



**Anglican Archdiocese of Sydney
ALP 2019 Federal Election Response**

1. Will it introduce legislation that will remove the current exemptions in s.38 of the SDA in relation to both students and teachers?

In the National ALP Platform adopted in Adelaide in December 2018 we declare: "Labor supports the appropriate protection of the religious freedom of all people."

At the same time, Labor is committed to reducing discrimination in Australian society where it can be done in a responsible way that respects freedom of belief and conscience.

We do not believe that freedom of religion and freedom from discrimination are mutually exclusive.

Labor believes that students and teachers and other staff of religious schools should be protected from discrimination on the basis of gender, sexuality and other attributes covered by the Sex Discrimination Act. We believe this can be done in a way that protects the right of schools to continue to operate in accordance with their religion.

To that end, Labor is not proposing to amend the indirect discrimination provisions of the Sex Discrimination Act that allow educational institutions to impose reasonable conditions, requirements or practices in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed.

2. Will it maintain the existing exemptions in s.21(3) that allow single-sex schools to enrol students of the one sex?

Yes, we will maintain the existing exemptions in s.21(3) that allow single-sex schools to enrol students of the one-sex.

3. Is it the policy of your party that a faith-based school should be permitted to enrol and treat a student on the basis of their biological sex rather than their gender identity? For example, use of gendered pronouns, toilet facilities and school uniform.

As stated above, Labor will maintain the existing exemptions in s.21(3) that allow single-sex schools to enrol students of the one-sex.

In addition, Labor is not proposing to amend the indirect discrimination provisions of the Sex Discrimination Act that allow educational institutions to impose reasonable conditions, requirements or practices in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed. In addition, we have confidence that faith-based schools can manage the practical realities of ensuring a safe and supportive learning environment to meet the uniqueness of all young people in their care.

4. Does it commit to introduce and support legislation that guarantees the right of faith-based schools to teach in accordance with their doctrines, tenets and beliefs? For example, teaching on traditional marriage, gender and sexuality.

Labor respects the right of all Australians to practise their religion freely. In our platform we declare: "Labor supports the appropriate protection of the religious freedom of all people." In light of that declaration we seek to make it absolutely clear that we support the right of faith-based schools to teach in accordance with their doctrines, tenets and beliefs. We will support legislation to ensure that right is upheld.

5. Does it commit to introduce and support legislation to make it explicit that it is "reasonable" for a faith-based school to set rules and policies, and enforce these rules and policies within its student body and staff, in accordance with its doctrines, tenets and beliefs

Labor supports legislative provisions that would continue to allow educational institutions to impose reasonable conditions, requirements or practises on students in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed.

As you note in your correspondence around the legislation before the parliament there are differences between statements of comfort to you in the Explanatory Memorandum and the legislation advanced to date. Please be assured of our determination to remove that uncertainty about the 'reasonable' rights for a faith-based school to set rules and policies, and enforce these rules and policies within its student body and staff, in accordance with its doctrines, tenets and beliefs of a particular religion or creed. We are committed to working with your organisation as a key stakeholder to ensure that comfort is adequately provided.

6. Does it commit to a positive protection in legislation that will allow a faith-based school to be able to employ staff who adhere to, or act in accordance with, the religious beliefs of that faith?

The Deputy Leader of the Opposition, Tanya Plibersek, made our position on the rights of religious schools very clear in Parliament when she stated: '...schools are also entitled to have rules that ensure staff - and I'm quoting one of the organisations that wrote to me - don't "deliberately and wilfully behave contrary to the values of the school." I believe this parliament, working together, working with schools and working with representatives of the LGBTIQ community can ensure that we achieve both aims. As the Australian Council of Jewish Schools put it, and I think they put it very well: "None of our schools discriminate against staff employed or to be employed on the basis of their sexuality, gender or sexual preferences. However, they do need to have the capacity to insist on a public lifestyle that is consistent with the ethos of the school.'" (Hansard, 16 October, 2018, p.35).

Australian Labor Campaign Headquarters

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