

The Senate

Legal and Constitutional Affairs
Legislation Committee

Sex Discrimination Amendment (Removing
Discrimination Against Students) Bill 2018

February 2019

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Recommendations

Recommendation 1

3.85 The committee recommends that the bill and circulated amendments not be passed.

Recommendation 2

3.86 The committee recommends that the bill, circulated amendments and all relevant matters be referred to the Australian Law Reform Commission for full and proper consideration.

Chapter 1

Introduction

1.1 On 6 December 2018, the Senate referred the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 (the bill) and all circulated amendments to the Senate Legal and Constitutional Affairs Legislation Committee (the committee) for inquiry and report by 11 February 2019.¹

1.2 On 11 February 2019 the committee tabled a progress report seeking an extension of time to report until 12 February 2019.

Conduct of the inquiry

1.3 Details of the inquiry were made available on the committee's website. The committee also contacted a number of organisations inviting submissions to the inquiry. Submissions were received from 1092 organisations and individuals, as detailed at Appendix 1.

1.4 The committee also received over 9,000 items of correspondence, with each of these items based on one of 14 distinct form letters. All of these items of correspondence opposed the bill and expressed the need for greater protections for religious freedom. A list of the letters and the total number received for each is also available at Appendix 1. In addition, the committee received 45 items of correspondence, which although not directly addressing the bill, made general comments about religious freedom or raised other issues of concern.

1.5 The committee held two public hearings:

- 6 February 2019 in Brisbane; and
- 7 February 2019 in Sydney.

1.6 The witness lists for these hearings can be found at Appendix 2.

Compatibility with human rights

1.7 The statement of compatibility with human rights for the bill stated that it is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.²

1.8 The statement noted:

1 *Journals of the Senate*, No. 137, 6 December 2018, pp. 4480–4482.

2 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 4.

The bill is compatible with human rights because it advances the protection of human rights, particularly the right to equality and non-discrimination. To the extent that it may limit rights, those limitations are reasonable, necessary and proportionate.³

Scrutiny of Bills Committee

1.9 The Senate Standing Committee for the Scrutiny of Bills considered the bill in its Scrutiny Digest 15 of 2018 and made no comment.⁴

Financial Impact

1.10 The explanatory memorandum for the bill stated that the bill will have no financial impact.⁵

Structure of the report

1.11 In November 2018, the Senate Legal and Constitutional Affairs References Committee conducted an inquiry into the legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff. The resulting report, tabled on 26 November 2018, contained an in-depth analysis of a number of relevant matters, including:

- the broader human rights and constitutional context in which the public discussion about discrimination by faith-based educational institutions has taken place;
- the use of the legislative exemptions in the *Sex Discrimination Act 1984* by faith-based educational institutions;
- arguments for and against removing the existing legislative exemptions;
- whether the application of the exemptions for students should differ from their application to teachers; and
- potential options for reform.⁶

3 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 5.

4 Senate Standing Committee for the Scrutiny of Bills, *Scrutiny Digest 15 of 2018*, 5 December 2018, p. 48.

5 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 1.

6 Senate Legal and Constitutional Affairs References Committee, *Legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff*, www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Schooldiscrimination, November 2018.

1.12 Although some of these issues remain relevant to this legislation inquiry, this report does not propose to traverse the same ground as the references inquiry; rather, it will focus specifically on the bill and circulated amendments.

1.13 Chapter 2 contains a brief outline of the current legal framework, as well as an overview of the bill and all circulated amendments.

1.14 Chapter 3 explores the key issues about the bill and amendments raised in evidence. It then sets out the committee's views and recommendations.

Acknowledgment

1.15 The committee thanks those organisations and individuals that contributed to this inquiry by preparing written submissions and given evidence at the public hearings.

Chapter 2

Overview of the bill and circulated amendments

Current legal framework

2.1 Commonwealth anti-discrimination law, including the *Sex Discrimination Act 1984* (SDA), provide protection against discrimination. The SDA gives effect to Australia's international human rights obligations and protects individuals from discrimination and unfair treatment on the basis of one of the protected attributes.¹

2.2 The SDA makes it unlawful to discriminate against a person on the basis of their sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy or potential pregnancy, breastfeeding or family responsibilities in certain areas of public life, including education.²

2.3 The SDA currently contains a number of exemptions that provide that in certain circumstances some forms of discrimination are not unlawful. For example, sections 37 and 38 of the SDA set out the circumstances in which it is not unlawful for 'religious bodies' and 'educational institutions established for religious purposes' to discriminate against a person on the basis of an attribute protected by the SDA.³

2.4 Section 37 contains general exemptions regarding the activities of religious bodies. Specifically, subsection 37(1)(d) provides that nothing in Division 1 or 2 of the SDA affects 'any other act or practice of a body established for religious purposes, being an act or practice that conforms to the doctrines, tenets or beliefs of that religion or is necessary to avoid injury to the religious susceptibilities of adherents of that religion'.⁴

2.5 The concept of 'a body established for religious purposes' is not defined in the SDA, an approach consistent with other terms relating to religion (such as 'religious order') which are similarly not defined.⁵

2.6 Through an exemption from section 21 of the SDA, subsection 38(3) of the SDA permits educational institutions established for religious purposes to discriminate against students in connection with the provision of education or training on the grounds of sexual orientation, gender identity, marital or relationship status, or pregnancy. This exemption does not apply to discrimination on the basis of sex, intersex status, potential pregnancy or breastfeeding.⁶

1 Attorney-General's Department, *Submission 228*, p. 2.

2 Attorney-General's Department, *Submission 228*, p. 2.

3 Attorney-General's Department, *Submission 228*, p. 4.

4 Attorney-General's Department, *Submission 228*, p. 4.

5 Attorney-General's Department, *Submission 228*, p. 4.

6 Attorney-General's Department, *Submission 228*, p. 4.

2.7 Specifically, subsection 38(3) permits conduct by religious educational institutions that would otherwise constitute unlawful discrimination under section 21 of the SDA in relation to:

- the admission of new students;
- denying or limiting a student's access to benefits;
- the expulsion of a current student; and
- subjecting a student to any other detriment.⁷

2.8 In order for the discrimination to be permitted under subsection 38(3), the educational institution must be conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, and the conduct must be in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed.⁸

2.9 An 'educational institution' is defined in section 4 of the SDA to include a school, college, university or other institution at which education or training is provided.⁹

2.10 States and territories also have anti-discrimination laws in place. The grounds for and degrees of protection offered to individuals vary across each jurisdiction.¹⁰

The bill

2.11 The Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 (the bill) was introduced into the Senate on 29 November 2018 by Senator the Hon. Penny Wong.¹¹

2.12 The bill seeks to amend the SDA to prevent schools from discriminating against students on the basis of sexual orientation, gender identity or intersex status.¹²

2.13 Senator Wong noted when speaking on the bill:

The bill does one thing, and one thing only; that is, to ensure that every Australian child, no matter their gender or sexual orientation, is treated equally. It will make this country a more equal place, nothing more.¹³

7 Attorney-General's Department, *Submission 228*, p. 5.

8 Attorney-General's Department, *Submission 228*, p. 5.

9 Attorney-General's Department, *Submission 228*, p. 4.

10 For a more detailed explanation of the legal frameworks in place in each state and territory, see: Senate Legal and Constitutional Affairs References Committee, *Legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff*, www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Schooldiscrimination, November 2018, pp. 13–20.

11 *Journals of the Senate*, No. 133, 29 November 2018, p. 4331.

12 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 2.

13 Senator the Hon. Penny Wong, *Senate Hansard*, 3 December 2018, p. 9127.

2.14 The explanatory memorandum for the bill outlined the parameters of the proposed changes to the SDA:

This bill would not affect the operation of the indirect discrimination provisions in the SDA, which will continue to operate in a manner that allows faith-based institutions to impose reasonable conditions, requirements or practices on students in accordance with the doctrines, tenets, beliefs or teachings of their particular religion or creed.¹⁴

2.15 Item 1 of the bill is an amendment to section 37 of the SDA. Through introducing a new subsection 37(3), it will limit the effect of the exemption contained in paragraph 37(1)(d) by providing that the exemption does not apply to an act or practice of a body established for religious purposes if:

(a) the act or practice is connected with the provision, by the body, of education; and

(b) the act or practice is not connected with the employment of persons to provide that education.¹⁵

2.16 It will remove the capacity of bodies established for religious purposes that provide education to directly discriminate against students on the basis of their sexual orientation, gender identity or intersex status.¹⁶

2.17 Item 2 of the bill repeals subsection 38(3) of the SDA. It removes the exemption from the protections against discrimination in section 21 of the SDA. As the explanatory memorandum noted:

Item 2 is required to give effect to this bill's intention because subsection 38(3) would otherwise permit direct discrimination on the grounds of sexual orientation or gender identity in connection with the provision of education or training by an educational institution (where that education or training is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, if that discrimination is carried out in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed).¹⁷

2.18 The bill does not seek to amend the SDA to address the issue of discrimination against staff employed by religious schools.¹⁸

14 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 1.

15 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 2.

16 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 2.

17 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 3.

18 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 3.

Circulated amendments to the bill

Government amendments

2.19 The Government circulated five proposed amendments to the bill: KQ147, KQ148, KQ149, KQ150, and KQ151.

2.20 Some of the amendments are mutually exclusive and cannot be adopted concurrently.¹⁹

2.21 In introducing the amendments, Senator the Hon. Michaelia Cash, Minister for Small and Family Business, Skills and Vocational Education stated:

These are modest and sensible amendments, and they protect the ability of religious schools to impose reasonable rules in relation to the behaviour and conduct of the entire school. These amendments would give certainty to Australian students and families by ensuring that they are protected from discrimination on the grounds of sexual orientation, gender identity, marital or relationship status, or pregnancy, whilst at the same time preserving the ability of religious educational institutions – and, again, we're talking about religious educational institutions–, to impose nothing more and nothing less than reasonable rules, and these rules must be imposed in good faith and also have regard to the best interests of the student.²⁰

2.22 Amendment KQ147 removes Item 1 of the bill on the grounds that the item is not required to meet the stated intention of the bill and adds unnecessary complexity into the SDA.²¹

2.23 Amendment KQ148 introduces a new section 7E into the SDA. It ensures that the repeal of the exemption for religious educational institutions to discriminate against students under subsection 38(3) does not undermine the ability of religious educational institutions to make reasonable rules in relation to student conduct, if done in accordance with a publicly available policy.²²

2.24 Amendment KQ149 introduces a new section 7F into the SDA. It ensures that the repeal of the exemption for religious educational institutions to discriminate against students under subsection 38(3) does not undermine the ability of religious educational institutions to teach in accordance with the doctrines, tenets, beliefs or teachings of their faith.²³

19 Attorney-General's Department, *Submission 228*, pp. 7 and 9.

20 Senator the Hon. Michaelia Cash, Minister for Small and Family Business, Skills and Vocational Education, *Senate Hansard*, 3 December 2018, p. 9121.

21 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ147*, pp. 2– 3.

22 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ148*, p. 2.

23 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ149*, p. 2.

2.25 Amendment KQ150 introduces an amendment to subsection 7B(2) of the SDA. It provides that additional factors must be taken into account when determining whether a condition, requirement or practice is reasonable, where the condition, requirement or practice is imposed by a religious educational institution in relation to a student.²⁴

2.26 Amendment KQ151 also introduces an amendment to subsection 7B(2) of the SDA. It provides that additional factors must be taken into account when determining whether a condition, requirement or practice is reasonable where the condition, requirement or practice is imposed in relation to a student by an educational institution that is a primary school or secondary school, and that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed.²⁵

2.27 Amendments KQ150 and KQ151 provide alternative amendments to each other, as well as to KQ148.²⁶ Senator Cash outlined the Government's intentions for these amendments:

In the event that particular amendment, on sheet KQ149 – the amendment to clarify that religious educational institutions may engage in teaching activities – does not get up, the coalition then proposes to move an additional amendment [KQ150], and that amendment will seek to clarify the reasonableness test for religious educational institutions. In the event that amendment [KQ150] does not get up, then we will seek to move a further amendment [KQ151] to clarify the reasonable test for primary and secondary religious schools.²⁷

Australian Greens amendment

2.28 The Australian Greens circulated an amendment to the bill, contained in Sheet 8601. It seeks to reword new subsection 37(3) and repeal section 38 in its entirety, and would remove the existing exemptions in the SDA relating to discrimination by faith-based educational institutions in respect of staff or contractors.²⁸

2.29 Senator Janet Rice detailed the intention of the amendment as follows:

Senator Wong's bill acknowledges that section 38(3) [of the SDA], relating to exemptions for educational institutions in the provision of education or training, needs to be repealed to remove discrimination against students. We are simply proposing the same for staff and contractors.

24 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ150*, p. 2.

25 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ151*, p. 2.

26 Attorney-General's Department, *Submission 228*, pp. 7 and 9.

27 Senator the Hon. Michaelia Cash, Minister for Small and Family Business, Skills and Vocational Education, *Senate Hansard*, 3 December 2018, p. 9124.

28 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Amendment Sheet 8601*, p. 1.

Secondly, we are proposing to remove the new carve-out that Senator Wong is proposing in the proposed new section 37(3)(b)....By removing the ability of bodies established for religious purposes to discriminate in the provision of education, as Senator Wong does in proposed section 37(3)(a), these bodies would also no longer be allowed to discriminate against staff. It's only by adding in 37(3)(b), a clause that limits 37(3)(a), that bodies established for religious purposes will be able to discriminate if the act or practice is connected with the employment of persons to provide that education...The Greens' amendments propose to remove this unnecessary, harmful and discriminatory clause²⁹

Centre Alliance amendment

2.30 The Centre Alliance circulated an amendment to the bill, contained in Sheet 8614. It seeks to narrow the scope of the bill's proposed subsection 37(3) by replacing references to 'a body' to 'an educational institution'.³⁰

29 Senator Janet Rice, *Senate Hansard*, 29 November 2018, p. 9081.

30 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Amendment Sheet 8614*, p. 1.

Chapter 3

Views on the bill and circulated amendments

3.1 Evidence received by the committee drew out several key issues relating to the bill and the circulated amendments. These issues can be characterised as follows:

- the need to remove legislative exemptions which permit discrimination against LGBTIQ+ students;
- the meaning of 'education' and 'educational institution';
- the ability for religious educational institutions to teach in accordance with their beliefs;
- indirect discrimination and the 'reasonableness' of rules imposed by religious educational institutions;
- discrimination against employees of educational institutions;
- the need for further consideration by the Australian Law Reform Commission (ALRC); and
- the case for immediate, targeted reform.

3.2 This chapter will examine each of these issues in turn before presenting the committee's recommendations.

The need to remove legislative exemptions that permit discrimination against LGBTIQ+ students

3.3 A number of submitters supported the bill's intention of removing the legislative exemptions in the *Sex Discrimination Act 1984* (SDA) which allow faith-based educational institutions to discriminate against students on the basis of sexual orientation, gender identity or intersex status. In setting out their positions, many of these submitters emphasised the importance of protecting LGBTIQ+ (lesbian, gay, bisexual, transgender/gender diverse, intersex and queer) students against the damaging effects of discrimination.¹

3.4 Equality Australia stated it was 'reasonable, necessary and proportionate' to prohibit faith-based educational institutions from discriminating against students on

1 See for example: Rainbow Families Queensland, *Submission 249*, p. 1; Rainbow Families Victoria, *Submission 190*, p. 1; Equality Australia, *Submission 282*, p. 1; Anglican Church of Australia Public Affairs Commission, *Submission 16*, p. 3; Law Council of Australia, *Submission 415*, p. 20; Alannah and Madeline Foundation, *Submission 7*, pp. 4–5; Civil Liberties Australia, *Submission 230*, p. 1; Australian Lawyers Alliance, *Submission 4*, pp. 6–7; Asian Australian Alliance, *Submission 340*, p. 1; PFLAG Perth, *Submission 175*, p. 1; Public Interest Advocacy Centre, *Submission 173*, p. 5; LGBTI Legal Service, *Submission 278*, p. 3; Caxton Legal Centre, *Submission 13*, p. 2; Amnesty International, *Submission 172*, p. 2.

the basis of their sexual orientation or gender identity.² It emphasised the need to protect the right to equality and the right to education for LGBTIQ+ students:

LGBTQ+ students should be able to learn in educational environments where they are supported and accepted for who they are. No students should be expelled or disciplined because of an inherent part of their identity. No child should have to live in fear of being mistreated and cast out of an educational institution where they have spent years learning and developing close personal friendships which promote positive mental health and wellbeing.³

3.5 The National LGBTI Health Alliance highlighted the adverse consequences for the overall health and wellbeing of young LGBTIQ+ people that could flow from experiences of discrimination. It explained:

Although most LGBTI Australians live healthy and happy lives, an overwhelming amount of research evidence has consistently demonstrated that a disproportionate number experience poorer mental health outcomes and have higher risk of suicidal behaviours than non-LGBTI people. These health outcomes are directly related to experiences of stigma, prejudice, discrimination and social exclusion on the basis of an individual's sexual orientation, gender identity and/or variations in sex characteristics.⁴

3.6 Amongst those submitters that expressed support for the overarching intention of the bill, there were a wide range of views on the merits of the bill and circulated amendments. Submitters raised concerns about the potential unintended consequences that could arise from the current drafting; highlighted the need to ensure balance between competing priorities; and provided suggestions on how their respective concerns could be addressed. These views are discussed further on in this chapter.

