



RELIGIOUS DISCRIMINATION BILL 2019 AND EDUCATION

The Federal Government has released its draft Religious Discrimination Bill for public comment. The Bill will give those who wish to express damaging or disrespectful views, the ability to do so in our schools and universities by hiding behind a cloak of religion. Meanwhile, exemptions for religious schools and universities will remain in place, giving these institutions even greater licence to discriminate, including against LGBTIQ+ students and teachers.

WHAT DOES THE RELIGIOUS DISCRIMINATION BILL 2019 DO?

The Religious Discrimination Bill 2019 will prohibit discrimination on the basis of religious belief or activity (including having no religious belief or refusing to engage in religious activity) in certain areas of public life, such as employment, education, goods, services and facilities, accommodation, sport and clubs.

So, for example, it will provide protection in certain circumstances to someone who is:

- treated unfairly at work, or turned away from a restaurant or shop, because they have or don't have a religious belief
- unreasonably prevented from wearing religious dress as part of a work or school uniform.

But the problem is that the Bill contains provisions that privilege the rights of some

people to express damaging or disrespectful views, at the expense of the dignity of others.

Religious schools and universities will continue to enjoy special privileges allowing them to discriminate, including against LGBTIQ+ students and staff.

STATEMENTS OF BELIEF

Statements made by staff or students which generally conform with their religious belief, will be protected from challenge under anti-discrimination laws, even if they are damaging or disrespectful of other staff or students on the basis of their race, religion, sex, marital status, disability, sexual orientation, gender identity or intersex status.

Section 41 of the Bill rolls back existing anti-discrimination protections for ethnic and religious minorities, women, people with disabilities, de factos, divorcees, and LGBTIQ+ people to allow people to say things which could constitute discrimination today.

Statements which are not made in good faith, or which are malicious, likely to harass, vilify, incite hatred or violence, or which counsel, promote, encourage or urge serious offences, will not be protected. But it is not clear when a religiously-based statement will meet this threshold.

For example, it is not clear whether staff and students who are subject to the following types of statements will continue to be protected under anti-discrimination laws:

- 'menstruating women are unclean'
- 'homosexuality is a sin'
- 'prayer can cure your disability'



- 'every child should have a mother and a father who are married'
- 'God made only men and women'
- 'people who don't believe in Jesus can't get into heaven'.

All schools and universities, even public ones, will find it harder to prevent staff or students from making damaging or disrespectful comments including about women, people with disabilities, or LGBTIQ+ people. Disciplining a person who has expressed such views on religious grounds, could give that person a right to bring a discrimination complaint against the school or university. However, the people who are affected by those comments will have their discrimination protections taken away.

RELIGIOUS SCHOOLS EXEMPTIONS

Meanwhile, the Bill does not remove existing exemptions for religious schools and universities under the *Sex Discrimination Act 1984* (Cth). These exemptions allow religious schools and universities to discriminate against LGBTQ+ students and teachers, single mothers or unmarried couples, even where they receive public funding.

Instead, section 10 of the Bill will make it even easier for religious schools and universities to discriminate by providing new exemptions allowing them to exclude those with different or no religious beliefs.

LGBTIQ+ staff and students, and those who support them, could be expelled or fired for simply being LGBTQ+, or for expressing support for LGBTQ+ people contrary to religious dogma.

WHAT WILL BE THE IMPACT OF THE RELIGIOUS DISCRIMINATION BILL IN EDUCATION?

The Bill will protect those who wish to express damaging or disrespectful views behind a cloak of religion, at the expense of others. While some people of faith will be given greater latitude to express their views, others will have their right to be treated with dignity in the classroom and in the playground taken away.

Those in religious schools and universities will become even more vulnerable to having their employment or enrolment taken away simply because they are LGBTIQ+ or because they express support for LGBTIQ+ people.

EXAMPLE SCENARIOS

Scenario 1: Student A says to Student B in the playground, 'your mum and dad aren't married. That makes you born into sin'. Under the proposed laws, Student A could have a claim for religious discrimination if they were disciplined by the school for making that comment. Meanwhile, Student B may have their ability to make a discrimination complaint taken away.

Scenario 2: A long-standing English teacher at a religious school is asked, contrary to her own religious views, to sign an amended 'statement of faith'. It includes the statement that 'marriage must be between a man and a woman'. She offers to keep her personal views private but refuses to sign the statement. Under the proposed laws, she could be fired for having views different to those of her employer.



Scenario 3: A student at a religious school confides to a teacher that they think they may be gay or trans. The teacher says 'that's ok, God loves you anyway'. Under existing laws, the student could be expelled. Under the proposed laws, the teacher could also be fired for having religious views affirming of LGBTIQ+ people.

THERE'S A BETTER WAY FORWARD

Section 41 should be removed so that everyone is protected equally, and no views are privileged over others. Section 10, which allows discrimination by religious schools, should be narrowed.

Religious schools and universities that receive public funding should play by the same rules. Exemptions which allow them to discriminate against LGBTIQ+ people, and people who support them, must be removed from existing laws and new ones must not be introduced.

WHAT YOU CAN DO

Write to your local MP voicing your concerns on the Religious Discrimination Bill 2019 here: equalityaustralia.org.au/no-to-discrimination/

Stay up to date with our campaign and learn more about the Religious Discrimination Bill here: equalityaustralia.org.au/freedom-from-discrimination/

Have you been discriminated against in education based on the religious views of some thing or someone else?

Write to us and tell us your story here: equalityaustralia.org.au/contact-us/