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AUSTRALIAN  
LAWYERS  
FOR  
HUMAN RIGHTS

## Media release

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### **Senate report recommends removal of religious exemptions allowing faith-based discrimination against LGBTI students and teachers**

Australian Lawyers for Human Rights (ALHR) commends the recommendations made by the Senate Standing Committee on Legal and Constitutional Affairs inquiry into legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff.

The matter was referred to the Committee on 13 November 2018, following leaks of the Religious Freedoms Review, known as the Ruddock Review, to the media in October 2018. The Committee was required to report within a very short timeframe by 26 November 2018. The Government has been criticised for failing to release The Ruddock Review and denying an order to table it in the Senate, despite having been handed it in May 2018.

Notwithstanding the extremely limited timeframe given, the Committee received 180 submissions from individuals, schools, educational bodies and key human rights organisations including ALHR. In its report released yesterday the Committee recommended that the government reject the leaked recommendations of the Religious Freedom Review which sought to permit faith-based educational institutions to single out certain groups for discrimination on the basis of sexual orientation, gender identity or relationship status, in particular circumstances.

Georgia Burke, Co-Chair of ALHR's LGBTI Rights Committee said, "We echo the committee's recommendation to immediately release to the public the full report and findings of the Religious Freedoms Review and call on the government to heed the recommendations made by the committee to amend s 37 and remove subsection 38(3) of the *Sex Discrimination Act 1984* and amend any other relevant legislative provisions to prohibit discrimination against students on the grounds of sexual orientation, gender identity or relationship status, which are protected attributes in the Act."

However government senators have spoken out against the recommendations, causing shadow Attorney General Mark Dreyfus to introduce a private members bill to repeal religious exemptions for discrimination against LGBTI Students.

Nicholas Stewart, Co-Chair of ALHR's LGBTI Rights Committee said, "The committee's recommendations were a relief to LGBTI students and their families who, only a year on from the marriage equality debate, are having their human rights debated on the national stage yet again. Hearing the views expressed by dissenting Coalition senators however, the concern is that this will be short lived."

"Protections must also extend to LGBTI teachers," Burke said. Even if children are not directly discriminated against by the faith-based institution in which they have been placed, they are effectively taught, where discrimination by such institutions is permitted, that faith-based discrimination is legally and socially acceptable.

"ALHR calls on the senators who have spoken out against the committee's recommendations to reconsider their positions in light of Australia's human rights obligations pursuant to the *UN Convention on the Rights of the Child* which establishes that in all actions concerning children the best interests of the child must be a primary consideration and that all children have an equal right to an education that provides life skills, the capacity to enjoy the full range of human rights and which promotes a culture infused by appropriate human rights values such as equality and non-discrimination."

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*ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.*

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