is a situation where we use our social media platforms in a respectful and positive way.' <https://www.watoday.com.au/sport/rugby-union/israel-folau-shows-no-sign-of-backing-down-on-views-on-social-media-20180410-p4z8r7.html>

On April 15, 2019, Rugby Australia repeated its claim that it had come to an understanding with Mr Folau the year before that his use of social media would abide by the association's policy of inclusion and not be disrespectful to people about their sexuality.

Castle stated, 'It's very disappointing from my perspective because I had a very direct and specific conversation with [Israel Folau] about the expectations that I had. He accepted that conversation, he said that he understood that conversation, he shook my hand at the end of that conversation, said that he was very clear of it, and yet he has gone off and done what he's

done.’ <https://www.smh.com.au/sport/rugby-union/folau-ignored-my-warning-says-rugby-australia-chief-castle-20190415-p51ee3.html>

Castle has further stated, ‘It was made clear to Israel in writing and verbally when I met with him last year that any social media posts or commentary that in any way were disrespectful to people because of their sexuality would result in disciplinary action. Despite this Israel has chosen to ignore this warning.’ <https://www.smh.com.au/sport/rugby-union/folau-ignored-my-warning-says-rugby-australia-chief-castle-20190415-p51ee3.html>

Castle acknowledges that there were no extra clauses added to Folau’s four-year contract signed earlier this year that related to his social media use; however, she has noted, ‘there was a number of meetings, documented meetings, that were put ... verbally and in writing to Israel about our expectations.’ <https://www.smh.com.au/sport/rugby-union/folau-ignored-my-warning-says-rugby-australia-chief-castle-20190415-p51ee3.html>

5. Folau’s comments endanger the lives and wellbeing of homosexual young people

Opponents of Israel Folau’s views, who believe a stern stance must be taken against high-profile public figures making derogatory statements regarding homosexuality, have stressed the psychological damage such comments cause.

On May 5, 2019, The Sydney Morning Herald published comments by Ian Roberts, Australia’s first openly homosexual rugby league player. Roberts stated, ‘I do feel sorry for Israel but there are consequences to [his] actions. I don’t say this lightly and what I’m about to say, the language I use is hard and it’s for a point, it’s to get that message across. There are literally kids in the suburbs killing themselves.’

Roberts went on to explain that remarks such as Folau’s could lead young people depressed and uncertain about their sexual orientation to contemplate suicide. Roberts stated, ‘I say that with the greatest sense of respect and I’m not implying that Israel is responsible solely for that - please don’t take it that way - but it’s these types of comments and these types of off-the-cuff remarks when you have young people and vulnerable people ... who are dealing with their sexuality, confused, not knowing how to deal with it. These types of remarks can and do push people over the edge. There can’t be any tolerance of bigotry.’

<https://www.smh.com.au/sport/rugby-union/kids-are-killing-themselves-roberts-stern-message-to-folau-20190505-p51k87.html>

Roberts further outlined the prevalence of suicide among homosexual young people. He stated, ‘LGBTIQ people [are] five-times more likely to die of suicide than the general population. Sixteen per cent of LGBTIQ people, before the age of 27, have attempted suicide twice.’ <https://www.smh.com.au/sport/rugby-union/kids-are-killing-themselves-roberts-stern-message-to-folau-20190505-p51k87.html>

On April 19, 2018, in response to earlier comments Israel Folau had made about homosexuals, The Conversation published a comment by Dr Ryan Storr, a lecturer in Sport Development, Western Sydney University. The comment is titled ‘Israel Folau’s comments remind us homophobia and transphobia are ever present in Australian sport’. Dr Storr stated ‘Many teenage boys and young men may look up to sporting stars like Folau. This is concerning when evidence from across the globe and in Australia shows teenage boys and young men are most likely to discriminate against the LGBT+ community...

Simply ignoring Folau’s comments is problematic. For many LGBT+ young people negotiating their sexuality or gender identity, especially in rural areas, they cannot readily just switch off or ignore the comments. In 2010, Australian research found that in sport and physical education, homophobic bullying, specifically verbal abuse, was closely associated with poor mental health and well-being in LGBT+ young people.’

