MEDIA RELEASE

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CHAPLAINS DECISION A WIN FOR DEMOCRACY

"Today's decision of the High Court of Australia in *Williams v The Commonwealth of Australia* is a step in the right direction," said Simon Breheny, Director of the Legal Rights Project at free market think tank the Institute of Public Affairs.

The High Court has declared invalid legislation designed to protect the Commonwealth funding regime for chaplaincy programs in schools across Australia, which was passed by the Gillard government in July 2012. Today's decision casts doubt over all funding arrangements made under the *Financial Framework Legislation Amendment Act (No. 3) 2012*.

"The *Financial Framework Legislation Amendment Act (No. 3) 2012* was a brazen attempt of the executive to usurp power to spend taxpayer money at the expense of the legislature. The legislation was a threat to the very idea of the separation of powers," said Mr Breheny.

Immediately after the *Financial Framework Legislation Amendment Act (No. 3) 2012* was passed the IPA warned that it overthrew the "basic tenet of parliamentary democracy that the decision to spend public money is made by the parliament" (Simon Breheny, "Democracy Sidelined In Panic Over Chaplains" *Sydney Morning Herald,* 5 July 2012).

"The Abbott government should heed the warnings of the High Court and repeal the *Financial Framework Legislation Amendment Act (No. 3) 2012*. Funding arrangements for government programs should be made by the parliament, not by the executive," said Mr Breheny.

For further information and comment:
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