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26 October 2026

The Hon Michelle Rowland MP
Attorney-General of Australia
The Hon Jason Clare MP

Minister for Education
Parliament House
Canberra ACT 2600

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CC: allegra.spender.mp@aph.gov.au

Dear Attorney-General and Minister

SEX DISCRIMINATION AND FAIR WORK AMENDMENT (EQUALITY IN TREATMENT IN RELIGIOUS SCHOOLS) BILL

Australian Lawyers for Human Rights (“**ALHR**”) writes to confirm its strong support for the Sex Discrimination and Fair Work Amendment (Equality in Treatment in Religious Schools) Bill 2026 (“the Bill”) introduced by Allegra Spender MP.

We urge the Government and all members of the Commonwealth Parliament to support its passage.

The Bill:

1. addresses the longstanding exemptions in the *Sex Discrimination Act 1984* (Cth) (“the SDA”), particularly ss 37 and 38, which permit religious education institutions to discriminate against students and staff on grounds of sexual orientation, gender identity,

marital or relationship status and pregnancy. The SDA exemptions are inconsistent with contemporary community standards and with Australia's international human rights law obligations.

2. adopts a balanced approach consistent with the recommendations of the Australian Law Reform Commission ("ALRC") Report 142, namely by preserving a limited ability for schools to give preference to persons of the same faith at the point of initial recruitment and in relation to roles with substantial religious responsibilities (such as a principal, chaplain or religious education teacher). This reflects the ALRC's approach of allowing same-faith preference where it is reasonably necessary and proportionate to building a community of faith. This framework allows schools to maintain a community of faith without exposing vulnerable people to harmful discrimination, exclusion, stigma or adverse treatment because of who they are or their personal circumstances.

Further, , ALHR's primary concern is that Australian legislation should adhere to international human rights standards. Human rights are universal, indivisible and interconnected. They are for everyone, everywhere, all of the time and cannot be selectively applied. Australian laws can only achieve their human rights objectives if they apply to everyone equally.

While this Bill is a significant, welcome and long-overdue step, it does not address the same discriminatory religious exemptions that continue to operate in other Commonwealth-funded settings.

Faith-based hospitals, aged care homes, employment agencies, disability services and other organisations that receive public funding would retain the capacity under the SDA to discriminate against LGBTIQ+ people and others on protected grounds. Such discrimination causes harm and is inconsistent with Australia's obligations to protect equality and non-discrimination for all persons.

ALHR therefore calls on the Parliament to support the Bill and, as a matter of priority, to undertake further reforms that extend equivalent protections to other Commonwealth-funded service settings.

We would be happy to meet with you or a member of your staff to discuss the abovementioned in further detail.

Yours faithfully

Monica Serci (They/Them)
Nicholas Stewart (He/Him)

LGBTIQ Subcommittee Co-Chairs
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Acknowledgement

Australian Lawyers for Human Rights (ALHR) acknowledges the traditional owners and custodians of the lands, rivers and seas on which we work, live and travel across Australia as the first people of this country. We recognise that the land belonging to these peoples was never

ceded. It always was and always will be First Nations land. We pay our deep respect to Elders past and present. We recognise First Nations peoples cultural authority and rights to self determination and we acknowledge that when First Nations people and communities receive the respect and support they deserve, they have a proud history of designing and implementing robust, holistic and culturally safe First Nations-led solutions.

About Australian Lawyers for Human Rights (ALHR)

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.

ALHR seeks to utilise its extensive experience and expertise in the principles and practice of international law and human rights law in Australia to:

- Promote Federal and State laws across Australia that comply with the principles of international human rights law;
- Engage with the United Nations in relation to Australian human rights violations;
- Promote and support lawyers' practice of human rights law in Australia;
- Engage internationally to promote human rights and the rule of law.

Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.

Any information provided in this submission is not intended to constitute legal advice, to be a comprehensive review of all developments in the law and practice, or to cover all aspects of the matters referred to. Readers should take their own legal advice before applying any information provided in this document to specific issues or situations.