3.7 Additionally, the committee received evidence from submitters who opposed the bill. Some argued that it represented an unacceptable incursion on religious freedom, while others asserted that it would introduce uncertainty into the SDA and would lead to much broader, unintended consequences. Submitters also argued the changes would create unnecessary conflict and ambiguity in school communities.⁵

3.8 For example, the Australian Christian Lobby characterised the bill as an incursion on religious freedom and warned that 'given a broad interpretation', the

2 Equality Australia, *Submission 282*, p. 6.

3 Equality Australia, *Submission 282*, p. 5.

4 National LGBTI Health Alliance, *Submission 323*, p. 2.

5 See for example: Institute for Civil Society, *Submission 702*, p. 1; Australian Christian Lobby, *Submission 56*, p. 1; Christian Democratic Party, *Submission 55*, p. 4; Australian Family Association, *Submission 22*, p. 7; Association of Heads of Independent Schools of Australia, *Submission 177*, pp. 2–3; Australian Family Coalition; *Submission 232*, p. 5; Family Council of Victoria, *Submission 649*, p. 1; Australian National Imams Council, *Submission 351*, pp. 1–2; Reverend Bruce Meller, Clerk of Assembly, Presbyterian Church of Australia, *Proof Committee Hansard*, 7 February 2019, p. 49; Mr Erik Hofsink, Public Advocate, Australian Association of Christian Schools, *Proof Committee Hansard*, 7 February 2019, p. 22.

proposed amendments to the SDA could 'conceivably be used to restrict the content of all religious instruction.⁶ It emphasised the importance of the current exemptions contained in the SDA:

[Subsection] 38(3) [which the bill seeks to repeal] has a role to play in preventing schools from having their faith-based teachings, particularly around sexual ethics, unduly interfered with.⁷

3.9 Similarly, FamilyVoice Australia argued for the protection of religious freedom and rejected the need to repeal the exemptions for faith-based schools contained in the SDA :

Legislating to water down already inadequate exemptions in the *Sex Discrimination Act [1984]* would further infringe upon religious freedom and the rights of parents. If there is any move to change the *Sex Discrimination Act* exemptions, it should be to strengthen rather than weaken the very limited protection that presently exists.⁸

The meaning of 'education' and 'educational institution'

3.10 Item 1 of the bill proposes the inclusion of a new paragraph—subsection 37(3)—to the general exemption for religious bodies in section 37 of the SDA to provide that the general exemption in paragraph 37(1)(d) does not apply to an act or practice of a body established for religious purposes if:

(a) the act or practice is connected with the provision, by the body, of education; and

(b) the act or practice is not connected with the employment of persons to provide that education.⁹

3.11 The government expressed concern that the effect of the new subsection 37(3) would be much broader than intended due to the use of the term 'bodies established for religious purposes':

...item 1 is overly broad and is not appropriately adapted to its stated intention. As drafted, item 1 would limit the general exemption in paragraph 37(1)(d) for all bodies established for religious purposes, not just for religious educational institutions. In practice, this would restrict the ability for intrinsically religious bodies such as churches, synagogues or mosques to provide education in accordance with their religious beliefs or ethos. Many religious bodies provide religious education to their adherents, such as through theological colleges. It is the government's position that

6 Australian Christian Lobby, *Submission 56*, p. 1.

7 Australian Christian Lobby, *Submission 56*, p. 5.

8 FamilyVoice Australia, *Submission 180*, p. 9.

9 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 2.

religious bodies should be free to conduct such education in accordance with the doctrines of their faith.¹⁰

3.12 Government amendment KQ147 seeks to address this concern by removing proposed subsection 37(3) entirely from the bill.¹¹

3.13 A number of stakeholders also noted that as currently drafted, proposed subsection 37(3) may have a broader operation than intended, particularly in relation to the terms 'education' and 'body established for religious purposes'.

3.14 For example, the Australian Human Rights Commission (AHRC) noted that it would be beneficial to clarify the scope of sections 37 and 38 of the SDA as amended by the bill:

The term 'body established for religious purposes' would cover bodies such as temples, churches, mosques and synagogues. Moreover, it is conceivable that an 'act or practice connected with the provision, by the body, of education' could include a church-run seminar on marriage, a Torah study course run by a synagogue, or even a sermon in a mosque. Hence, it would be useful to clarify the scope of sections 37 and 38 of the SDA, as amended by the Bill.

3.15 The Anglican Church Diocese of Sydney remarked that as currently worded there were 'significant, presumably unintended' consequences of the proposed subsection 37(3), and cautioned of the danger that the ordinary teaching activities of religious bodies would be caught within the very broad scope of the exemption. Instead, the diocese indicated it supported a change of wording proposed by Professor Patrick Parkinson in order to provide clarity to the subsection.¹²

3.16 The Law Council of Australia (Law Council) observed that the proposed subsection 37(3) was 'too broadly worded'.¹³ It set out the need for clarity around the term 'body established for religious purposes', given that a range of educational activities (for example, bible study, relationship counselling, welfare and youth work) may be run by religious bodies:

...it would be beneficial to tighten the wording of proposed subsection 37(3) to 'educational institutions which are conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed', rather than 'a body established for religious purposes'. This would mean that bodies established for religious purposes, which are not such educational institutions, would rely on paragraph 38(1)(d) with respect to teaching in accordance with religious doctrine.¹⁴

10 Senator the Hon. Michaelia Cash, Minister for Small and Family Business, Skills and Vocational Education, *Senate Hansard*, 3 December 2018, p. 9121.

11 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ148*, p. 2.

12 Anglican Church Diocese of Sydney, *Submission 46*, p. 6.

13 Law Council of Australia, *Submission 415*, p. 42.

14 Law Council of Australia, *Submission 415*, p. 27.

3.17 The Law Council further advised that this alternate wording would mean that proposed subsection 37(3) would then only apply to the acts or practices of faith-based schools, colleges, universities and other institutions at which education or training is provided. It would exclude acts or practices which are connected with the provision of education by, for example, churches, synagogues or mosques.¹⁵

3.18 Additionally, the Monash University Castan Centre for Human Rights Law identified the need to amend the wording of proposed subsection 37(3) to provide more specificity around what constitutes 'education':

The amendment uses the term 'education', which is potentially broad enough to include the education provided, for example, by Sunday schools and seminaries. The term 'education' should be replaced with 'primary or secondary school education or university or vocational education' or similar.¹⁶

3.19 Despite recognising the need to clarify the scope of subsection 37(3), several submitters argued that amendment KQ147 put forward by the government was not the correct way to address the problem.

3.20 The AHRC stated that amendment KQ147 was 'unsatisfactory' as it may allow educational institutions to continue to rely on the general exemption in paragraph 37(1)(d) following the repeal of subsection 38(3) as set out in Item 2 of the bill.¹⁷

3.21 Instead, the AHRC endorsed the Centre Alliance amendment (Sheet 8614), stating the it addressed the concerns about the scope of the subsection 37(3) 'more specifically' by replacing the word 'body' with the words 'educational institution'.¹⁸ It explained:

This amendment [Sheet 8614] would clarify that the bill only purports to affect the education and training activities of educational institutions, not other religious bodies. For this reason, the Commission recommends that the amendment outlined in Sheet 8614 be adopted.¹⁹

3.22 A number of other submitters also supported the Centre Alliance amendment.²⁰

3.23 Other submitters supported government amendment KQ147.²¹ For example, Professor Michael Quinlan, a Professor of Law at the University of Notre Dame, who

15 Law Council of Australia, *Submission 415*, p. 42.

16 Monash University Castan Centre for Human Rights Law, *Submission 187*, p. 3.

17 Australian Human Rights Commission, *Submission 171*, p. 10.

18 Australian Human Rights Commission, *Submission 171*, p. 10.

19 Australian Human Rights Commission, *Submission 171*, p. 10.

20 See for example: Rainbow Families Victoria, *Submission 190*; p. 1; Rainbow Families Queensland, *Submission 249*, p. 1; Public Interest Advocacy Centre, *Submission 173*, p. 13;

21 See for example: Australian Association of Christian Schools, *Submission 168*, p. 3; Christian Schools Australia / Adventist Schools Australia, *Submission 167*, p. 10; Australian Christian Higher Education Alliance, *Submission 220*, p. 11.

submitted in a private capacity, argued that given the 'shortcomings' of inserting proposed subsection 37(3), amendment KQ147 'would be an improvement' on the bill.²²

Ability for religious educational institutions to teach in accordance with their beliefs

3.24 The committee heard concerns that the bill would undermine the ability of religious educational institutions to teach in accordance with the doctrines, tenets, beliefs or teachings of their faith.

3.25 For example, the Anglican Church Diocese of Sydney indicated that faith-based schools had concerns that without the protection of subsection 38(3) of the SDA, the act of teaching from religious texts might expose a school to accusations of discrimination which would expose them to litigation. It explained:

For example, a student who identifies as having a non-binary gender may object to bible readings in chapel services which refer to the creation of humanity as male and female. We would hope that, if this issue had to be litigated, the courts would recognise that this was neither direct nor indirect discrimination for the purposes of the Act. However, it would be preferable by far to ensure that the SDA provided clarity on this issue.²³

3.26 Government amendment KQ149 seeks to address these concerns by inserting a new section 7F into the SDA to ensure that religious educational institutions will be able to maintain their religious ethos and teach in accordance with their religious values.²⁴

3.27 Proposed new section 7F provides that nothing in the SDA renders it unlawful to engage in teaching activities if that activity:

- a) is in good faith in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, and
- b) is done by, or with the authority of, an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings.²⁵

3.28 The explanatory memorandum for KQ149 provided further detail on the need for the amendment:

During public discussions on the issue of religious exemptions in the SDA, religious schools throughout Australia have clearly stated that they do not rely upon the existing exemption in subsection 38(3) to expel students solely on the basis of their sexual orientation. However, many faith-based schools have raised concerns that the removal of this exemption entirely

22 Professor Michael Quinlan, *Submission 72*, p. 7.

23 Anglican Church Diocese of Sydney, *Submission 46*, pp.4, 8.

24 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ149*, p. 3.

25 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ149*, p. 3.

may challenge their ability to teach in accordance with their religious beliefs or ethos.²⁶

3.29 A number of submitters indicated that they supported amendment KQ149 as a way to protect the ability of faith-based schools to teach in accordance with their religious beliefs and ethos.²⁷

3.30 For example, the Australian Catholic Bishops Conference called the amendment 'most important' as it would insert section 7F as a 'positive statement of freedom of religion'.²⁸

3.31 Dr Alex Deagon, a senior lecturer in law at the Queensland University of Technology, who submitted in a private capacity, described his thoughts on the insertion of 7F as outlined in KQ149:

This is a positive step which should be passed in conjunction with a more general provision which allows religious educational institutions to impose uniform rules of behaviour and conduct in good faith according to the doctrine of that religion. This would protect the freedom of religious educational institutions to educate in accordance with their religious ethos without fear of being subject to direct or indirect discrimination claims. It is worth noting this change would not protect other religious bodies such as churches, mosques and synagogues as mentioned above, and must go further in that respect.²⁹

3.32 However, other submitters raised concerns with the amendment.³⁰

3.33 For example, the AHRC stated that it did not support KQ149, in part because there was a risk that the amendment could make certain forms of direct discrimination lawful, an outcome that would undermine the agreed objective of the bill.³¹

3.34 The AHRC also noted that section 7B of the SDA already provided that teaching in accordance with a religious belief or ethos will not amount to indirect discrimination if any conditions or requirements imposed on students are reasonable in all the circumstances, and that this constituted an adequate protection for educational institutions.³²

26 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ149*, p. 3.

27 See for example: Christian Schools Australia / Adventist Schools Australia, *Submission 167*, p. 10; Australian Christian Higher Education Alliance, *Submission 220*, p. 11;

28 Australian Catholic Bishops Conference, *Submission 224*, p. 11.

29 Dr Alex Deagon, *Submission 3*, p. 6.

30 See for example: Equal Voices, *Submission 223*, p. 3; Amnesty International, *Submission 172*, p. 2; Lee Carnie, Director of Legal Advocacy, Equality Australia Sydney, *Proof Committee Hansard*, 7 February 2019, pp. 78–79.

31 Australian Human Rights Commission, *Submission 171*, p. 12.

32 Australian Human Rights Commission, *Submission 171*, p. 12.

3.35 The Law Council submission included an in-depth discussion on whether there was a need for proposed new section 7F in order to ascertain whether faith-based educational institutions would be precluded from teaching in accordance with their religious doctrines, tenets and beliefs if the bill was passed.³³ Ultimately it concluded:

The Law Council does not consider that there is a risk that educational institutions will be unable to teach the doctrines, tenets or beliefs of that religion or creed in a reasonable manner without the risk of engaging in unlawful discrimination. It therefore queries the necessity of proposed section 7F.³⁴

3.36 Additionally, the Law Council raised specific concerns about a number of aspects of the proposed new section, including:

- the very broad definition of 'teaching activity';
- that 7F would provide an exemption from both direct and indirect discrimination under the SDA;
- that 7F would extend to exempting discrimination, direct or indirect, on the ground of a person's sex, intersex status, potential pregnancy, breastfeeding or family responsibilities;
- that 7F appears to extend beyond educational institutions to teaching activities conducted by other individuals, provided that they are done 'with the authority' of an educational institution; and
- unlike existing subsection 38(3), 7F does not require that the discrimination also be 'in order to avoid injury to the religious susceptibilities of adherents of that religion or creed'.³⁵

3.37 In light of these concerns, the Law Council stated that it did not support amendment KQ149.³⁶

3.38 The Monash University Castan Centre for Human Rights Law argued that proposed section 7F appeared to be 'poorly thought out'.³⁷ It provided an example of the potential negative impact the new section could have:

The Sex Discrimination Act bans discrimination and it bans sexual harassment. Proposed section 7F would permit teachers at religious schools to sexually harass students in class, provided that the conduct amounting to harassment accords with the beliefs of the religion. Proposed section 7F would permit a religious school to introduce a rule that female students are not permitted to enrol in higher level mathematics subjects (for example, if

33 Law Council of Australia, *Submission 415*, pp. 35–38.

34 Law Council of Australia, *Submission 415*, p. 38.

35 Law Council of Australia, *Submission 415*, pp. 38–39.

36 Law Council of Australia, *Submission 415*, p. 39.

37 Monash University Castan Centre for Human Rights Law, *Submission 187*, p. 3.

the religion has a belief that a woman's place is in the home and therefore girls have no need to study higher level mathematics).³⁸

3.39 Professor Quinlan provided the committee with a different observation on the amendment. He noted that as currently drafted, the KQ149 may not provide protection to all religious bodies:

This suggested amendment to the Bill applies to indirect and direct discrimination which is to be preferred. However it applies only to educational institutions and so may leave other religious bodies involved in providing education such as Sunday schools, churches and mosques subject to the new s37(3). This provision would also apply only to the teaching activity itself which may leave inadequately protected some religious schools which take a holistic approach to their religious community and wish all interactions between all students and all staff to be within a context which is consistent with the teachings of their particular faith tradition.³⁹

The 'reasonableness' of rules imposed by religious educational institutions

3.40 Another issue raised during the inquiry was the impact the bill may have on the ability of religious educational institutions to impose reasonable rules in relation to student conduct.

