

Where do Federal Political Parties stand on Freedom of Thought, Conscience and Belief?

Survey of policies on freedom of religion for faith-based schools*



Office of Senator Richard Di Natale

Leader of the Opposition Bill Shorten

Leader of Coalition Government Scott Morrison

Office of Senator Rex Patrick

After the next election:

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

Yes, the Greens support the repeal of section 38 of the Sex Discrimination Act 1984.

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.

The Government supports amendments to the SDA to make it clear that no student of a non-state school can be expelled on the basis of their sexuality.

Centre Alliance understands and respects the happiness that faith gives many members of the community and will be mindful of this in any decisions we make.

2. Will your party maintain the existing exemptions in s.21(3) that allow single-sex schools to not enrol students of the opposite sex?

Section s21(3) should be applied on the basis of gender identity, not biological sex.

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

My Government does not have any intention to amend or remove current SDA exemptions that enable schools to enrol students of one sex.

Centre Alliance does not support discrimination of students and teachers on the basis of their sexuality.

We need to make sure in removing any provisions we preserve the Church's ability to teach religious doctrine.

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.

No, all schools should enrol and treat students on the basis of their gender identity. The Greens would also legislate to ensure that students who are already enrolled in a school on the basis of their gender assigned at birth are protected from discrimination if they transition.

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. Further, 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.

My Government has also publicly affirmed that faith-based schools should be able to conduct their affairs and teach in accordance with the doctrines, tenets, beliefs or teachings of their faith. And we believe that faith-based schools should be able to make reasonable rules in relation to student conduct.

You'll be aware that Centre Alliance slowed down the passage of the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 in December in order for it to be referred to a Senate Committee for inquiry.

It is our understanding that more work needs to be done on striking the right balance.

Position reflected in SDA (RDA) proposed government amendment KQ148 / Example 2 – Adherence to Teachings in Uniform and Facility Use

*All the major political parties were sent the 6 questions above on 13 March 2019. This table summarises responses received as at 16 April 2019. Authorised by NSW Council of Churches (P.O Box 445, Burwood NSW 2134) Printed by: Next Print Digital For more information: <https://nswchs.com/religiousfreedom/>



**Office of
Senator Richard
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**Leader of the Opposition
Bill Shorten**



**Leader of Coalition
Government
Scott Morrison**



**Office of Senator
Rex Patrick**

After the next election:

4. Does your party commit to introduce/ 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.

No. While the Greens support legislation to enshrine the protection of religious belief in a Religious Discrimination Act, we also believe that actions (including teachings) must be limited when those actions interfere with the right of Australians to live free from discrimination, even when those actions are based on religious doctrines, tenets and beliefs.

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.

My Government seeks to balance anti-discrimination law with the right of faith-based schools to preserve their distinctive ethos and to act in a manner consistent with their doctrines, tenets, beliefs and teachings.

Position reflected in SDA (RDA) proposed government amendment K149 / Example – Teaching on matters of morality or social institutions

Centre Alliance understands and respects the happiness that faith gives many members of the community and will be mindful of this in any decisions we make.

Centre Alliance does not support discrimination of students and teachers on the basis of their sexuality.

We need to make sure in removing any provisions we preserve the Church's ability to teach religious doctrine.

5. Does your party commit to introduce/ 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?

No, the existing reasonableness test already provides sufficient protections for institutions having to comply with Australian anti-discrimination law. By adding in a specific test for religious doctrines, tenets or beliefs, discrimination repealed in section 38 would be being re-introduced via the back door.

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... 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.

My Government has also publicly affirmed that faith-based schools should be able to conduct their affairs and teach in accordance with the doctrines, tenets, beliefs or teachings of their faith. And we believe that faith-based schools should be able to make reasonable rules in relation to student conduct.

Position reflected in SDA (RDA) proposed government amendment KQ148, egs 1 and 2

You'll be aware that Centre Alliance slowed down the passage of the Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018 in December in order for it to be referred to a Senate Committee for inquiry.

It is our understanding that more work needs to be done on striking the right balance.

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

In creating a Religious Discrimination Act, the Greens would seek to provide exemptions for religious institutions to be able to use religious belief as part of their employment criteria. However this would not be extended to allow discrimination against people on the basis of their sexual orientation or gender identity in matters of employment

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." 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).

We believe that the ALRC is the appropriate body to further consider how the law balances anti-discrimination provisions with the right of faith-based schools to organise themselves and their staff in accordance with the doctrines, tenets, beliefs or teachings of their faith.