<https://theconversation.com/israel-folaus-comments-remind-us-homophobia-and-transphobia-are-ever-present-in-australian-sport-94822>

All Blacks star TJ Perenara, posting on social media, has commented similarly. Perenara stated, 'As professional rugby players, whether we like it or not, we are role models for a lot of young people. Notably, young Maori and Pasifika people.

You don't need to look far to know that young Maori/PI are overrepresented in youth suicide statistics and, as I understand it, even more so when you look to those who are part of the Rainbow community. Comments that cause further harm cannot be tolerated.'

Perenara concluded, 'Let it go on record that I am 100% against the comments that were made by Israel. It was not ok to say that. It's not an attitude I want to see in the game I love.

There is no justification for such harmful comments.'

<https://www.theaustralian.com.au/sport/rugby-union/rugby-australias-plea-for-respect-to-one-man/news-story/2713a3d2234ba3b813a19f8054d4097c>

Arguments against Rugby Australia terminating Israel Folau's contract

1. Israel Folau's comments are not homophobic

Those who defend Israel Folau's comments as not being homophobic note that they are not prompted by hatred or malice, but rather by concern and by his sincere religious beliefs. They also note that Folau has issued the same warning to other groups he believes are in danger of damnation.

Folau has argued that his social media warnings that homosexuals, among a large group of others, will go to hell unless they alter their behavior were not homophobic statements.

Folau has claimed that he has nothing but good intentions toward homosexuals. He wrote in an opinion piece published in Players Voice on April 16, 2018, 'Since my social media posts were publicised, it has been suggested that I am homophobic and bigoted and that I have a problem with gay people. This could not be further from the truth.

I fronted the cover of the Star Observer magazine to show my support for the Bingham Cup, which is an international gay rugby competition for both men and women. I believe in inclusion. In my heart, I know I do not have any phobia towards anyone.'

<https://www.playersvoice.com.au/israel-folau-im-a-sinner-too/#zD4QX5Z7fi71hsqE.97>

Folau has further explained, 'I believe that it is a loving gesture to share passages from the Bible with others. I do it all the time when people ask me questions about my faith or things relating to their lives, whether that's in-person or on my social media accounts.

<https://www.playersvoice.com.au/israel-folau-im-a-sinner-too/#XtMB5R0jibqrCXTI.99>

Folau believes that his comments are a warning to people as to how they should live their lives in order to achieve salvation. He has stated, 'I think of it this way: you see someone who is about to walk into a hole and have the chance to save him. He might be determined to maintain his course and doesn't want to hear what you have to say. But if you don't tell him the truth, as unpopular as it might be, he is going to fall into that hole. What do you do?'

Folau has further claimed that his focus is not narrowly on homosexuality but on all sinners as defined within the Bible. He has stated, 'In this case, we are talking about sin as the Bible describes it, not just homosexuality, which I think has been lost on a lot of people.'

<https://www.playersvoice.com.au/israel-folau-im-a-sinner-too/#XtMB5R0jibqrCXTI.99>

Folau's supporters have noted that he offers his warning not only to homosexuals but to a wide range of people whom he believes the Bible states are living in sin. As Martyn Iles, writing for the Australian Christian Lobby (ACL) has noted, 'Far from being homophobic, Israel Folau's social media post was very inclusive – drunks, homosexuals, adulterers, liars, fornicators, thieves, atheists, and idolaters – is a list which includes everyone, affirming the Christian teaching that all are equal in our need of salvation.'

https://www.acl.org.au/mr_nat_israelfolau1#splash-signup

Folau has also acknowledged that he is himself a sinner and that all people need to reform in order to achieve salvation, Folau has stated, 'People's lives are not for me to judge. Only God can do that. I have sinned many times in my life. I take responsibility for those sins and ask for forgiveness through repentance daily.'

<https://www.playersvoice.com.au/israel-folau-im-a-sinner-too/#XtMB5R0jibqrCXTI.99>

Folau's position has been defended by Associate Professor Neil Foster of the Newcastle University Law School who has stated, 'Mr Folau...did not express any hatred for homosexual persons, or for others caught up in what he (and the Bible) sees as sinful behaviour. He did not express any contempt for them, or ridicule of them. Far from automatically "condemning" them (to use one of the Rugby Australia "code of conduct" words), he said that they were loved by Jesus, could be saved and receive eternal life if they chose to "turn away from [their] sin and come to him".'