3.41 Government amendments KQ148, KQ150 and KQ151 seek to address these concerns. As noted in Chapter 2 of this report, KQ150 and KQ151 provide alternative amendments to each other, as well as to KQ148.⁴⁰

3.42 KQ148 inserts a proposed new section 7E into the SDA to ensure that the repeal of current subsection 38(3) as proposed in the bill does not undermine the ability of religious educational institutions to impose reasonable rules in relation to student conduct.⁴¹

3.43 New subsection 7E(1) clarifies that religious educational institutions are permitted to impose or enforce reasonable rules regarding student conduct consistent with their particular religious ethos. It provides three specific criteria to determine whether, for the purposes of current subsection 7B(1) of the SDA, a rule is reasonable:

- a) whether the condition, requirement or practice is imposed in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed;
- b) whether the condition, requirement or practice is imposed, or proposed to be imposed, in a manner that is consistent with a policy of the educational institution; and

38 Monash University Castan Centre for Human Rights Law, *Submission 187*, p. 3.

39 Professor Michael Quinlan, *Submission 72*, p. 7.

40 Attorney-General's Department, *Submission 228*, pp. 7 and 9.

41 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ148*, p. 3.

c) if the student is a child – in imposing, or proposing to impose, the condition requirement or practice, the educational institution has regard to the best interests of the child.⁴²

3.44 New subsection 7E(2) seeks to ensure that the practices and policies of religious educational institutions are open and transparent by imposing a policy requirement on educational institutions proposing to impose a condition, requirement or practice under the proposed new subsection 7E(1). Namely, a policy of a religious educational institution must:

- be in writing;
- be publicly available;
- set out the educational institution's policy in relation to adherence to its doctrines, tenets, beliefs or teachings; and
- comply with any other requirements prescribed by regulations.⁴³

3.45 The explanatory memorandum for KQ148 listed three examples of school rules which would be 'reasonable' if all of the criteria of proposed 7E were met:

- a school policy that requires attendance at weekly chapel services;
- a school policy that requires students to adhere to certain standards of dress, language and conduct in the use of school facilities; and
- a school policy that students must not actively advocate against the doctrines, tenets, beliefs or teachings of the school.⁴⁴

3.46 Amendments KQ150 and KQ151 both introduce an amendment to current subsection 7B(2) of the SDA to provide that additional factors must be taken into account when determining whether a condition, requirement or practice is reasonable, where the condition, requirement or practice is imposed by a religious educational institution in relation to a student. KQ150 applies to all religious educational institutions, while KQ151 specifies that only primary or secondary schools are affected.⁴⁵

3.47 A number of submitters expressed support for the government amendments. For example, the Anglican Church Diocese of Sydney indicated that it supported the

42 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ148*, p. 3.

43 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ148*, p. 4.

44 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ148*, p. 4.

45 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ150*, p. 2; Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Supplementary Explanatory Memorandum relating to Amendment Sheet KQ151*, p. 2.

new section 7E, while also offering an alternative approach to achieve a similar result.⁴⁶

3.48 Christian Schools Australia and Adventist Schools Australia also proffered support for KQ148, stating that it provided clarity to schools and students and ensured that boundaries would be 'not only fair, but clear' to all parties.⁴⁷

3.49 The Australian Catholic Bishops Conference acknowledged that it was reasonable for religious schools to be required to have written, publicly available policies.⁴⁸ It expressed support for KQ148, and also KQ150 or KQ151 as 'second-best' alternatives.⁴⁹

3.50 Dr Renae Barker, a law lecturer at the University of Western Australia who submitted in a private capacity, emphasised that where the law permits people, especially children, to be discriminated against in the interest of protecting and rights and freedoms of others, it is crucial that the discrimination is made transparent. She noted that in the case of religious schools, such transparency would allow families to make an informed decision about their child's education.⁵⁰ She explained:

Indirect discrimination will still be a feature of religious schools under the exemption in section 7B of the *Sex Discrimination Act 1984* (Cth). I therefore support the inclusion of a transparency requirement in the amendment contained in document KQ148, namely the insertion of section 7E(2)...⁵¹

3.51 Other submitters raised concerns about the government amendments.⁵² For example, the AHRC expressed reservations about the need for KQ148, noting that it considered that the current form of section 7B of the SDA contained appropriate protection for religious schools to teach and organise their affairs in accordance with their beliefs. It further stated:

By definition, discrimination involves unfavourable treatment on the basis of a protected attribute. The Commission has been unable to identify a circumstance in which unfavourable treatment towards a child on the basis of his or her sexual orientation or gender identity could be in the child's best interests. To avoid suggesting otherwise, the Commission does not support

46 Anglican Church Diocese of Sydney, *Submission 46*, p. 8.

47 Christian Schools Australia / Adventist Schools Australia, *Submission 167*, p. 10

48 Australian Catholic Bishops Conference, *Submission 224*, p. 11.

49 Australian Catholic Bishops Conference, *Submission 224*, p. 11.

50 Dr Renae Barker, *Submission 681*, pp. 12–13.

51 Dr Renae Barker, *Submission 681*, p. 12.

52 See for example: National LGBTI Health Alliance, *Submission 323*, p. 4; Rainbow Families Victoria, *Submission 190*, p. 1; Rainbow Families Queensland, *Submission 249*, p. 1; Amnesty International, *Submission 172*, p. 2; Lee Carnie, Director of Legal Advocacy, Equality Australia Sydney, *Proof Committee Hansard*, 7 February 2019, pp. 78–79.

including in the SDA a provision that allows discrimination where it is deemed to be in a child's best interests.⁵³

3.52 The Law Council also stated that it did not support amendment KQ148, citing concerns that it overrides the existing 7B reasonableness test contained in the SDA which requires consideration of all the relevant circumstances of the matter, including the nature and extent of the resulting disadvantage to an individual, the feasibility of overcoming or mitigating the disadvantage, and whether it is proportionate to the result sought.⁵⁴

3.53 The Law Council expressed concern that the proposed section 7E would encourage a blanket approach to be adopted by educational institutions, without requiring that regard be had for the merits of individual cases:

It [proposed 7E] would not, for example, require a school to consider ways of mitigating or avoiding any disadvantage or harm caused to an individual student, regardless of the level of distress involved or the student's vulnerability.⁵⁵

3.54 Additionally, the Law Council noted that the proposed section 7E may lead to unintended consequences that would ultimately disadvantage LGBTIQ+ students:

The Law Council is concerned that over time, proposed section 7E may in fact lead to increasing numbers of schools adopting blanket policies which, while neutral on their face (and therefore do not raise alarm for parents enrolling their children), in effect disadvantage vulnerable LGBTI students. This would undermine their rights to equality and non-discrimination. It notes that indirect discrimination may be considered a more 'insidious' form of discrimination. While it understands that arguments for greater transparency and clarity may be attractive, it would be concerned if this were at the cost of individual students' wellbeing.⁵⁶

3.55 The Australian Discrimination Law Experts Group informed the committee that it did not support, and in fact 'strongly counsel[led] against' the proposed new subsection 7E in outlined in KQ148, as well as proposed new paragraph 7B(2)(d) contained in KQ150. It argued:

Even if the scope of the amendment were confined to the attributes currently covered by s 38(3), the addition of further factors to the test of reasonableness adds unnecessary complexity to defining indirect discrimination, will distort the existing test for reasonableness, and will actually fail to adequately protect LGBT students from discrimination.⁵⁷

3.56 The Public Interest Advocacy Centre noted that amendments KQ148, KQ150 and KQ151 were substantively similar as all would amend the existing test for

53 Australian Human Rights Commission, *Submission 171*, p. 12.

54 Law Council of Australia, *Submission 415*, p. 29.

55 Law Council of Australia, *Submission 415*, p. 29.

56 Law Council of Australia, *Submission 415*, p. 29.

57 Australian Discrimination Law Experts Group, *Submission 587*, p. 4.

reasonableness in section 7B. It argued that the three amendments were 'flawed' and should be rejected as they added 'elements of subjectivity into an established test that is primarily objective in nature'.⁵⁸

Discrimination against employees of religious educational institutions

3.57 Although the bill proposes to prevent religious schools from discriminating against students on the basis of sexual orientation, gender identity or intersex status, it does not seek to address the issue of such discrimination against staff and contractors employed by religious schools.⁵⁹

3.58 Senator the Hon. Penny Wong explained the rationale for this approach:

Given the short number of sitting days left between now and the election, we do have to prioritise – and children are our priority... Labor is committed to removing exemptions which relate to LGBTI staff at religious schools... We know there is broad support across parliament to deal with the issue of staff. We are dealing now with the issue of children. We accept that there are complexities in relation to the issues of teachers and staff, and we intend to continue to work with relevant stakeholders on this. However, we are not prepared to hold up the change for students while that work goes on.⁶⁰

3.59 A number of submitters asserted that the bill should be amended to address the issue of discrimination against staff.⁶¹

3.60 For example, PFLAG (Parents, Families and Friends of Lesbians and Gays) Perth stated:

The parents of PFLAG have LGBTIQ children that both study and work at religious institutions, we see no justifiable reason for them to be treated differently under the anti-discrimination law due to their age.⁶²

3.61 The amendment circulated by the Australian Greens (Sheet 8601) seeks to address these concerns by extending the operation of the bill to include staff and contract workers of faith-based educational institutions.⁶³

58 Public Interest Advocacy Centre, *Submission 173*, pp. 12–13.

59 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Explanatory Memorandum*, p. 1.

60 Senator the Hon. Penny Wong, *Senate Hansard*, 29 November 2018, p. 9074.

61 See for example: Public Interest Advocacy Centre, *Submission 173*, p. 10; Asian Australian Alliance, *Submission 340*, p. 1; Equality Australia, *Submission 282*, p. 11; South Australian Rainbow Advocacy Alliance, *Submission 227*, p. 3; Rainbow Catholics InterAgency for Ministry, *Submission 225*, p. 4; Rainbow Families Queensland, *Submission 249*, p. 1; Rainbow Families Victoria, *Submission 190*, p. 1; Reverend Doctor Josephine Inkpin, Co-Chair, Equal Voice Queensland, *Proof Committee Hansard*, 6 February 2019, pp. 40, 43; Mr Chris Watt, Federal Secretary, Independent Education Union of Australia, *Proof Committee Hansard*, 7 February 2019, p. 58.

62 PFLAG Perth, *Submission 175*, p. 1.

3.62 Some submitters stated that although they supported removing discrimination against staff, they felt the matter should be dealt with separately, as is the intention of the bill.

3.63 For example, the Law Council recommended that any amendments to SDA exemptions for employees and contractors of religious educational institutions should only be taken after careful consideration of their interaction with other relevant federal provisions, such as those within the *Fair Work Act 2009* and the *Australian Human Rights Commission Act 1986*.⁶⁴

3.64 Dr Renae Barker noted that although the discrimination by schools against LGBTI+ staff and contractors was an 'important issue', it should be considered separately.⁶⁵

3.65 Similarly, Mr Edward Santow, Human Rights Commissioner at the AHRC noted:

....we [the AHRC] do not believe that there should be an exemption that permits discrimination against staff, including teachers. What we've also said is that amending the law in this space has some complexity to it. It would also need to consider the relevant provisions of the Fair Work Act, for example. That's why we say that needs to be done in a very carefully considered way.⁶⁶

The need for further consideration by the Australian Law Reform Commission

3.66 A number of inquiry participants expressed concern about the haste in which the bill and amendments had been drafted and argued that rushed legislative change could lead to unintended, detrimental consequences. They emphasised that the intersection of various human rights raised significant and complex matters that needed to be properly investigated in order to allow for a balanced and reasonable solution. As a remedy to these concerns, submitters suggested that the matter be referred to the ALRC for an in-depth examination of the issues at play.⁶⁷

63 Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, *Amendment Sheet 8601*, p. 1.

64 Law Council of Australia, *Submission 415*, p. 46. See also Ms Kate Eastman SC, Chair, Equal Opportunity Committee, Law Council of Australia, *Proof Committee Hansard*, 7 February 2019, p. 91.

65 Dr Renae Barker, *Submission 682*, p. 14;

66 Mr Edward Santow, Human Rights Commissioner, Australian Human Rights Commission, *Proof Committee Hansard*, 7 February 2019, p. 9.

67 See for example: Professor Michael Quinlan, private capacity, *Proof Committee Hansard*, 6 February 2019, pp. 5, 7; Mr Mark Spencer, Executive Officer, Policy, Governance and Staff Relations, Christian Schools Australia, *Proof Committee Hansard*, 7 February 2019, p. 23; Professor Mark Sneddon, Executive Director, Institute for Civil Society, *Proof Committee Hansard*, 7 February 2019, p. 52.

3.67 For example, Professor Quinlan commented that a referral to the ALRC of the issues relevant to the bill 'should facilitate taking the overt and unhelpful politics out of this important, but complex issue'.⁶⁸

3.68 Dr Deagon also drew a similar conclusion, highlighting the short time frame in which the bill and amendments were drafted:

The other thing that we have to remember, as the other witnesses have indicated, is that this legislation was rushed, in a sense. This bill was rushed and it came out of a heated debate about the existence and the purpose of the exemptions. So I think the recommendation of the Australian Law Reform Commission is a sensible one, which will then enable the commission to have a more detailed and objective look at this issue and then propose some more detailed and considered legislation, which can then be debated.⁶⁹

3.69 Archbishop Mark Coleridge, President of the Australian Catholic Bishops Conference agreed with the need to refer the matter to the ALRC:

That would be very much our position, that this is not an isolated issue to be treated in some kind of ideological vacuum. It is an important issue and one that we've been dealing with for years in our schools. This is not new. It's an important issue that is situated in a very, very large set of contexts, the broadest of which—as I have said, and echoing the previous speakers—is the renegotiation of the relationship between religion and the state. That's a massive phenomenon that is unfolding in this culture at this time. And we don't want to turn our back on it or put our head in the sand: we're part of it. So, yes, our preference would be very strongly to set this particular issue about the treatment of students in the schools within the much larger context which helps us to understand the implications of any decision which we or the parliament may make.⁷⁰

3.70 The Attorney-General's Department informed the committee that a referral of matters relating to religious exemptions to the ALRC was an option the government was actively exploring:

Given the complexity of the issue, the government has committed to consulting with states and territories on terms of reference for the Australian Law Reform Commission to inquire into religious exemptions. That consultation is underway with a view to making that reference.⁷¹

68 Professor Michael Quinlan, *Submission 72*, p. 1.

69 Dr Alex Deagon, private capacity, *Proof Committee Hansard*, 6 February 2019, p. 8.

70 Archbishop Mark Coleridge, President, Australian Catholic Bishops Conference, *Proof Committee Hansard*, 6 February 2019, p. 14.

71 Ms Sarah Chidgey, Deputy Secretary, Integrity and International Group, Attorney-General's Department, *Proof Committee Hansard*, 7 February 2019, p. 99.

The case for immediate, targeted reform of section 38(3)

3.71 As noted above, a number of submitters urged the committee to reject the bill and amendments and instead defer wide-reaching legislative change until after the matter had been examined by the ALRC.

3.72 However, other submitters emphasised the pressing need to ensure that school students are not able to be denied enrolment or expelled by religious educational institutions on the basis of their sexual orientation, gender identity or intersex status.

