



Australian Council of Social Service

22 November 2018

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Email: legcon.sen@aph.gov.au

Dear Committee Secretary,

Submission: Senate Legal and Constitutional Affairs Committee Inquiry into Legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff

The Australian Council of Social Service (ACOSS) is a national advocate for action to reduce poverty and inequality and the peak body for the community services sector in Australia. Our vision is for a fair, inclusive and sustainable Australia where all individuals and communities can participate in and benefit from social and economic life. ACOSS welcomes the opportunity to contribute to the work of the committee in this important area.

ACOSS welcomes the government's proposal to make amendments to anti-discrimination law to prevent the expulsion of students from religious non-state schools on the basis of their sexual orientation. However, this commitment does not go far enough. In particular, it does not reflect an appropriate balance between the human right to equality (non-discrimination) for LGBTIQ people and the human right to freedom of religion. In the education context, ACOSS strongly supports the right of students to be educated free from discrimination on the basis of their sexual orientation, gender identity or intersex status, as well as the rights of teachers, other staff and volunteers to work free from discrimination on the basis of their sexual orientation, gender identity or intersex status.

ACOSS supports enshrining the fundamental right to freedom of religion or belief in legislation, in a Human Rights Act. However, this right like all human rights is not absolute. ACOSS supports removing the existing exemptions from anti-discrimination laws in the provision of goods, services and employment that currently apply to religious organisations, and replacing them with more limited exemptions to be confined to strictly permit religious organisations to organise and conduct affairs closely connected to religious worship, observance, practice and teaching.

LGBTIQ people have a reasonable expectation that the law will protect them from discrimination on the basis of their sexual orientation, gender identity or intersex status. It is vital that we continue to meet that expectation. We urge you therefore to safeguard the rights of LGBTIQ people in law and policy, including legislating to protect people from discrimination in all aspects of public life.



If the committee has any questions regarding this submission, the ACOSS contact person is Senior Policy and Advocacy Officer John Mikelsons, on (02) 9210 6212 or john@acoss.org.au .

Yours sincerely,

A handwritten signature in black ink, appearing to read "C Goldie".

Dr Cassandra Goldie, ACOSS CEO