Religious discrimination bill 2019 and education

Students and staff will lose discrimination protections to accommodate the religious beliefs of people who discriminate against them. Meanwhile, religious educational institutions will maintain special exemptions giving them greater licence to discriminate, including against LGBTQ+ students and staff.

# What does the religious discrimination bill 2019 do?

The Government has released its second draft Religious Discrimination Bill 2019 which aims to protect people of faith and without faith from discrimination in certain areas of public life, such as employment, education and the provision of goods and services.

But the Bill *takes away* rights from students and staff currently protected under anti-discrimination laws. Religious schools, universities and other educational institutions will maintain special exemptions allowing them to discriminate, including against LGBTQ+ students and staff.

## Making discriminatory statements lawful

The Religious Discrimination Bill takes away existing anti-discrimination protections, including on the grounds of race, religion, sex, marital status, disability, sexual orientation, gender identity or intersex status.

Students and staff may not be protected under existing anti-discrimination laws where a teacher or another colleague makes offensive, uninformed or damaging statements based on religious beliefs. For example, the proposed laws may protect a teacher, principal or other employee who says to students or other staff:

* ‘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’.

Statements which are malicious, likely to harass, threaten, seriously intimidate or vilify, or which encourage serious offences, will not be protected. But where the line will be drawn between statements that are allowed and those which are not is unclear.

## Religious schools exemptions

The Bill does not remove existing exemptions for religious schools, universities and other educational institutions allowing them to discriminate against LGBTQ+ students and staff, single mothers, divorced people or unmarried couples.

Rather, religious schools, universities and other educational institutions will maintain the ability to discriminate against students and staff with different or no beliefs, even where they receive public funding.

### What will be the impact of the religious discrimination bill in education?

All schools, universities and educational institutions (even public ones) will find it harder to prevent staff or students from making discriminatory comments based on religious belief. Disciplining a person who has expressed such views could raise a religious discrimination complaint, while the person affected by those comments has their discrimination protections taken away.

LGBTQ+ staff and students, and those who support them, can be expelled or fired from religious schools, universities and other educational institutions for simply being LGBTQ+, or for expressing support for LGBTQ+ people contrary to religious dogma.

## Example scenarios

**Scenario 1:** A teacher says to a child of a same-sex couple, single parent or blended family, ‘why would you be thankful for your family’. Under the proposed laws, the teacher could claim religious discrimination if they were fired by the school, while the students could have their discrimination protections 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 religious views different to those of her faith-based 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

Discriminatory statements have no place in our schools. It shouldn’t matter whether these statements are motivated by religious beliefs or not.

Religious educational institutions that receive public funding should play by the same rules. Exemptions which allow religious schools to discriminate against LGBTQ+ 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](https://equalityaustralia.org.au/no-to-discrimination-2/).

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

**Make a submission by 31 January 2020** to the Attorney-General’s [consultation](https://www.ag.gov.au/Consultations/Pages/religious-freedom-bills-second-exposure-drafts.aspx) on the second draft Religious Discrimination Bill. Send your submission to [FoRConsultation@ag.gov.au](mailto:FoRConsultation@ag.gov.au).

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).