<https://lawandreligionaustralia.blog/2019/04/14/reflections-on-the-israel-folau-affair/>

2. Rugby Australia's Member Protection Policy should safeguard Folau's freedom of religious expression

Supporters of Israel Folau's right as a player within Rugby Australia to practice and express his religious beliefs maintain that this right is specifically safeguarded by Rugby Australia's Member Protection Policy.

Rugby Australia's preamble to its Member Protection Policy states, 'Rugby Australia aims to ensure all participants are treated with respect and dignity and that they are provided with a safe and enjoyable environment in which to play or to otherwise be involved in rugby.'

The Rugby Australia Member Protection Policy outlines our commitment to eliminate discrimination, harassment, harm or risk of harm.

The Member Protection Policy and the Rugby Australia Code of Conduct are both in place to provide a safe, fair and inclusive Rugby environment...'

<https://www.rugbyau.com/about/codes-and-policies/integrity/member-protection-policy>

Within the Policy itself, the purpose of the Policy is stated as, 'This Member Protection Policy (Policy) aims to maintain ethical and informed decision making and responsible behaviours within rugby. It outlines our commitment to a person's right to be treated with respect and dignity and to be safe and protected from abuse. This Policy informs everyone involved in rugby of his or her legal and ethical rights and responsibilities and the standards of behaviour that are required.'

In terms of Rugby Australia's responsibilities as outlined under this Policy, one of them is stated as to 'Promptly deal with any breaches of or complaints made under this Policy in an impartial, sensitive, fair, timely and confidential manner'. Critics of Rugby Australia maintain that Rugby Australia has not met its obligations to Israel Folau as outlined under its Member Protection Policy.

While those who condemn Folau maintain his remarks regarding homosexuals have breached the non-discriminatory behaviour requirement of both this Policy and the players Code of Conduct; Folau's supporters maintain that the Members Protection Policy offers Folau protection based on his religious beliefs.

The Members Protection Policy offers players and others protection against unlawful discrimination. This is described as: 'Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by state or federal anti-discrimination laws.' Among the 'personal characteristics' protected by state or federal anti-discrimination laws and thus similarly protected by Rugby Australia's Members Protection Policy is 'religion, religious beliefs or activities.' Critics of Rugby Australia argue that not only is the organisation not offering Folau protection against

religious-based discrimination, Rugby Australia is itself discriminating against Folau because of his religious beliefs.

It has also been noted that the manner in which Rugby Australia has acted against Folau breaches the requirement that complaints be investigated in an impartial, fair...and confidential manner.’ One day after Folau’s contentious Twitter posts, Rugby Australia announced ‘In the absence of compelling mitigating factors, it is our intention to terminate his contract’. This public statement pre-empted any subsequent examination of the circumstances surrounding Folau’s case and was echoed by the Australian Rugby League Commission (ARLC) which similarly declared it would not support Folau’s registration to play NRL. The ARLC’s chairman, Peter Beattie, stated, ‘Israel Folau fails the NRL’s inclusiveness culture which is a policy strongly supported by the ARLC. The ARLC therefore would not support his registration to play NRL.’ <https://www.abc.net.au/news/2019-04-11/israel-folau-set-to-be-sacked-by-rugby-australia/10993856> These pre-emptory judgements appear to ignore the impartial, fair and confidential deliberations that the Members Protection Policy requires. This was noted by Darren Cane in an opinion piece published in The Sydney Morning Herald on April 26, 2019. Cane observed, ‘So will Folau be sacked?... The inescapable reality is that this is the singular outcome Rugby Australia is petitioning for; RA all but announced that exact fate before it became apparent there is a code of conduct process to follow.’ <https://www.smh.com.au/sport/rugby-union/rugby-australia-treading-on-dangerous-ground-if-they-sack-israel-folau-20190426-p51hj9.html>

3. Rugby Australia should not be able to restrict an employee’s freedom of religious expression

Those who object to Folau being threatened with the termination of his Rugby Australia contract argue that such a penalty exceeds the legitimate reach of an employment contract and contravenes the employee’s right to freedom of religious expression.