3.73 For example, the Anglican Church Diocese of Sydney explained why it felt there was a sense of urgency:

We urge both houses of parliament to work in a bipartisan way to resolve this issue as a matter of urgency. The urgency is not because religious schools across the country are expelling or mistreating LGBTI students. The urgency is because the misinformed public debate on this matter has created the deep division in the community and has been deeply distressing students and staff—LGBTI and otherwise, Christian and otherwise—at our Anglican schools.⁷²

3.74 When asked by the committee how to address this, the Diocese suggested that a more targeted amendment to subsection 38(3) of SDA could be enacted as an interim measure. Dr Glenn Davies, the Archbishop of Sydney explained:

....I commented in response to a Senator's question that one of the options open to the Senate was to deal only with the issues related to expulsion of students at this time, and wait for the input from the Australian Law Reform Commission before addressing the wider issues of discrimination later. This suggestion emanated from the media attention given to this particular issue, and the Prime Minister's commitment to remove the possibility of LGBTI students being expelled.⁷³

3.75 In response to a question on notice, Dr Davies provided the committee with a suggestion of how such a targeted amendment could be achieved through the addition of a phrase to current subsection 38(3). However, he stressed that he believed that his proposed wording 'did not go far enough' because it only addressed the issue of enrolment. He reiterated that the position of the Diocese was that subsection 38(3) in its current form was causing distress and confusion in their school communities and that his suggested amendment would not resolve those concerns. He emphasised:

Our Anglican Schools do not discriminate against LGBT students, and legislation which gives them the right to discriminate against any student is deeply problematic. As we have argued in our written submission, it is

72 Most Reverend Dr Glenn Davies, Archbishop of Sydney, Anglican Church Diocese of Sydney, *Proof Committee Hansard*, 7 February 2019, p. 33.

73 Most Reverend Dr Glenn Davies, Archbishop of Sydney, Anglican Church Diocese of Sydney, answers to questions on notice (7 February 2019), received 7 February 2019, p. 1.

urgent that Section 38(3) be repealed and the policy void that this would create regarding doctrine, tenets and beliefs is filled by parliament.⁷⁴

3.76 The committee asked the Attorney-General's Department to comment on the feasibility of a targeted amendment to subsection 38(3) to specifically deal with the matter of expulsions and admissions of students. The department advised that it would be 'technically possible'.⁷⁵

Committee view

3.77 The committee recognises that the issues raised by the bill are of great concern to the Australian community. The large volume of written submissions and form letters the committee received, as well as the wealth of information provided by witnesses at the public hearings, clearly demonstrated the public interest in the matter.

3.78 The committee notes that many sectors of the community agree that students at faith-based schools should not be discriminated against on the basis of sexual orientation, gender identity or intersex status. These stakeholders, the committee included, do not dispute the harm that arises when LGBTIQ+ children are subject to discriminatory behaviour.

3.79 The committee also observes that political bipartisanship exists on the principle of the matter, and that there have been public commitments from the Prime Minister, the Leader of the Opposition and some of the minor parties to repeal the SDA exemptions that allow religious educational institutions to expel students on the basis of their sexuality, gender identity or intersex status.

3.80 However, while the committee considers it necessary and appropriate to prohibit discrimination against LGBTIQ+ school students, it is of the view that this should not occur at the expense of the ability of religious educational institutions to maintain their ethos through what they teach and the rules of conduct that they impose on their students.

3.81 Religious freedom is a vital aspect of Australian society and religious communities should feel respected and protected. Additionally, faith-based schools have a unique and important role to play in Australia's education system. It is imperative that they are able to maintain their religious ethos and teach in accordance with their beliefs, without the threat of legal liability.

3.82 The committee considers the bill at the centre of this inquiry to be flawed. Although the circulated government amendments represent a reasonable and sensible attempt to remedy the overreach and unintended consequences of the bill while still honouring its original intent, the committee is of the opinion that matters of

74 Most Reverend Dr Glenn Davies, Archbishop of Sydney, Anglican Church Diocese of Sydney, answers to questions on notice (7 February 2019), received 7 February 2019, p. 1 (emphasis omitted).

75 Ms Kristin Crawford, Director, Human Rights Unit, Attorney-General's Department, *Proof Committee Hansard*, 7 February 2019, p. 99.

anti-discrimination and religious freedom are too important and too complex to be dealt with in haste.

3.83 Rather than a piecemeal, reactionary approach, as exemplified by the poor drafting of the bill and the short time frame allocated for this inquiry, the committee believes a more considered, holistic proposition is required to ensure that the matter is resolved in the best possible way.

3.84 In light of this, the committee is recommending that the bill and all circulated amendments not be passed. Instead, in-depth consideration of this matter must be conducted by the ALRC in order to properly and comprehensively assess the consequences arising from any potential legislative changes. The committee considers that such a referral will allow for a proper exploration of all the issues at stake and lead to a plan for cohesive, balanced reform.

Recommendation 1

3.85 The committee recommends that the bill and circulated amendments not be passed.

Recommendation 2

3.86 The committee recommends that the bill, circulated amendments and all relevant matters be referred to the Australian Law Reform Commission for full and proper consideration.

Senator the Hon Ian Macdonald

Liberal Party of Australia

Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018

Labor Senators Dissenting Report

1.1 The leak of the recommendations of the Ruddock Review has prompted significant public debate regarding the rights of LGBT (lesbian, gay, bisexual, transgender) students and teachers. Much of the debate has focussed on existing exemptions in the *Sex Discrimination Act 1984 (SDA)* that allow faith-based educational institutions to discriminate against students, teachers and staff on the basis of various attributes including sexual orientation and gender identity.

1.2 Subsequent to reports about the Review's recommendations, both the Government and Opposition expressed support for changing the law to ensure that students cannot be discriminated against on the basis of their sexuality.

1.3 With a view to removing this discrimination Senator Wong introduced the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 into the Senate on the 29th of November 2018.

1.4 Instead of acting on this issue the Government has in its report to the parliament on this inquiry recommended that the bill not be passed and that the bill and its amendments be referred to the Australian Law Reform Commission.

1.5 Rather than seeking to immediately ensure that school students are not discriminated against by religious educational institutions on the basis of their sexual orientation, gender identity, marital or relationship status or pregnancy the Government continues to defer the issue.

1.6 Labor respects the rights of parents to send children to the school of their choice and to have their children educated in accordance with their religious convictions.

1.7 Labor respects that many parents choose religious schools because they want their children to be grounded in the identity and mission of a particular religious faith.

1.8 Labor has been prevented from being able to meet our commitment to legislate to remove discrimination against students and staff in faith based schools in this Parliament. Labor Senators are aggrieved that the Government has failed to set sufficient sitting days to allow a debate on these issues to take place.

1.9 Labor is deeply disappointed that the Government has failed to act on its commitment to legislate on this question and has instead subjected young people who are currently without protection from discrimination to an ongoing and divisive debate.

1.10 Labor notes that it appears at this stage it is unclear if there is a majority to pass the legislation without amendments that would compromise its intent to prevent

discrimination. However, it is clear there is a majority of the parliament opposed to discrimination and the parliament must work to prioritise resolution of this issue.

Background to this Bill

1.11 The Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 (the bill) seeks to amend the SDA to prevent schools from discriminating against students on the basis of sexual orientation, gender identity, marital or relationship status or pregnancy in connection with the provision of education or training by an educational institution.¹

1.12 This bill would not affect the operation of the indirect discrimination provisions in the SDA, which will continue to operate in a manner that allows faith-based institutions to impose reasonable conditions, requirements or practices on students in accordance with the doctrines, tenets, beliefs or teachings of their particular religion or creed.²

1.13 This bill will remove the capacity of bodies established for religious purposes that provide education to directly discriminate against students on the basis of their sexual orientation, gender identity or other attributes named in the SDA.

1.14 The bill does not seek to amend the SDA to address the issue of discrimination against staff employed by religious schools.³

Impact of discrimination

1.15 As heard through the inquiry LGBT students experience far higher rates of bullying and depression than their peers, and are significantly more likely to attempt suicide as young adults. Research has found that faith-based schools that discourage the disclosure of sexual diversity and fail to establish safe and inclusive learning environments for students with diverse sexualities exacerbate these statistics.⁴

1.16 Labor believes that all students should be protected from discrimination on the basis of gender, sexuality, and the other attributes covered by the SDA. The committee heard stories of the suffering that this discrimination can and has caused.

1.17 Anna Brown and Lee Carnie highlight the scenario of seventeen year Thalia who described her experiences in a religious boarding school as a teenager.⁵

¹ Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, Explanatory Memorandum, p. 2

² Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, Explanatory Memorandum, p. 1.

³ Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018, Explanatory Memorandum, p. 3.

⁴ Australian Discrimination Law Experts Group, Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 Submission 587, 25 January, 2019, pg. 2

⁵ Anna Brown and Lee Carnie, Human Rights Law Centre, Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 Submission 282 – Attachment 3, 21 November 2018, pg. 9

“Due to my mother’s homophobia I was sent to a strict Catholic boarding school where I was forced to scrub floors and walls on my hands and knees and pray multiple times a day. I am not religious and it was an extremely homophobic environment. Within a month I was on anti-depressant[s] and expelled after attempting suicide because ‘Suicide is a sin and so it was not acceptable to take part in the school.’”

1.18 The Australian Marriage Equality also told the tale of LGBT children.⁶

“I attended Catholic school for 13 years. I did not identify as a lesbian until I was late into my twenties, but I knew quite a few girls who identified in high school, and they had a very difficult time. One I know sought help from a teacher, who broke confidence and spoke to the principal, and my friend was under threat of being expelled if she did even the smallest thing wrong (“just give me one reason”) due to her sexuality.”

1.19 Labor is concerned that the amendments to the act will undermine the existing tests of reasonableness as Lee Carnie in Sydney told the committee:

“It is exceptionally broad, uncertain and creates confusion. It introduces a blanket exemption for religious teaching, regardless of the content of these teachings and whether they are harmful. It undermines the existing test of reasonableness, which requires an objective consideration of disadvantage facing a student.”

1.20 This concern was further echoed by the Ms Kate Eastman from the Law Council of Australia in Sydney telling the committee that:

“If somebody stands up and professes those views in a classroom, is section 21(2) engaged? Is that denying a student access or limiting the student’s access to a benefit provided by the education authority? Is it expelling a student, or is it subjecting a student to any other detriment?’ Simply making those comments in a classroom, without some much broader context or something else, is unlikely to even get you, in effect, to first base for the purpose of the Sex Discrimination Act.”

1.21 Rebecca Reynolds from the National LGBTI Health Alliance highlights how students, and staff, were afraid to speak out due to risk of action from the school administration.⁷

When I identified as trans, I was at a Christian school and my mum worked there as a teacher. So I always had this fear that if I told one of my friends my secret, it would humiliate and cause my mother to lose

⁶ Australian Marriage Equality, Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 Submission 282_Attachment 4, pg. 10

⁷ Rebecca Reynolds, Executive Director, National LGBTI Health Alliance, Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 Submission 323 – Attachment 2, February 2018, pg. 7

her job. Unfortunately there were no gay or trans people at my school. At least whom were out. Looking back I should have told somebody

1.22 Dr Tiffany Jones from the Department Educational Studies at Macquarie University highlights how students and staff feel safer, and experience less abuse at schools which have protective policies in place.⁸

Communicating local policy protections to students is helpful – when protective policies are known LGBTIQ students are significantly more likely to feel safe (75% v. 45%); and significantly less likely to experience physical abuse (23% v. 47%) or attempt suicide (13% v. 22%) (Jones, 2015).

1.23 In addition, the mere fact that the discrimination is permitted by law has sent a negative message to young LGBT people and young parents that their identity is not worthy of protection from discrimination on the same basis as other attributes such as race or disability. Labor is greatly concerned that the exemption to the SDA for religious organisations, rather than simply providing for religious freedom, can be seen as mandate to discriminate.

1.24 The Labor Party notes the strongly held views of the LGBTI community and the majority of Australians who supported marriage equality that such a mandate for discrimination should simply not exist on our statute books.

1.25 The children who might suffer discrimination under these exemptions are often experiencing the most vulnerable period of their lives. It is critical that legislation which enables and exacerbates the trauma of children be removed.

Right of schools to uphold their religious ethos

1.26 Labor strongly affirms the right of faith-based educational institutions to uphold their ethos. Schools can with the passing of this legislation continue to be assured that the ethos and values of their schools are respected and protected. There is also strong support from a great many schools with religious affiliations to ensure that they provide education and do not discriminate against their students.

1.27 Many churches made statements to say that they do not use the exemptions. The Anglican Church Diocese of Sydney reinforced this in their submission.⁹

“Anglican schools do NOT want a “right to discriminate”. Anglican schools do not sack teachers because they are gay, and they don’t expel students because they are gay. Anglican schools do not bully LGBTI students and teachers, nor indeed do they tolerate any bullying within their school communities.”

1.28 This sentiment was echoed to the committee by Archbishop Coleridge from the Australian Catholic Bishops Conference:¹⁰

⁸ Dr Tiffany Jones, Department Educational Studies, Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 Submission 233, January 2019, pg. 6

⁹ Rev. Dr Michael Stead, Anglican Church, Diocese of Sydney, Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 Submission 46, 10 January, 2019, Pg. 3

“Catholic schools do not use the exemptions in the Sex Discrimination Act to expel or otherwise discriminate against students on the grounds of sexual orientation, gender identity or intersex status.”

1.29 Ms Ann Maree Rebgetz, Board Director of Secondary Principals Australia and principal of St James College in Spring Hill in Brisbane told the committee:

“Catholic secondary principals have a strong moral compass in relation to the treatment of secondary students in our schools. They believe that inclusivity, as a gospel value, must reign supreme in the treatment of their clientele. This translates into the safeguarding of all students, and particularly those students who are in a minority and may feel marginalised. Religious schools should not be able to discriminate against students on the basis of their sexual orientation and identity.”¹¹

1.30 There is clear evidence based on the experience of states who have already removed such exemptions from their anti-discrimination laws that school ethos and teaching have not been affected by these changes.

1.31 Labor draws on the experiences of schools in state and territories where anti-discrimination laws already cover students under state and territory laws. As Ms Betts, Executive Director, Brisbane Catholic Education Office told the committee in questioning that Catholic schools were happy to comply with Queensland anti-discrimination law:¹²

Ms Betts: *As you know, we are required to be compliant with law at both the federal and the state level. The Queensland Anti-Discrimination Act does not allow us to discriminate against students, so we don't and, even if there was an exemption in that act, we would not apply it.*

Senator PRATT: *So you've had no cause to want to advocate for an exemption to the Queensland laws?*

Ms Betts: *There have been changes to those laws over the last 20 years and there certainly has been advocacy around those laws, the details of which I can't recall because it would go back 10 years now, but that exemption has never been included in the act.*

Senator PRATT: *Has that in any way interfered with your capacity to instruct students according to the doctrine and teachings of the Catholic Church and the school ethos?*

Ms Betts: *Not to my knowledge.*

1.32 Some churches raised concerns that removal of the exemptions would be see schools becoming subject to litigation. However, Labor notes that the evidence before

¹⁰ Archbishop Mark Coleridge, President, Australian Catholic Bishops Conference, Committee Hearing, Brisbane, Wednesday, 6 February 2019 Page 13

¹¹ Ms Ann Maree Rebgetz, Board Director of Secondary Principals Australia, Committee Hearing, Brisbane, Wednesday, 6 February 2019, Page 13

¹² Ms Betts, Executive Director, Brisbane Catholic Education Office Committee Hearing, Brisbane, Wednesday, 6 February 2019, Page 14

the committee showed that discrimination cases are uncommon before the courts and that the overwhelming number of cases are resolved through mediation:¹³

“People need to understand that discrimination cases are notoriously difficult to run, so much so that former High Court Judge Michael Kirby said that the field of antidiscrimination law is littered with the bodies of the wounded complainants. Launching an action under a federal discrimination law statute requires the financial and emotional resources that many victims of discrimination simply do not possess. On top of that, the vast majority of discrimination complaints, because of the way our system works—we have a cost jurisdiction, so people have to be prepared to expose themselves financially in order to bring a case to court—the vast majority are resolved through conciliation and settled without even going near a court. I think we just have to keep that in mind.”

1.33 Labor is very concerned that both teachers and students who have suffered detriment because of discrimination on protected attributes under the SDA have no recourse or redress because of permanent religious exemptions. It is also clear that the lack of protections means that those treated less favourably are unable to protect themselves from discrimination or prevent it from occurring.

1.34 Labor notes that inquiry heard from many religious LGBTI people as well as other people of faith are in favour of reform. As the Reverend Doctor Josephine Inkpin, Co-Chair, Equal Voices told the committee:¹⁴

“If you fail to remove the discriminatory powers, you keep us chained up to the past and old arguments. Instead, our nation needs to explore the constructive paths that are opening up in some religious quarters, such as the Edmund Rice Safe and inclusive learning communities statement and the Church of England's Valuing all God's children guidelines for addressing homophobia, biphobia and transphobia schools. These provide religious energy to explore these issues and enable all children to flourish without abrogating official Catholic and Anglican positions on issues such as marriage law.”