The Opposition leader, Bill Shorten, has expressed concern regarding the extent to which employment contracts should be able to penalise someone for expressing religious views. Mr Shorten has stated, ‘It’s a contractual negotiation at one level but I’m uneasy about where that debate’s gone.’ While acknowledging the potentially hurtful impact of Folau’s comments, Mr Shorten further stated, ‘I think Israel Folau is entitled to his views, and he shouldn’t suffer an employment penalty for it. So, I’m uneasy about that part of it.’ <https://www.smh.com.au/federal-election-2019/folau-shouldn-t-suffer-an-employment-penalty-for-views-shorten-says-20190508-p51l1gf.html>

Australia has ratified the International Covenant on Civil and Political Rights, which declares that everyone has the right to freedom of religion.

<https://www.theguardian.com/sport/2019/may/02/israel-folau-the-ramifications-of-his-rugby-australia-code-of-conduct-hearing> In 1998, the Australian Human Rights and Equal Opportunity Commission declared that in accordance with the international treaties and conventions to which Australia is a signatory, ‘The freedom of religion and belief extends to the right to manifest one’s religion or belief in worship, observance, practice and teaching.’ The Australian Law Reform Commission has further stated, ‘Freedom of religion is infringed when a law prevents individuals from exercising their religion.’

<https://www.alrc.gov.au/publications/laws-interfere-freedom-religion-0>

Those who defend Folau’s position argue that any contractual obligation that would prohibit Folau from expressing his religious views restricts his right to provide religious teaching.

https://www.humanrights.gov.au/sites/default/files/content/pdf/human_rights/religion/article_18_religious_freedom.pdf

Religious discrimination in the workplace is also prohibited by the Fair Work Act 2009 (Commonwealth), which prevents an employer taking adverse action against an employee or

prospective employee because of a range of attributes including religion.

<https://ballawyers.com.au/wp-content/uploads/BAL-November-Law-Society-Journal.pdf>
Those who endorse the above views argue that any supposed breach of contract committed by Folau against Rugby Australia should attract no penalty as Rugby Australia had no right to attempt to limit contractually Folau's expression of his religious beliefs.

In addition to those who dispute that Rugby Australia should be able to restrict Folau's freedom of religious expression, Rugby Australia's chief executive officer, Raelene Castle, has conceded Folau did not have a social media clause in his contract. That is, there is nothing within his contract that directly limits his capacity to express his religious views via social media. <https://www.bandt.com.au/media/folaus-public-homophobic-comments-just-hurt-career>

4. Social equality for homosexual Australians should not restrict other Australians' freedom of religious expression

Supporters of Israel Folau's freedom of religious expression have argued that, in the apparent conflict between the rights of homosexual Australians and the rights of those holding certain religious beliefs, the feelings of the first group have taken precedence over the beliefs of the second.

On May 11, 2019, The Australian's Legal Affairs Editor, Chris Merritt, argued that religious freedom guaranteed under international laws and conventions is circumvented by Australian anti-discrimination and anti-vilification laws which protect potentially marginalized groups from actions or comments which could give them offence.

<https://www.theaustralian.com.au/inquirer/religious-freedom-lost-to-an-offensive-culture/news-story/c4d7b95cd2941159be4a43c6a14c5e16>

Merritt has stated, 'Folau...[was] doing no more than exercising rights under international law that are set down in the International Covenant on Civil and Political Rights. The question of whether [his religiously-based] statements caused offence is not something with which international law is concerned.

Yet in this country, gripped as it is by a perverse culture of victimhood, the hurt feelings of others trump everything.

In the rest of the world, there is no right to be free from offence, as was made clear by Jim Spigelman, a former chief justice of New South Wales, when he delivered the 2012 Human Rights Day address.'

Merritt quotes Spigelman, who stated, 'The freedom to offend is an integral component of freedom of speech. There is no right not to be offended.'

<https://www.theaustralian.com.au/inquirer/religious-freedom-lost-to-an-offensive-culture/news-story/c4d7b95cd2941159be4a43c6a14c5e16>

The Australian Christian Lobby (ACL) is also protesting what it believes is the progressive and increasing removal of individual Australians' right to freedom of religious expression. The Lobby's Managing Director, Martyn Iles, has stated, 'We have been seeing the creep of compelled speech and slow removal of freedom for people of faith for some time now... All Australians should know that they are free to express their beliefs which form part of their identity without fear of being unfairly censored or discriminated against... This marginalises and silences a large portion of Australians who believe that sin is real, hell is real, and salvation in Jesus Christ is the equal answer for all, regardless of our identity or background.'

https://www.acl.org.au/mr_nat_israelfolau2

On May 4, 2019, ABC News reported that letters had been sent to the Prime Minister, Scott Morrison, and the leader of the Opposition, Bill Shorten, from Australian leaders of the Presbyterian, Baptist, Seventh-Day Adventist and Apostolic churches, as well as several religious school leaders. The letters each began 'In recent years the protections to be

accorded to religious freedom, and the related freedoms of conscience, speech and association, have come under increasing focus within Australia... We write to invite you to provide clarification on a range of key issues that are important to the preservation of these freedoms in our country.’ <https://www.abc.net.au/news/2019-05-11/israel-folau-religious-leaders-send-letter-to-shorten-morrison/11104094>

5. Terminating Folau’s employment is too harsh a penalty to apply

Folau’s supporters argue that sacking the player is too harsh a penalty to apply.

This point was made by Will Knight in an opinion piece published in The Roar on April 11, 2019. Knight stated, ‘[Folau’s] language was in bad taste, and it should be criticised, especially as Folau is popular and influential to younger fans. But to sack him – and it was reported last night that RA boss Raelene Castle intends to do so “in the absence of compelling mitigating factors” – would be too heavy a punishment. After his controversial “Gays to Hell” social media post a year ago, Folau deserved censure from Rugby Australia... But let’s take a breath and remember he hasn’t been violent or incited others to be.’

Knight has suggested a range of punishments that he believes to be more appropriate than termination. He has stated, ‘This time, he should cop a suspension... Give him some community service involving coaching a gay rugby team such as the Sydney-based Convicts... That would be more meaningful than say a straight three-month ban, and more powerful than a sacking. What’s to say Folau’s eyes can’t be opened and he can change his views?’ <https://www.theroar.com.au/2019/04/12/israel-folau-does-not-deserve-the-sack/>

This point has been expanded further by Wally Mason in an opinion piece published in The Australian of April 11, 2019. Mason stated, ‘We live in a society that has moved on from the days when Folau’s view of the world predominated. One of the hallmarks of our considerably more progressive and accepting society is free speech. If Folau wants to spout this sort of rubbish, good luck to him.

Engage with him by all means. Expose him, explain the pain he is causing to young people struggling with their sexuality and make it clear that you don’t find what he is saying is acceptable...

But to call for his sacking or suggest that sponsors should withdraw their support for the Wallabies or the Waratahs suggests a lack of confidence in our values.’

<https://www.theaustralian.com.au/sport/opinion/wally-mason/israel-folau-is-wrong-offensive-but-we-dont-need-to-sack-him/news-story/1f27b2235e36f5ba35456c4906ac269f>

It has also been noted that Rugby Australia players who have committed clearer and less mitigated breaches of the game’s Code of Conduct have not been sacked. This point was made by Ben Treseder, on The Australian’s Facebook page, on May 1, 2019. Mr Treseder stated, ‘What I find interesting is the NRL have said he is not welcome yet we have players who have been to jail and been given second chances, players who have assaulted people on drunken rampages, players behaving badly yet Folau quoted the Bible??’

[https://www.facebook.com/theaustralian/posts/10151254683189978?](https://www.facebook.com/theaustralian/posts/10151254683189978?comment_id=10151254763049978&comment_tracking=%7B%22tn%22%3A%22R%22%7D)

[comment_id=10151254763049978&comment_tracking=%7B%22tn%22%3A%22R%22%7D](https://www.facebook.com/theaustralian/posts/10151254683189978?comment_id=10151254763049978&comment_tracking=%7B%22tn%22%3A%22R%22%7D)

The same point was made by Peter Southam, in an opinion piece published in Mumbrella on May 9, 2019. Southam stated, ‘In recent years, two Wallabies players have been fined and stood down for drug use and possession. One of them is a two-time offender. Neither was sacked. Apparently sniffing cocaine is not a high-level breach of contract. Israel Folau doesn’t drink, doesn’t take drugs and is a model player on and off the field.’