Teachers and staff

1.35 Labor affirms its commitment to legislating to remove exemptions from the SDA not only for students but also for teachers and other staff.

1.36 Labor upholds the right of schools to ensure the fidelity of teachers to their school in their conduct within the school. Labor notes evidence before the committee that schools need to rely on exemptions to uphold the fidelity of an employee to their school.

¹³Anna Brown, Equality Australia, Committee Hansard, Thursday, 7 February 2019, Page 78

¹⁴Reverend Doctor Josephine Inkpin, Co-Chair, Equal Voices Committee Hearing, Brisbane, Wednesday, 6 February 2019 Page 41

CHAIR: I might just ask a couple of questions as chair now. I have in front of me Good Works: The Catholic Church as an Employer in Australia, and it has a provision in it around discrimination and harassment within the section about the right to a supportive workplace. ... It says, with respect to exemptions from any antidiscrimination legislation, that the church organisations need to be 'positive and precise in their approach to employment practices'. It says: ... some positions, while not requiring the employee to be a practising Catholic, will still require a commitment not to offend the religious susceptibilities of the organisation by the maintenance of a manner of life and stated beliefs which are in keeping with the teachings of the Catholic Church (e.g. all staff in educational institutions) ... Could you please give me an example of what you mean by 'manner of life and stated beliefs' with respect to the teachings of the Catholic Church?

Mr Collins: An example would be of a teacher who was not supportive of the teachings of the church in relation to a range of matters and who voiced that belief with students or with other staff in a fairly public manner. That would be an issue which would be of concern to the employer—being inconsistent with what you've just read out.

It was noted in the course of this exchange within the committee that the exemptions can't be used to uphold this kind of fidelity as a failure to uphold a specific teaching, but rather needs to be pursued through the contract with the employee. This view was reinforced by the Independent Education Union.

1.37 Mr Anthony Odgers, the assistant federal secretary at the Independent Education Union of Australia, highlight that very few institutions actually overtly use these exemptions from discrimination legislation.¹⁵

“Lastly, our experience is that, in the context of rapidly expanding diversity amongst students and staff in schools, only a small and diminishing minority of employers in non-government schools seek to utilise or do utilise the exemptions from discrimination legislation. The majority of employers, perceiving a conflict of interest involving a breach of an employee’s fidelity, treat the issue as a contractual matter”.

“Yes. Just in terms of the practical understanding of this, I spoke earlier on of the dividing line. That dividing line is about what you say in public; not only in the context of your own sexuality – I’m sure all members of the committee would be aware of the consequences for people who just seek to disparage their employer or any element of their employer’s business. That is a basic breach of trust, the fidelity component of the relationship. That is the offence. Perhaps not in these instances, which are controversial, but, in most cases where an employee is forced to accept that they are in breach of their employment

¹⁵ Mr Anthony Odgers, Assistant Federal Secretary, Independent Education Union of Australia, 19 November 2018, pg. 46 and pg. 49

contract in respect of the matters that are dealt with by the exemptions, the breach of contract will have occurred around something they've said or done in a public manner. It won't have been as a result of a breach of contract wherein the employer pretends to say, 'You may not be in a single-sex relationship.'"

1.38 Notwithstanding the fact that in the main schools do not rely on anti-discrimination exemptions to uphold the fidelity of an employee to the employer. The inquiry last year highlighted clear examples of discrimination.

1.39 Evidence again from the independent education unions highlighted the following.¹⁶

Mr Odgers: There are individuals, in some cases, or there are groups, in some cases, that have what our members would identify as extreme intolerance of behaviours. They're not so much concerned about public statements that might be made by teachers and by other members of staff but as to the person's conduct. Of the examples that are quoted here—which are mostly examples of where an employer has sought to go into a person's private life without that person making any statement that would be necessarily contrary to the employer's beliefs or the beliefs of the employer's faith based group—a lot of these cases come from a very small group of employers.

1.40 Labor is concerned about the very real stress and fear experienced by employees within some schools as a result of these exemptions. Even if a school is otherwise supportive, the fact that the exemptions exist creates a fundamental risk to employees' livelihood, particularly if the school's attitude were to change.

Amendments to the legislation

1.41 Labor is concerned that amendments put forward to the bill would carve out and entrench discrimination against certain groups in particular—that is, on the basis of sexual orientation, gender identity or relationship status, in particular circumstances. This is completely contrary to the intent of Labor's Bill.

1.42 The Government amendments to the bill would allow discrimination to continue against LGBT students in religious schools.

1.43 The amendment sheet KQ148 circulated would allow discriminatory policies and indirect discrimination in our schools.

1.44 Amendments KQ150 and KQ151 are similar in that they seek to introduce new matters to be taken into account in determining reasonableness under indirect discrimination, which adds unnecessary complexities and may fail to protect LGBT students.

1.45 The Centre Alliance has proposed an amendment which changes the wording from 'body' to 'educational institution'. Throughout the inquiry the committee heard that the scope of subsection 37(3) is very broad due to the use of the term 'bodies

¹⁶ Committee Hansard, Monday, 19 November 2018, Page 50

established for religious purposes.’ For example, the Australian Human Rights Commission (AHRC) demonstrated the need to clarify the scope of sections 37 and 38 of the SDA as amended by the bill:

“The term ‘body established for religious purposes’ would cover bodies such as temples, churches, mosques and synagogues. Moreover, it is conceivable that an ‘act or practice connected with the provision, by the body, of education’ could include a church-run seminar on marriage, a Torah study course run by a synagogue, or even a sermon in a mosque. Hence, it would be useful to clarify the scope of sections 37 and 38 of the SDA, as amended by the Bill.”

1.46 The Law Council of Australia recommended to the committee:

“it would be beneficial to tighten the wording of proposed subsection 37(3) to ‘educational institutions which are conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed’, rather than ‘a body established for religious purposes’. This would mean that bodies established for religious purposes, which are not such educational institutions, would rely on paragraph 38(1)(d) with respect to teaching in accordance with religious doctrine.”¹⁷

1.47 Labor would support an appropriate amendment to clarify the definition of an educational institution. We do not support further amendments from the Government as they are completely unnecessary and cause confusion and undermine the intent of the bill.

Conclusion and recommendations

1.48 Labor is proud to have put forward this bill which will remove the exemptions within the Sex Discrimination Act that allows religious educational institutions to discriminate against children in connection with the provision of education or training.

Recommendations

1.49 Labor recommends that the Senate amend the bill to clarify the scope of educational institutions in section 37 of the SDA.

1.50 Labor recommends that the bill be passed with the above amendment only.

Senator Louise Pratt
Australian Labor Party

¹⁷ Law Council of Australia, *Submission 415*, p. 27.

Australian Greens Dissenting Report

1.1 The Australian Greens acknowledge the extensive work of the Committee in this inquiry, and thank everyone who made a public submission.

1.2 The Greens support the committee view that the issues raised by the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 (the bill) are of great concern to the Australian community, and agree with the determination that many sectors of the community believe students at faith-based schools should not be discriminated against on the basis of sexual orientation or gender identity

1.3 However the Greens believe that the committee recommendations are flawed in that they do not accurately reflect the overwhelming stance of the Australian public, or the views and recommendations of key human rights and legal experts and LGBTIQ+ organisations. Nor do they take into account the seriousness of the continued impact of discrimination on LGBTIQ+ students, teachers and school staff in religious schools.

1.4 The Greens reject the committee view that the bill at the centre of this inquiry has been drafted in haste, is flawed and will lead to 'unintended, detrimental consequences' as is claimed in the Chair's report. We believe the bill is a pathway forward to removing legislative exemptions that permit discrimination against LGBTIQ+ students in religious schools.

1.5 Submissions from multiple submitters and witnesses broadly support the bill as a rational and considered approach to removing discrimination on the basis of sexuality and gender identity.¹

1.6 Lee Carnie, Director of Legal Advocacy at Equality Australia, informed the committee that 'the bill's simple and straightforward removal of existing legislative exemptions is the most effective way to remove discrimination against LGBTIQ+ students'.²

1.7 Repealing these religious exemptions to anti-discrimination law is also overwhelmingly supported by LGBTIQ+ communities. A survey conducted by just.equal found that 94.5 per cent of LGBTIQ+ communities supported removing religious exemptions in relation to discrimination against LGBTIQ+ students, and 92.8 per cent supported removing religious exemptions in relation to discrimination against LGBTIQ+ staff and teachers.³

1.8 The Greens also reject the committee view that the unamended bill undermines the ability of religious educational institutions to maintain their religious

1 Equality Australia, *Submission 282*; Public Interest Advocacy Centre, *Submission 173*; Law Council of Australia, *Submission 415*.

2 Lee Carnie, Director of Legal Advocacy, Equality Australia, *Proof Committee Hansard*, 7 February 2019, p. 78.

3 just.equal, *Submission 934*, p. 2.

ethos and teach in accordance with the doctrines, tenets, beliefs or teachings of their faith.

1.9 Stakeholders such as Equality Australia submitted evidence advising the committee that it is 'reasonable, necessary and proportionate to prohibit faith-based educational institutions from discriminating against students on the basis of their sexual orientation or gender identity to protect the right to equality and the right to education for LGBTQ+ students'.⁴

1.10 Jonathon Hunyor of the Public Interest Advocacy Centre clarified for the committee that:

There is nothing under the law, as it generally applies, to prevent religious educational institutions from engaging in reasonable activity based on the religious ethos of their school. We accept that. That is exactly what religious schools should expect to do. That's why they exist: to promote their religious ethos. We don't have a problem with that, but no changes to the bill before parliament are required to allow schools to act reasonably to uphold their values.⁵

1.11 There is no question as to the harm that is currently caused under the cover of religious doctrine and belief. A large number of submissions from parents, students and school staff spoke to their experience of exclusion, shame and anxiety.

1.12 The Greens believe that religious educational bodies should be free to conduct education in ways that accord with the doctrines of their faith, but not when this conduct conflicts with the right to live and work free from discrimination for LGBTQ+ students, teachers and school staff.

Recommendation 1

1.13 The Australian Greens recommend that the bill be passed

1.14 The Greens reject that the proposed amendments by the government are needed as they unnecessarily extend the scope for discrimination by religious institutions.

1.15 Equality Australia agreed with the bill's Explanatory Memorandum that the bill 'would not affect the operation of the indirect discrimination provisions in the SDA, which will continue to operate in a manner that allows faith-based education institutions to impose reasonable conditions, requirements or practices on students in accordance with the doctrines, tenets, beliefs or teachings of their particular religion or creed'.⁶

1.16 Multiple witnesses raised with the committee that the amendments circulated by the government are not only unnecessary but would create harmful discrimination

4 Equality Australia, *Submission 282*, p. 6.

5 Mr Jonathon Hunyor, Chief Executive Officer, Public Interest Advocacy Centre, *Proof Committee Hansard*, 7 February 2019, p. 81.

6 Equality Australia, *Submission 282*, p. 7.

loopholes, further entrenching discrimination of LGBTQ+ students in many areas of education in faith based schools.⁷

1.17 Lee Carnie from Equality Australia argued that four of the government amendments went so far as to potentially conflict with other international Conventions that Australia is party to, including the Convention on the Rights of the Child:

As a whole, these amendments place policies on a piece of paper ahead of the best interests of students—contrary to the Convention on the Rights of the Child, which requires consideration of the child's best interests as a primary consideration determined objectively, not to a school's subjective satisfaction.⁸

1.18 The Greens have particular concerns with amendment KQ149 which would substantially expand religious exemptions relating to 'teaching activities'. As drafted, the broadness of scope in this amendment could cover any kind of instruction of a student by a person employed or otherwise engaged by an educational institution.

1.19 Again Lee Carnie from Equality Australia provides an example of how dangerous this amendment could be:

...it would appear to allow for inferior tuition, excluding a student from a classroom activity or program or so-called conversion therapy being delivered in schools despite every reputable medical association condemning this ineffective and discriminatory practice.⁹

1.20 It is clear that the amendments proposed by the Government are not only unnecessary but pose dire risk to the health and wellbeing of LGBTQ+ staff, students and teachers.

Recommendation 2

1.21 The Australian Greens recommend that the amendments circulated by the government not be passed.

1.22 Whilst the Greens believe that the bill is justified in its approach to removing discrimination against school students, we strongly recommend immediate action to remove discrimination against LGBTQ+ teachers and other staff.

1.23 Further delay at achieving this reform is unacceptable, with multiple witnesses and submitters making the case that discrimination against LGBTQ+ teachers and staff in faith-based education settings is unjustifiable and causes untenable harm.

7 Equality Australia, *Submission 282*; National LGBTI Health Alliance, *Submission 323*.

8 Lee Carnie, Director of Legal Advocacy, Equality Australia, *Proof Committee Hansard*, 7 February 2019, p. 79.

9 Lee Carnie, Director of Legal Advocacy, Equality Australia, *Proof Committee Hansard*, 7 February 2019, p. 79.

1.24 Mr. Rodney Croome from Equality Tasmania succinctly summarised the inconsistency in removing discrimination against students without also tackling discrimination against teachers and staff:

If we're looking at this issue through the prism of what's in the best interests of LGBTI students in faith based schools, it's not in their best interests for them to be protected from discrimination but their teachers not to be if their teachers are also in same-sex relationships or are transgender. That sends a terrible message to those students about their inclusion and their acceptance.¹⁰

1.25 The submission from the Public Interest Advocacy Centre made the case that simultaneously removing religious exemptions in relation to staff and teachers as being:

...essential to achieving an appropriate balance between religious freedom and the right to non-discrimination. Such a change would also be an important step towards national consistency in line with best practice as demonstrated by the legislative schemes in Tasmania and, more recently, the ACT.¹¹

1.26 Given this, it is logical, appropriate and important that reforms to prevent discrimination against teachers and other staff are made at the same time as changes to the law to prevent discrimination against students in faith-based schools.

1.27 Removing discrimination against both students and staff is justifiable and still consistent with the ability of faith based schools to teach their religious ethos. This is demonstrated by the fact that anti-discrimination laws that prohibit discrimination on the grounds of sexuality and gender identity already exist in Tasmania and Queensland.

1.28 Mr Croome from Equality Tasmania noted:

Given that in Tasmanian law over the last 20 years there has been a clear prohibition on discrimination against LGBTI teachers and students in faith based schools, the next question, obviously, is: what consequences has that had? It's clear to me that the consequences have been entirely good.

The culture in Tasmanian faith based schools— particularly the ones that I'm familiar with in the Catholic system through friendship networks and through speaking at length with students and teachers in those schools—has improved immensely. It's far more inclusive and far safer than it once was. And no private schools in Tasmania—no faith based schools—have had any reason to complain about these particular provisions.

I know of no concerns about the provisions we have in Tasmania. I know of no prelates, no principals and no teachers who have any issues with these

10 Mr. Rodney Croome, Campaign Coordinator, Equality Tasmania, *Proof Committee Hansard*, 7 February 2019, p. 84.

11 Public Interest Advocacy Centre, *Submission 173*, p. 10.

particular laws. I've seen no public statements which say that they are in any way onerous.

I have, however, spoken to quite a few principals of faith based schools in Tasmania who have made the point that the law is a complement to their policies of inclusion, fairness and treating all teachers and students equally. They feel that the law is important to back up the ethos of their school. It doesn't violate their ethos; it in fact supports their ethos. So, given that these laws have been in place for 20 years, given that they seem to have had positive consequences—particularly for LGBTI people but also for whole school communities—and given that there have been no complaints about them as far as I can see and no-one seems to be bothered by them, the question becomes: why don't we adopt these standards nationally?¹²

1.29 Several witnesses who supported the Greens' amendments to the Bill also noted that some further amendments are required to the *Fair Work Act 2009* to provide adequate protection from discrimination in employment.¹³

1.30 The Greens agree that careful consideration is needed before changes to the Fair Work Act are enacted, however this is neither a barrier to nor an excuse from removing discrimination from the *Sex Discrimination Act 1984*.

Recommendation 3

1.31 The Australian Greens recommend that the amendments circulated by the Australian Greens be passed.

Recommendation 4

1.32 The Australian Greens recommend that the Government immediately begin a review of anti-discrimination provisions within the *Fair Work Act 2009*.