<https://mumbrella.com.au/the-rugby-australia-brand-is-damned-after-the-israel-folau-ruling-578664>

Further implications

The manner in which the conflict between Rugby Australia and Israel Folau will finally be resolved is not certain. The Code of Conduct hearing in May 2019, found that he had committed a high-level breach of Rugby Australia's professional players' code of conduct and so faces the termination of his contract.

A three-person independent panel is yet to hand down its punishment for Folau, but it seems likely they will endorse Rugby Australia's intention to terminate the multi-million-dollar contract. Regardless of the verdict, Folau is almost certain to appeal the decision, meaning another code of conduct hearing will take place. Folau's team and Rugby Australia will now provide written submissions to the panel with their view on what the punishment should be. There has been no deadline confirmed on when the submissions must be handed in or when a verdict will be handed down. If Folau loses again, the matter could be taken to the courts and Folau and his legal team have indicated they will potentially take the matter to the High Court in the event of adverse findings. <https://www.smh.com.au/sport/rugby-union/my-head-is-held-high-folau-breaks-silence-after-code-of-conduct-hearing-20190508-p51194.html>

Further legal judgements are likely to revolve around financial compensation rather than reinstatement as Folau's career with Wallabies appears effectively over. Wallabies coach, Michael Cheika, has indicated that he would not pick Folau. However, his Super Rugby coach, Gibson, has not explicitly said Folau would be banished from the Waratahs if there was an avenue for him to return. <https://www.smh.com.au/sport/rugby-union/tahs-not-thinking-hypotheticals-but-admit-folau-would-be-a-huge-loss-20190514-p51n52.html>

Whatever the decisions taken by the respective coaches of the Wallabies and the Waratahs should Folau's contract not be terminated, the issue will also be affected by the attitudes of his teammates. Several Wallaby players have indicated they may boycott the team if Folau is allowed to return. Wallaby halfback, Will Genia, has stated, 'There are blokes at the Wallabies and the Waratahs that have certain beliefs that very much conflict with what he has said and done. I certainly think it makes it a bit uncomfortable for people within those team environments to relate to him and, moving forward, even to play with him.'

<https://www.rugbypass.com/news/wallabies-divided-players-will-refuse-to-play-if-folau-wins-case-to-play-reports/>

On the other hand, 2018 Super Rugby rookie of the year, Taniela Tupou, who shares a Tongan heritage with his Wallabies teammate, Folau, has posted an angry comment on Facebook. Tupou stated, 'Seriously ... Might as well sack me and all the other Pacific Islands rugby players around the world because we have the same Christian beliefs.'

<https://www.smh.com.au/sport/rugby-union/folau-fallout-rugby-australia-move-to-ease-any-polynesian-tension-20190512-p51mia.html>

Rugby Australia's new director of Rugby, Scott Johnson, has indicated his determination to achieve an inclusiveness that accommodates all groups – those seeking to defend the sensitivities of gay players and supporters and those with strong religious convictions that see homosexuality as a sin. Accommodating both groups may be very difficult.

<https://www.smh.com.au/sport/rugby-union/folau-fallout-rugby-australia-move-to-ease-any-polynesian-tension-20190512-p51mia.html>

On the political front, Labor leader, Bill Shorten, has expressed his unease with Folau suffering an employment penalty for his religious beliefs. <https://www.sbs.com.au/news/bill-shorten-uneasy-about-folau-sanction> In December 2018, the federal government announced that it plans to provide better protection from discrimination based on religious belief. The proposed legislation would help prevent prejudice against people based on their religious faith much like current laws covering race and sexuality. Should this go ahead after the May 18, federal election, the result is likely to be an intensification of the stand-off between

freedom from discrimination based on sexual orientation and freedom from discrimination based on religious belief. <https://www.sbs.com.au/yourlanguage/punjabi/en/audiotrack/scott-morrison-plans-enact-religious-freedom-law>