Senator Janet Rice
Australian Greens

12 Mr. Rodney Croome, Campaign Coordinator, Equality Tasmania, *Proof Committee Hansard*, 7 February 2019, p. 79.

13 Public Interest Advocacy Centre, *Submission 173*; Law Council of Australia, *Submission 415*.

Appendix 1

Submissions, additional information, answers to questions on notice and tabled documents

Submissions

1. Mr Paul Nolan
2. Mr Stephen Mattsson
3. Dr Alex Deagon
4. Australian Lawyers Alliance
5. Mr Douglas Pretsell
6. Mr David Searles
7. Alannah and Madeline Foundation
8. Mr Alan Harker
9. Ms Barbara Hockley
10. Mr Colin W. Johnston
11. Mr Brian Woods
12. Mr Robert C. Cridland
13. Caxton Legal Centre Inc.
14. Mr Andrew Hodge
15. Mr Joel Delaney
16. Public Affairs Commission, Anglican Church
17. Mr Emanuel Millen
18. Mr Michael Burge
19. Mr Doug Pollard
20. Australasian-Middle East Christian Apostolic Churches
21. Ms Rita Joseph
22. Australian Family Association
23. Mr Andrew and Ms Jody van Burgel
24. Dr Ashraf Saleh
25. Mr Marc Venter
26. Mr David Warner
27. Rev David Morgan
28. Mrs Susan Zimmerman
29. Mr Martin Fitzgerald
30. Mr Ralph Wallbank

31. Mr Harold Ramsey
32. Prof David Pennington
33. Mrs Marianne Melnikas
34. Mr Mark Breed
35. Mr Robert Johnston
36. Mrs Helen Drew
37. Mr Phillip Shipard
38. Ms Mary Shelley
39. Mr Grant Davies
40. NSW Democratic Labour Party
41. Cr Daniel Stewart
42. Mr Winston Newman
43. Miss Bernice Stirling
44. The Paraclete Institute Inc.
45. Prof. Patrick Parkinson AM
46. Anglican Church, Diocese of Sydney
47. Mrs Elizabeth Esdale
48. Mr Tai Biu Wong
49. Mrs E Jean Wong
50. Mr Russell Gray
51. Mrs Kerrie Oxlade
52. Mr Owen Butt
53. Ms Jacqueline Donaldson
54. Ms Robyn Davey
55. Christian Democratic Party
56. Australian Christian Lobby (ACL)
57. Mr Kenneth Man
58. Mrs Agnes Man
59. Name Withheld
60. Ms Janice Panton
61. Mr Wayne Kenneth Mullens
62. Ms Bev Pattenden
63. Rev Dr Spencer Gear
64. Ms Karen Mak
65. Endeavour Forum, Inc
66. Name Withheld
67. Ms Helen Harb

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68. Ms Jennifer Stephens
 69. Ms Margaret Yu
 70. Mr James Duignan
 71. Mr Joshnua White
 72. Prof Michael Quinlan
 73. Mr Daniel Regnard
 74. Mr David A W Miller
 75. Mr John Jones
 76. Ms Julie Cornish
 77. Ms Prue Duignan
 78. Ms G M Davis
 79. Ms Mirabella Chen
 80. Ms Dorothy Mak
 81. Mr Rowan Shann
 82. Name Withheld
 83. Name Withheld
 84. Name Withheld
 85. Ms Ruth Allison
 86. Mr Ian Moncrieff
 87. Ms Judith Mewett
 88. Mr Robbie Scott
 89. Ms Michelle Ricciardello
 90. Ms Brenda Kinkead
 91. Living Hope Baptist Church
 92. Name Withheld
 93. Name Withheld
 94. Name Withheld
 95. Name Withheld
 96. Name Withheld
 97. Name Withheld
 98. Name Withheld
 99. Name Withheld
 100. Ms Margaret Cook
 101. Mr Martin Maunsell
 102. Ms Suzanne Pfister
 103. Mr James Aitken
 104. Mr Ian Kilminster

105. Name Withheld
106. Name Withheld
107. Name Withheld
108. Ms Ruby Chan
109. Ms Joyce Tan
110. Ms Eugenie Harris
111. Ms Maria Sparshott
112. Name Withheld
113. Dr Ximena Ovalle
114. Name Withheld
115. Ms Rachel Driessen
116. Mr Dale Williams
117. Ms Leslie Palmer
118. Mr Nathan Keen
119. Ms Susan Regnard
120. Mr Paul Carrick
121. Mr Ken Cormack
122. Ms Ying Fan Wong
123. Name Withheld
124. Name Withheld
125. Mr Silv Tarca
126. Ms Mary Hawkes
127. Ms Helen Murray/Milne
128. Ms Melissa Haigh
129. Mr John Baigrie
130. Mr Greg Edwards
131. Ms Michele Stewart
132. Ms Deirdre Veitch
133. Mr Frederick Clive Hitchen
134. Ms Helena Coles
135. Mr Russ Reardon
136. Ms Julie Berry
137. Ms Dina Fernández
138. Mr Dan Aubrey
139. Ms Charmaine Labordus
140. Ms Paula Cassidy
141. Ms Vivienne Turnbull

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142. Ms Jennifer Davidson
 143. Mr Luigi Rosolin
 144. Name Withheld
 145. Ms Gloria Delahunty
 146. Mr and Ms Dan and Adeline Keenan
 147. Mr Bruce Langford
 148. Mr and Mrs Barry and Neadree Waddell
 149. Name Withheld
 150. Mr John Rochford
 151. Mrs Dianne Douglass
 152. Mrs Sylvia Waszaj
 153. Name Withheld
 154. Mr John Gerber
 155. Rev John M Cromarty
 156. Ms Charmaine Dyer
 157. Mr Ken Gellert
 158. Dr Katrina Haller
 159. Ms Uta Lippmann
 160. Mr Colin Pridham
 161. Dr Rosalea Cameron
 162. Ms Lorraine Walker
 163. Ms Irena Spaits
 164. Ms Anita Ponder
 165. Ms Denise Silberman
 166. Mr Hedley Bond
 167. Christian Schools Australia / Adventist Schools Australia
 168. Australian Association of Christian Schools
 169. Christian Faith and Freedom (CFF)
 170. Australian GLBTIQ+ Multicultural Council
 171. Australian Human Rights Commission
 172. Amnesty International Australia
 173. Public Interest Advocacy Centre
 174. The Rule of Law Institute of Australia
 175. PFLAG Perth
 176. Church of the Flying Spaghetti Monster Australia
 177. Association of Heads of Independent Schools of Australia
 178. Associate Professor Neil Foster

179. Family Planning NSW
180. FamilyVoice Australia
181. Australian Lawyers for Human Rights
182. Name Withheld
183. drummond street services
184. Ms Angela Ryan
185. Presbyterian Church of Australia
186. Australian Council of Social Service (ACOSS)
187. Castan Centre for Human Rights Law
188. Mrs Elissa O'Regan
189. Youth Affairs Council of South Australia
190. Rainbow Families Victoria
191. Seventh-day Adventist Church in Australia
192. National Secular Lobby
193. Dr Michael Nicholson
194. Ms Sarah Nicholson
195. Ms Rosalind Rennie
196. Liberty Victoria
197. Dr Paul R. Whiting OAM
198. Mr Andrew Jenkins
199. Mr Cohen Watson
200. Mr Steve Gaskin
201. Mr Paul Chau
202. Name Withheld
203. Mr Phil Brooks
204. Ms Robyn Ilett
205. Ms Grace Su
206. Name Withheld
207. Ms Lyn Miles
208. Mr Graham Duff
209. Elizabeth Verhoeff
210. Mr Colin Jones
211. Geoff Mascord
212. Mr Hiu Ng
213. Mr Michael Dasey
214. Mr Ian Schoonwater
215. Friar Max Polak

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216. Mr Peter Rasin
 217. Ms Irene Byron
 218. Ms Elizabeth Peoples
 219. Mr Matthew Bond
 220. Australian Christian Higher Education Alliance
 221. Mr Stephen Lamont, Hillside Christian College
 222. Telethon Kids Institute
 223. Equal Voices
 224. Australian Catholic Bishops Conference
 225. Rainbow Catholics InterAgency for Ministry
 226. Thorne Harbour Health
 227. South Australian Rainbow Advocacy Alliance
 228. Attorney-General's Department
 229. Working It Out
 230. Civil Liberties Australia
 231. ACON
 232. The Australian Family Coalition
 233. Dr Tiffany Jones
 234. Transgender Victoria
 235. Association for Reformed Political Action
 236. Ms Carole Kirton
 237. Mr and Ms Roel and Isabella Van de Paar
 238. Name Withheld
 239. Mr Steve Gadsby
 240. Clair and Allister Mickan
 241. Ms Anna Shepherd
 242. Mr Kam Lo
 243. Ms Valeria Falisova
 244. Ms Shivani Tambyah
 245. Ms Esther Ong
 246. Ms Teresa Lau
 247. Mr Peter Lee
 248. Name Withheld
 249. Rainbow Families Queensland
 250. Ms Cara Francis
 251. Name Withheld
 252. Ms Margaret Butler

- 253. Ms Teresa Strach
- 254. Ms Rebecca Brown
- 255. Mr Anthony Little
- 256. Mr John O'Brien
- 257. Ms Louise Jackson
- 258. Mr Rev. Bob Payne
- 259. Mr Ken Innes
- 260. Mr Rod Lampard
- 261. Dehne McLaughlin
- 262. Mr Clifford Roper
- 263. Name Withheld
- 264. Dr Peter Barnes
- 265. Mr Rick Spence
- 266. Ms Fleur Creed
- 267. Ms Michele Gower
- 268. Mr Christopher Andrews
- 269. Mr David Gould
- 270. Ms Lidiya Tobgui
- 271. Mr Wayne Pelling
- 272. Mr Denis Colbourn
- 273. Mr Stan Tadinac
- 274. Name Withheld
- 275. Ms Lu Lim
- 276. Ms Kara Moseley
- 277. Ms Sue Wise
- 278. LGBTI Legal Service
- 279. Ms Cathy Bosotti
- 280. Victorian Gay and Lesbian Rights Lobby
- 281. Ms Beryl Bryan
- 282. Equality Australia
- 283. Ms Keten Mitchell
- 284. Mr Scott Pearce
- 285. Mr Jacob Cox
- 286. Mr Thomas Armstrong
- 287. Mr John Kennedy
- 288. Mr Glen McNamara
- 289. Ms Irene Hood

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290. Mr Brian Camp
 291. Mr Barry Hickey
 292. Ms Melinda Mitchell
 293. Ms Lyn Hollingworth
 294. Ms Peg Vincent
 295. Ms Sandra Wicks
 296. Mr Alvito D'Silva
 297. Name Withheld
 298. Mr Stephen Visser
 299. Name Withheld
 300. Name Withheld
 301. Ms Pamela Hawkins
 302. Mr Selwyn Brindley
 303. Ms Angela Nalder
 304. Mr Philip Corson
 305. Ms Jacqui Gliddon
 306. Ms Ruth Else
 307. Ms Suzanne Taylor
 308. Ms Katherine Leitch
 309. Mr David Barnes
 310. Mr Peter Bosker
 311. Ms Judith May
 312. Lee Atcheson
 313. Mr Justin Oostenbroek
 314. Ms Joelle Stevenson
 315. Ms Anne Myatt
 316. Ms Jennifer Wong
 317. Mr Malcolm Hedges
 318. Mr Paul Johnson
 319. Ms Lara Chee
 320. Ms Kelly-Ann Cumming
 321. Ms Lynette Sunderland
 322. Ms Liz Miller
 323. National LGBTI Health Alliance
 324. Mrs Cornelia Farnik
 325. Mr Ken Weslake
 326. Ms Katherine Small

327. Ms Christine Lau
328. Mr Terry Jansen
329. Mr Kenneth Marbeck
330. Ms Gail Noakes
331. New Hope Capital
332. Ms Ann Jefferies
333. Ms Kathy Wallace
334. Ms Nicole Pryor
335. Mr Paul Hampson
336. Ms Kym Farnik
337. Freedom for Faith
338. Mr Robert Worthington
339. Ms Carolyn Suess
340. Asian Australian Alliance
341. Ms Catherine Cavanagh
342. Mr John Jones
343. Ms Veronica Timpany
344. Ms Helen Rooney
345. Ms Jasmine Yuen
346. Ms Diane McInerney
347. Ms Beverley Toovey
348. Mr Steven Raynel
349. Mr David Melandri
350. Mr William Wasserman
351. Australian National Imams Council
352. Mr John Moyes
353. Mr Max Polak
354. Name Withheld
355. Ms Karen Christmas
356. Ms Fiona Forman
357. Ms Ruth Hilton
358. Mr Isaac Harvey
359. Ms Kathleen Donnelly
360. Mr Ian Yaretsky
361. Mr Richard Clarence Buchanan
362. Ms Irene Shand-Len
363. Mr Rodney Green

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364. Mr Kev Ivan Lim
 365. Ms Katerina Cotten
 366. Ms Maree Triffett
 367. Ms Pam Eberhard
 368. Ms Samantha Brown
 369. Ms Bronwyn June Hebart
 370. Ms Kathleen Burnett
 371. Mr Peter Willison
 372. Mr Owen Bonney
 373. Ms Catherine Newman
 374. Name Withheld
 375. Ms Margaret Mason
 376. Mr Colin Kelly
 377. Mr Francis Fong
 378. Name Withheld
 379. Ms Fiona de Vries
 380. Ms Jennifer de Vries
 381. Ms Cathy Taylor
 382. Mr Alan Britten-Jones
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 385. Ms Janine Vander Ven
 386. Mr Trevor Hando
 387. Mr Graham Stitz
 388. Ms Katrina Mathai
 389. Ms Janine Dorrell
 390. Ms Brigitte Nader
 391. Mr Stephen Kimmorley
 392. Mr Burnie Jager
 393. Ms Jessica Kwak
 394. Ms Rania Yousseph
 395. Name Withheld
 396. Mr Alan Layt
 397. Mr Paul Davies
 398. Mr Geoff Cuschieri
 399. Mr Craig Wood
 400. Ms Karen Yee

401. Mr Frank Hambling
402. Mr Cliff Hollings
403. Mrs Dianne Holyland
404. Dr Kerrie Mulcahy
405. Mr John and Mrs Colleen Jenkins
406. Ms Glenyse Worth
407. Mr Neville Drew
408. Ms Jeanette Drummond
409. Mr Leo Barry
410. Ms Lynette Menhennitt
411. Mr Ray Ng
412. Ms Wendy Bennett
413. Name Withheld
414. Mr Robert Babayan
415. Law Council of Australia
416. Mr Chris Glewis
417. Mr Lloyd Heazlewood
418. Mr Rod Force
419. Mr Leonard Chu
420. Mr Daniel Chan
421. Ms B Bouwman
422. Ms Mary Pritchett
423. Mr Ray J. Huang
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425. Mr Graham Goodhew
426. Ms Terena Kennedy
427. Mr Risto Gobius
428. Ms Robyn Nieass
429. Mr Neville Langman
430. Ms Lois Creemers
431. Ms Maree McAulay
432. Ms Kim Roberts
433. Ms Neredah Gill
434. Ms Anna Soh
435. Mr Jack and Mrs Anna Klein
436. Mrs Anna Fabian
437. Mr Sepesi and Mrs Senisaleti Piukala

- 438. Mr Frank Vessey
- 439. Mr Geoff Smith
- 440. Mr Ignatius Mascarenhas
- 441. Ms Glenda Fraser
- 442. Pastor Joseph O Jinadu
- 443. Ms Kathryn Shanahan
- 444. Name Withheld
- 445. Ms Merrion Hoffmann
- 446. Ms Elizabeth Ambrose
- 447. Mr Graham Cartwright
- 448. Mr David Morey
- 449. Mr Ian Sarah
- 450. Mr Frank Reale
- 451. Mr Thomas Alexander Reid
- 452. Mrs Judy King
- 453. Ms Katelyn Sippel
- 454. Mr John Oakley
- 455. Ms Mary Todeschino
- 456. Mr Stuart Millar
- 457. Mrs Helen Selke
- 458. Mr Ian Grant
- 459. Ms Pauline Horscroft
- 460. Ms Catherine Robertson
- 461. Mr Stuart Douglas
- 462. Ms Joyce Michael
- 463. Mr Doug Lee
- 464. Ms Katrina East
- 465. Mr Jeff Spencer
- 466. Mr Mark Doecke
- 467. Mr Eric Willemse
- 468. Ms Anne Keegel
- 469. Ms Coralie Crosby
- 470. Mrs Julie Simonds
- 471. Ms Kartina Kartono
- 472. Ms Helen Oakey
- 473. Mrs Dale N Pearce
- 474. Ms Ana Del Rosario

- 475. Ms Rosalie Annette Klein
- 476. Mr John Wilkins
- 477. Ms Linda Rewbridge
- 478. Mrs Majella Eva
- 479. Mr Ian Pugsley
- 480. Mr John and Ms Johanna T Hart
- 481. King Sin Yim
- 482. Ms Tracey Kent
- 483. Mr David Vivian
- 484. Ms Marion Cohen
- 485. Ms Maureen McKenzie
- 486. Mr Vincent Lopez
- 487. Mr John and Mrs Beryl Skewes
- 488. Rev Anthony D Trafford
- 489. Ms Yvonne Stewart
- 490. Mr Athol Day
- 491. Ms Naomi Beames
- 492. Mrs Maree Snowden
- 493. Ms Helena Vaatstra
- 494. Ms Christy McHugh
- 495. Ms Jean Docker
- 496. Mr Eric Lesleighter
- 497. Mr Shann and Mrs Jennifer Kellaway
- 498. Ms Melinda Rau-Wig
- 499. Ms Ruth Marrion
- 500. Mrs Jennifer Hendriks
- 501. Mr Robert Stone
- 502. Mrs Rosa (Jo) and Mr Wayne Whitehead
- 503. Name Withheld
- 504. Ms Lois McLaughlin
- 505. Mr Andrew and Mrs Cynthia Lothian
- 506. Ms Alyse Anderson
- 507. Ms Kaziah Frost
- 508. Ms Michelle Jaques
- 509. Mrs Franceska Smith
- 510. Mr Leonard Chu
- 511. Mr Peter Newland

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512. Mr Tom and Mrs Catherine Brimage
 513. Name Withheld
 514. Ms Rachel Sinclair
 515. Mr James and Mrs Hilary Farquhar
 516. Mr Clint Chambers
 517. Mr James Beckwith
 518. Dr Graham Toohill
 519. Mr Danny Castro
 520. Mr Rosario Alfio Musumeci
 521. Mrs Agnes Achayo
 522. Mr Mieczystaw Banaszczyk
 523. Mr Andrew Marks
 524. Ms Elizabeth Mansfield
 525. Name Withheld
 526. Mr Darryl Beitsch
 527. Ms Ruth Butler
 528. Mr Dennis Lui
 529. Mr David Bernard
 530. Ms Melanie Malengret
 531. NSW Council for Civil Liberties
 532. Ms Deborah Jenkinson
 533. Ms Michelle Rumble
 534. Ms Judith Miller
 535. Mr Michal McKenzie
 536. Mr Les Smith
 537. Ms Louise Varnes
 538. Ms Doris Armstrong
 539. Dr Ian and Dorcas Denness
 540. Mr Joseph Graham
 541. Dr Daniel and Monica Claughton
 542. Fr Hugh Thomas
 543. Name Withheld
 544. Ms Caroline McGrady
 545. Mr David and Ms Bronwyn Amesbury
 546. Ms Margaret and Mr Dunstan Hartley
 547. Ms Linda Gelding
 548. Ms Jennifer Eddison

- 549. Mr Barry and Ms Anne Mulquin
- 550. Mr Winston and Ms Joy Broad
- 551. Name Withheld
- 552. Ms Kimberley Van der Plas
- 553. Mr Graham Haggie
- 554. Name Withheld
- 555. Mrs Bernadette Davies
- 556. Mr John Ross
- 557. Name Withheld
- 558. Mr Joseph Camenzuli
- 559. Ms Tracy and Mr Bill Ronnfeldt
- 560. Mrs Madge Fahy
- 561. Mr Warwick and Ms Kathy Vincent
- 562. Name Withheld
- 563. Robin Andrews
- 564. Mr and Mrs Geoff and Sandy Wolhuter
- 565. Ms Eva Lenz
- 566. Mr George Taouk
- 567. Ms Joan Tims
- 568. Mr Gary Willcox
- 569. Name Withheld
- 570. Ms Heather Hogan
- 571. Mr Paul and Ms Marylin Jacques
- 572. Mr David and Ms Danielle Stein
- 573. Mr Robert Lucas
- 574. Ms Cherie Sweet
- 575. Mr Graham Lawn
- 576. Ms Marie McMullan
- 577. Mr John Chapman
- 578. Ms Barbara Hockley
- 579. Mr David Sweet
- 580. Ms Roz Pytel
- 581. Mr Denis Colley
- 582. Mr Robert McMaster
- 583. Mr Peter Davies
- 584. Mr Leonard Maycock
- 585. Mr Kevin McCoy

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586. Mr Greg Keen
 587. Australian Discrimination Law Experts Group
 588. Name Withheld
 589. Mr Doug Berry
 590. Joan Haase
 591. Henry Pennings
 592. Name Withheld
 593. Mr Peter Coleman
 594. Name Withheld
 595. Mr Robert McGuire
 596. Keang Luy
 597. Name Withheld
 598. Mr Anthony Evans
 599. Ms Marie Mulder
 600. Ms Yvonne Hall
 601. Dr Leigh Dale
 602. Mr Graham Dunn
 603. Mr William McKelleher
 604. Mr Anthony and Ms Esther Nott
 605. Ms Carolyn O'Loughlin
 606. Mr Owen Bonney
 607. Beng Sim Khor
 608. Mr Bryan Radford
 609. Mr Stan Beattie
 610. Mr AJ Leverenz
 611. Ms Jasmine Pillay
 612. Yu-Heng Ting and Naomi Lin
 613. Ms Hope Rix
 614. Ms Lynette Wicks
 615. Ms Cecily Hewett
 616. Dr Janet Berry
 617. Ms Anne Imms
 618. Mr Kevin Peagam
 619. Ms Janice Chick
 620. Mr Keith Morris
 621. National Association of Catholic Families
 622. Mr Ian Angliss

- 623. Ms Jennifer Mayers
- 624. Ms Brigid Vieira
- 625. Mr Bernie O'Leary
- 626. Mrs F. N. McGillivray
- 627. Name Withheld
- 628. Mrs Lyn Saunders
- 629. Dr. Garrick Small
- 630. Ms Anne Banaszcyk
- 631. Mr David Curran
- 632. Ms Ruth Gibson
- 633. Mr and Mrs Jonald and Annelise Pamintuan
- 634. Ms Wendy Newman
- 635. Mr Mark Mason
- 636. R. Inbari
- 637. Name Withheld
- 638. Catholic Women's League of Victoria and Wagga Wagga
- 639. Mr Eamonn Keane
- 640. Name Withheld
- 641. Mr Anthony J Cameneti
- 642. Ms Fiona Tann
- 643. Mr Alan Johnson
- 644. Mr David Shume
- 645. Name Withheld
- 646. Ms Angela Marbeck
- 647. Name Withheld
- 648. Mr Brett Taylor
- 649. Family Council of Victoria
- 650. Mr Peter Gadsby
- 651. Ms Alison Sherrington
- 652. Mr Swee Kee Ang
- 653. Ms Virginia Rowles
- 654. Ms Jocelyn Shepherd
- 655. Mr Jeremy Hunter
- 656. Mr Cody Mitchell
- 657. Ms Joyce Chew
- 658. Name Withheld
- 659. Mr Peter and Mrs Lynn Menhennitt

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660. Ms Jeanette McHardy
 661. Mr Joshua Mok
 662. Ms Patricia Farquhar
 663. Name Withheld
 664. Ms Cathy Hocking
 665. Ms Marilla Brackenreg
 666. Ms Robyn Bean
 667. Ms Aparna Burke
 668. Ambassadors & Bridge Builders International
 669. Ms June Sultana
 670. Mr Jeremy Wong
 671. Name Withheld
 672. Ms Carol Nance
 673. Ms Helena Stretton
 674. Ms Laura Matthews
 675. Ms Lesley Hicks
 676. Mr Sam Watson
 677. Ms Helen Ockerby
 678. Ms Helen Counihan
 679. Mr Edward Hart
 680. Ms Dianne Strack
 681. Dr Renae Barker
 682. Mr David Patterson
 683. Mr John Baigrie
 684. Mr Andrew Calder
 685. Mr Jeffery Stacey
 686. Confidential
 687. Mr Robert Bickerton
 688. Ms Julie Martin
 689. Confidential
 690. Ms Pauline Allitt
 691. Name Withheld
 692. Name Withheld
 693. Ms Lily Chin
 694. Mr David Edwards
 695. Ms Lyn Harrison
 696. Ms Lesley Griffin

- 697. Ms Geraldine George
- 698. Ms Pat Johnson
- 699. Mr Ian Miller
- 700. Mr Timothy Daniels
- 701. Name Withheld
- 702. Institute for Civil Society
- 703. Ms Deirdre Strahorn
- 704. Ms Jennifer Anikin
- 705. Ms Mary Crabb
- 706. Ms Janet Wallace
- 707. Mr Stefan Slucki
- 708. Ms Claire Kaltenrieder
- 709. Mr Samuel Asamoah
- 710. Mrs Penny Dutra
- 711. Mr John Kingsmill
- 712. Mr Anthony Ridler
- 713. Ms Kirstie Smith
- 714. Mrs Ashley Prinable
- 715. Name Withheld
- 716. Ms Marie Sullivan
- 717. Mr Scott Jeffery
- 718. Mr Joel Delaney
- 719. Mr Andrew and Mrs Wies Tanner
- 720. Mr Bruce Martin
- 721. Mr Garrick Small
- 722. Mr Dayne Francis
- 723. Ms Naomi Rayner
- 724. Mr Tony O'Brien
- 725. Name Withheld
- 726. Mr Brian Peacock
- 727. Mr Maxwell Hillier
- 728. Mr Ian Birchall
- 729. Ms Ruth Rechner
- 730. Ms Mary Drost OAM
- 731. Mr Paul O'Brien
- 732. Ms Fiona Coleman
- 733. Ms Julie McMahon

-
734. Mr Mark Taylor
 735. Ms Bronwen Jackson
 736. Ms Rachelle Stannard
 737. Ms Anne Smith
 738. Mr Denis Langlely
 739. Mrs Dorothy Soffe
 740. Mr Barry and Mrs Cynthia Swan
 741. Ms Pamela Andreallo
 742. Mr John and Ms Karen Crossley
 743. Ms Margaret and Bob Lineage
 744. Ms Imelda Gilmore
 745. Mr Christopher Gill
 746. Mr Robert Garrard
 747. Ms Pamela Andreallo
 748. Name Withheld
 749. Mr Colin Williams
 750. Mr Adrian Watter
 751. Name Withheld
 752. Ms Janelle Tennant
 753. Mr John Miller
 754. Mr Alan and Ms Annie Lee
 755. D James
 756. Ms Elizabeth Seaton
 757. Mrs Sonia Peters
 758. Mr Alan Shepherd
 759. Mr Nathan Searle
 760. Name Withheld
 761. Mrs Deborah Keeble
 762. Name Withheld
 763. Dr Peter Baade
 764. Mr Jack Blair
 765. Mrs Mary Baxter
 766. Ms Lynette Russell
 767. Mr Frank Losonski
 768. Mr Stan Tadinac
 769. Proud to be a second-class Australian
 770. Dr David van Gend

- 771. Ms Alaina Ames
- 772. Helen McMartin
- 773. Mr & Mrs L Nothrop
- 774. Mr Albert Young
- 775. Name Withheld
- 776. Mr Grahame Wright
- 777. Name Withheld
- 778. Ms Meryl Lee
- 779. Mr Matthew Scrimgeour
- 780. Mr Trent Armstrong
- 781. Mr Rodney Williams
- 782. Ms Janne Peterson
- 783. Name Withheld
- 784. Mr John Leahy
- 785. Mr Olwyn Shay
- 786. Ms Sharyn Parker
- 787. Mr Brad Ahern
- 788. Ms Amy Little
- 789. Name Withheld
- 790. Mr David Peterson
- 791. Mr Michael Smith
- 792. Ms Yvonne Houston
- 793. Ms Wendy Volckmar
- 794. Mr Rick Phillips
- 795. Name Withheld
- 796. Mrs Kylie O'Connor
- 797. Name Withheld
- 798. Mr Les Searle
- 799. Ms Jackie Nair
- 800. Mr Arthur Connor
- 801. Mr Eric Jones
- 802. Name Withheld
- 803. Mr David Cooke
- 804. Ms Judith Searle
- 805. Dr Sean Slavin
- 806. Ms Maynessa Lloyd
- 807. Name Withheld

- 808. Mr Doug Purton
- 809. Ms Jane Williams
- 810. Name Withheld
- 811. Mr Mark & Ms Michele Norbury
- 812. Mr Wayne Neilson
- 813. Ms Margaret Airoidi
- 814. Mr Peter Kraus
- 815. Name Withheld
- 816. Ms Sue Mitchell
- 817. Mr Lex Stewart
- 818. Ms Mary Dolahenty
- 819. Mr Daniel Vieira
- 820. Name Withheld
- 821. Ms Vanessa Shute
- 822. Ms Heather Kraus
- 823. Mr W Wallace
- 824. Name Withheld
- 825. Mr. Paul Turner
- 826. Ms Peri McIntosh
- 827. Ms Isabella Caines
- 828. Mr Roger Caines
- 829. Name Withheld
- 830. Mr Paul Groves
- 831. Name Withheld
- 832. Mr Adrian Manson
- 833. Ms Wendy Wells
- 834. Mr Dan Stroud
- 835. Mr Paul Archer
- 836. Ms Dianne Cairncross
- 837. Ms Ashlea Smith
- 838. Miss Angela Cormack
- 839. Ms Sharon Wu
- 840. Ms Anthea Patterson
- 841. Dr Paul Morrissey
- 842. Mr Brian Greig
- 843. Prof George L Mendz
- 844. Mr Rob Pollnitz

- 845. Ms Maria Carney
- 846. Mr Joshua Smith
- 847. Ms Carole Chin
- 848. Name Withheld
- 849. Mr Joshua Morris
- 850. Ms Tanya Whiteside
- 851. Mr Vitaliy Leibovitch
- 852. Mr Benjamin Rea
- 853. Name Withheld
- 854. Angie Musumeci
- 855. Ms Veria Petrick
- 856. Mrs Kerry-Ellen Logan
- 857. Ms King Sin Yim
- 858. Ms Fiona Mooney
- 859. Mr Peter Phillips
- 860. Mr John Lawson
- 861. Name Withheld
- 862. Canberra Declaration
- 863. Mr David Brook
- 864. Mr Jon and Mrs Susan Kirk
- 865. Ms Maria Siciliano
- 866. Mr Alan Baker
- 867. Name Withheld
- 868. Ms Michelle Suters
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- 870. Mr Ben Wu
- 871. Ms Piety Morley
- 872. Mr Peter Kenda
- 873. Ms Linley Mason
- 874. Ms Francia Everhart
- 875. Mr Leo Fitzgerald
- 876. Mrs Kay Christensen
- 877. Mr Frank and Meryl Whitmore
- 878. Mr Leon Yeap
- 879. Name Withheld
- 880. Ms Samantha Bryan
- 881. Mr Murray Peterson

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882. Ms Sonia Van der Aa
 883. Ms Jan Miller
 884. Name Withheld
 885. Mrs Christina Morris
 886. Name Withheld
 887. Church and Nation Committee, Presbyterian Church of Victoria
 888. Mr Norman L. Auricht
 889. Dr Margaret Colwell
 890. Mr Andrew Schmidt
 891. Mr Benjamin Leffler
 892. Mr Tim Haslam
 893. Helping All Little Ones
 894. Name Withheld
 895. Name Withheld
 896. Mrs Alicia Truter
 897. Mr Michael Kirkwood
 898. Mr Ian Joyner
 899. Name Withheld
 900. Name Withheld
 901. Ms Denise Manson
 902. Mr Steve Loneragan
 903. Glyn Caines
 904. Ms Frances Kwan
 905. Ms Maria Wong
 906. Name Withheld
 907. Ms Marian Kowarzik
 908. Mrs Valmai Kerr
 909. Mr Walter Wagner
 910. Ukrainian Free Kozaks of Australia
 911. Equality Tasmania
 912. Ms Rosa Whitehead
 913. Miss Cecily Mac Alpine
 914. Ukrainian Orthodox Church Newcastle
 915. Ms Jill Kirkwood
 916. Mr Alan Mitter
 917. Ms Mirabelle Chen
 918. Mr Colin Hall

- 919. Mr Bruce Meller
- 920. Ms Bronwen Jackson
- 921. Ms Fiona Coleman
- 922. Mr Barry Swann
- 923. Name Withheld
- 924. Ms Kylie Baynes
- 925. Name Withheld
- 926. Coalition Of Ex Christians
- 927. Mr Phil Browne
- 928. Adjunct Associate Professor Mark Fowler
- 929. Mr Alan Johnson
- 930. Fr James Tierney
- 931. Mrs Lorraine Schroeder
- 932. Ms Rae & Mr Neil Flatters
- 933. Mr Russell Partingdon
- 934. Just.equal
- 935. Mr Carmel Attard
- 936. Mr Warren Goodsell
- 937. Mr Trevor Rodley
- 938. Mr Robert Byleveld
- 939. Mr Romano Sala Tenna
- 940. Mr Barry Rodgers
- 941. Dr Mark Tronson
- 942. Mr Paul Lo
- 943. Mr Cedric Tang
- 944. Mr Dennis Bliesner
- 945. Ms Lorraine Wyatt
- 946. Royal Australian and New Zealand College of Psychiatrists
- 947. (RANZCP)
- 948. Mr Steven Sia
- 949. Ms Mindy Newsome
- 950. Ms Jo O'Dowd
- 951. Mr Andrew Fernandez
- 952. Mrs Ruth Hilton
- 953. Ms Katie Hodgekiss
- 954. Mr Allan Conry
- 955. Ms Alexandra Smith

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956. Ms Glenys Kretschmer
 957. Dr Robert McWilliam
 958. Mr Eric Hansen
 959. Ms Ariana Crowley
 960. Mr Ray Chapman
 961. Dr Geoff Waugh
 962. Ms Trisha Ellis
 963. Ms Robyn Boyd
 964. Ms Sue McCracken
 965. Mr Anthony Rae
 966. Mr Alan Neethling
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 969. Mr and Mrs David and Marlene Boldeman
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 971. Mr and Mrs Philip and Jennifer Holden
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 975. Mr Rodney WJ Wilkinson
 976. Ms Jenny Goodson
 977. Mr Nick Elith
 978. Mr Robert McDermott
 979. Mr Russell Blanchard
 980. Mr Daniel J Swan
 981. Mr and Mrs Len and Ruth Golding
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 984. Ms Jenny McCormack
 985. Ms Nina Willcox
 986. Ms Malakai Tava
 987. Mr Michael O'Connell
 988. Ms Faye Dallas
 989. Mr Gary Joseph
 990. Mr Anselm Chow
 991. Ms Joanne Osmond
 992. Ms Theresa Folley

- 993. Ms Cheryl Lubke
- 994. Mr and Mrs Ken & Anne Donaldson
- 995. Ms Michele O'Farrell
- 996. Mr and Mrs John and Roslyn Unwin
- 997. Mr Andrew Amos
- 998. Ms Daphne Hillery
- 999. Mr Richard Willis
- 1000. Mr Mark Vegar
- 1001. Mr and Mrs Paul and Linda Franze
- 1002. Pastor Pamela Hardey
- 1003. Mr and Mrs Ken and Jan Warne
- 1004. Ms Pam Murray
- 1005. Ms Gwenyth Gutke
- 1006. Ms Ila Putland
- 1007. Mr Rohan Chandica
- 1008. Ms Colleen Holy
- 1009. Mr Sulo Thambiratnam
- 1010. Ms Bev Tope
- 1011. Ms Elizabeth Oaten
- 1012. Mr Anthony Sbrocchi
- 1013. Mrs Maria Smitfoort
- 1014. Mrs Daphne Weatherill
- 1015. Ms Margaret Sbrocchi
- 1016. Ms Jaime Kerr
- 1017. Ms Monica Krahnert
- 1018. Ms Brigitte Kerrutt
- 1019. Ms Eleanor Wheeldon
- 1020. Mr John Maher
- 1021. Ms Sue Mitchell
- 1022. Ms Sandra Ferguson
- 1023. Ms Eda Lynne Ashford
- 1024. Mr Andrew Broadhead
- 1025. Mr Ben Caines
- 1026. Mr Bruce Hogan
- 1027. Ms Tammy Broadhead
- 1028. Ms Joan Gilmartin
- 1029. Ms Margaret Bull

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1030. Ms Rodilla Ong
 1031. Mr Raymond Davey
 1032. Ms Nadia Ricardo
 1033. Mrs Margaret Pendlebury
 1034. Mrs Maureen Jones
 1035. Ms Fay Harper
 1036. Ms Naomi Langkamp
 1037. Ms Kate Klemke
 1038. Ms Audrey Villena
 1039. Mr Hallard Caines
 1040. Mr Glen McNamara
 1041. Ms Judith Raby
 1042. Mr Trevor Rodley
 1043. Mr Richard Wheat
 1044. Ms Cheryl Percan
 1045. Ms Loveday Key
 1046. Ms Debi Wallace
 1047. Ms Jan Kev
 1048. Mr Matthew Tai
 1049. Mr Nathan Wilson
 1050. Mr Johnathon Wesley
 1051. Ms Yuliya Pronina
 1052. Andrea Chesterman
 1053. Ms Kaye Reaff
 1054. Kerry Woods
 1055. Mr Robert Colman
 1056. Mr Ernest Cho
 1057. Mr Phil Greer
 1058. Ms Susan Crossley
 1059. Name Withheld
 1060. Ms Anna Tiemans
 1061. Mr Doug Dowling
 1062. Mr Marten Hilberts
 1063. Mr Jim Dawson
 1064. Ms Liane Davis
 1065. Bruce and Patricia Reynolds
 1066. Ms Joylene Veerhuis

- 1067. Dr Con Kafataris
- 1068. Peter and Margaret Barritt
- 1069. Richard and Dianne Lee
- 1070. Ms Sue Mitchell
- 1071. Melissa Daoud
- 1072. Mr Christopher Devitt
- 1073. Mr Paul Mitchell
- 1074. Mrs Judy Stack-Smith
- 1075. Mr David Carland
- 1076. Matthew, Christine and James Tai
- 1077. Ms Janet Gates
- 1078. Mr Joseph Camenzuli
- 1079. Ms Moh Har YIP
- 1080. Mrs Pauline Caldwell
- 1081. Kim Phan Leng
- 1082. Mr Peter Soun
- 1083. Meron Reda
- 1084. Name Withheld
- 1085. Mr Nicolaas Groenewold
- 1086. Mr and Mrs Ian and Irene Short
- 1087. Mr Brian Geytenbeek
- 1088. Name Withheld
- 1089. Name Withheld
- 1090. Mrs Gerdine Overbury
- 1091. Mr Graham Donald
- 1092. Dr Erin Neill
- 1093. Name Withheld

Additional information

1. Additional information provided by Catholic Education, Archdiocese of Canberra & Goulburn, received 7 February 2019.
2. Additional information provided by Catholic Secondary Principals Australia, arising from a public hearing in Brisbane, 6 February 2019 (received 8 February 2019).
3. Additional information provided by Catholic Secondary Principals Australia, arising from a public hearing in Brisbane, 6 February 2019 (received 8 February 2019).

4. Additional information provided by Catholic Secondary Principals Australia, arising from a public hearing in Brisbane, 6 February 2019 (received 8 February 2019).
5. Additional information provided by Catholic Secondary Principals Australia, arising from a public hearing in Brisbane, 6 February 2019 (received 8 February 2019).
6. Additional information provided by Catholic Secondary Principals Australia, arising from a public hearing in Brisbane, 6 February 2019 (received 8 February 2019).
7. Additional information provided by Catholic Secondary Principals Australia, arising from a public hearing in Brisbane, 6 February 2019 (received 8 February 2019).
8. Form letter 1—approximately 7016 received
9. Form letter 2—approximately 570 received
10. Form letter 3—approximately 458 received
11. Form letter 4—approximately 354 received
12. Form letter 5—approximately 155 received
13. Form letter 6—approximately 49 received
14. Form letter 7—approximately 46 received
15. Form letter 8—approximately 43 received
16. Form letter 9—approximately 42 received
17. Form letter 10—approximately 40 received

Answers to questions on notice

1. Australian Family Association - answers to questions taken on notice at the public hearing on 7 February 2019 (received 7 February 2019).
2. Equal Voices - answers to questions taken on notice at the public hearing on 6 February 2019 (received 8 February 2019).
3. Anglican Church, Diocese of Sydney - answers to questions taken on notice at the public hearing on 7 February 2019 (received 7 February 2019).
4. LGBTI Legal Services Inc.- answers to questions taken on notice at the public hearing on 6 February 2019 (received 8 February 2019).
5. PFLAG Perth- answers to questions taken on notice at the public hearing on 6 February 2019 (received 7 February 2019).
6. Dr Deagon, Professor Quinlan and Dr Barker - answers to questions taken on notice at the public hearing in Brisbane, 6 February 2019 (received 7 February 2019).
7. Christian Schools Australia - answers to questions taken on notice at the public hearing in Sydney, 7 February 2019 (received 7 February 2019).

8. Reverend Inkpin - answers to questions taken on notice at the public hearing in Brisbane, 6 February 2019 (received 7 February 2019).
9. Equality Australia - answers to questions taken on notice at the public hearing in Sydney, 7 February 2019 (received 8 February 2019).
10. Institute for Civil Society - answers to questions taken on notice at a public hearing in Sydney, 7 February 2019 (received 9 February 2019).
11. The Presbyterian Church of Australia - answers to questions taken on notice at a public hearing in Sydney, 7 February 2019 (received 8 February 2019).
12. Australian Christian Lobby - answers to questions taken on notice at a public hearing in Sydney 7 February 2019 (received 11 February 2019).
13. Public Interest Advocacy Centre - answers to questions taken on notice at a public hearing in Sydney, 7 February 2019 (received 8 February 2019).
14. Australian Human Rights Commission - answers to questions taken on notice at a public hearing in Sydney, 7 February 2019 (received 9 February 2019).
15. Rainbow Families Queensland - answers to questions taken on notice at a public hearing in Brisbane, 6 February 2019 (received 8 February 2019).
16. Law Council of Australia - answers to questions taken on notice at a public hearing in Sydney, 7 February 2019 (received 11 February 2019).
17. Attorney-General's Department - answers to questions taken on notice at a public hearing in Sydney, 7 February 2019 (received 11 February 2019)

Tabled documents

1. Document tabled by Mr Peter Black, Queensland AIDS Council at the public hearing in Brisbane, 6 February 2019.
2. Document tabled by Public Affairs Commission at the public hearing in Sydney, 7 February 2019.
3. Document tabled by Reverend Josephine Inkpin at the public hearing in Brisbane, 6 February 2019 (received 7 February 2019).

Appendix 2

Public hearings

Brisbane QLD, 6 February 2019

Members in attendance: Senators Fierravanti-Wells, Kitching, Ian Macdonald, Patrick, Pratt, Rice.

ALEXANDER, Ms Matilda, President, LGBTI Legal Service Inc.

BANKS, Ms Robin, Member, Australian Discrimination Law Experts

BARKER, Dr Renae, Private capacity

BETTS, Ms Pam, Executive Director, Brisbane Catholic Education Office (for the Australian Catholic Bishops Conference)

BLACK, Mr Peter, President, Queensland AIDS Council

CHEW, Ms Erin Wen Ai, National Convenor, Asian Australian Alliance

CLARK, Mr Thomas, Law Reform Director, LGBTI Legal Service Inc.

COLERIDGE, Archbishop Mark, President, Australian Catholic Bishops Conference

CORKHILL, Ms Heather Adrienne, Brisbane Social Group Director, Rainbow Families Queensland

DAVIS, Ms Michele, Vice President, PFLAG Perth

DEAGON, Dr Alex, Private capacity

FOX, Mr Ross, Director, Catholic Education, Archdiocese of Canberra and Goulburn; Member, National Catholic Education Commission

INKPIN, Reverend Doctor Josephine, Co-Chair, Equal Voices Queensland

MARLOWE, Ms Felicity, Executive Director, Rainbow Families Victoria

McLEAY, Mr Angus, Board Member, Equal Voices

NEWINGTON, Mr Anthony Charles (Charles), National Director, FamilyVoice Australia

QUINLAN, Professor Michael, Private capacity

REBGETZ, Ms Ann Maree, Board Director, Catholic Secondary Principals Australia

STUPARICH, Mr Jeremy, Public Policy Director, Australian Catholic Bishops Conference

Sydney NSW, 7 February 2019

Members in attendance: Senators Fierravanti-Wells, Ian Macdonald, O'Neill, Patrick, Pratt, Rice.

BATH, Ms Nicola, Executive Director, National LGBTI Health Alliance

BROHIER, Mr Frederick Christopher, Representative, Australian Christian Lobby

BROWN, Ms Anna, Chief Executive Officer, Equality Australia

CAMPBELL, Ms Leonie, Deputy Director Policy, Law Council of Australia

CARNIE, Lee, Director of Legal Advocacy, Equality Australia

CARPENTER, Mr Morgan, Co-executive Director, Intersex Human Rights Australia

CHIDGEY, Ms Sarah, Deputy Secretary, Integrity and International Group, Attorney-General's Department

COMENSOLI, Mr Daniel, Policy and Research Officer, National LGBTI Health Alliance

CRAWFORD, Ms Kristin, Director, Human Rights Unit, Attorney-General's Department

CROOME, Mr Rodney, Campaign Coordinator, Equality Tasmania

DAVIES, Most Reverend Dr Glenn, Archbishop of Sydney, Anglican Church Diocese of Sydney

DUKE, Rev. Chris, Member of Church and Nation Committee, Presbyterian Church of Australia

EASTMAN, Ms Kate SC, Chair, Equal Opportunity Committee, Law Council of Australia

EDGERTON, Mr Graeme, Deputy General Counsel, Australian Human Rights Commission

HOFSTADT, Mr Erik, Public Advocate, Australian Association of Christian Schools

HOGARTH, Ms Olivia, Private capacity

HUNYOR, Mr Jonathon, Chief Executive Officer, Public Interest Advocacy Centre

JOHNSON, Ms Kristine, Secretary, Australian Transgender Support Organisation of Queensland

JONES, Dr Tiffany, ARC Research Fellow, Department of Educational Studies, Macquarie University

KELLEHER, Mrs Terri, National Vice-President, Australian Family Association

KENNEDY, Dr Simon, Research Analyst, Institute for Civil Society

LAWRIE, Mr Alastair, Senior Policy Officer, Public Interest Advocacy Centre

LOW, Mr Peter, Board Member, Intersex Human Rights Australia

MELLER, Rev. Bruce, Clerk of Assembly, Presbyterian Church of Australia

SANTOW, Mr Edward, Human Rights Commissioner, Australian Human Rights Commission .

SARKOEZY, Mrs Sheryl, Member of Church and Nation Committee, Presbyterian Church of Australia

SNEDDON, Prof. Mark, Executive Director, Institute for Civil Society

SPENCER, Mr Mark, Executive Officer, Policy, Governance and Staff Relations, Christian Schools Australia

STEAD, Right Reverend Dr Michael, Bishop of South Sydney, Anglican Church Diocese of Sydney

STEENHOF, Mr John, Representative, Australian Christian Lobby

TAN, Dr Carolyn, Chairperson, Public Affairs Commission of the Anglican Church of Australia

WATT, Mr Chris, Federal Secretary, Independent Education Union of Australia

WORKER, Pastor Michael, General Secretary, Seventh-day Adventist Church in Australia

WYLD, Mr Damian, Director, Australian Family Coalition

