

Ensuring A <u>Positive</u> Future for Christian Schools

Freedom24 Conference

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Sex Discrimination Act 1984

Section 3:

The objects of this Act are—

- a) to give effect to certain provisions of the Convention on the Elimination of All Forms of Discrimination Against Women;
- b) to eliminate, so far as is possible, discrimination against persons on the ground of sex, marital status or pregnancy in the areas of work, accommodation, education, the provision of goods, facilities and services, the disposal of land, the activities of clubs and the administration of Commonwealth laws and programs;
- c) to eliminate, so far as is possible, discrimination involving <mark>sexual harassment</mark> in the workplace and in educational institutions; and
- *d)* to promote recognition and acceptance within the community of the principle of the equality of men and women.





Sex Discrimination Act 1984

No. 4 of 1984

Sex Discrimination Act 1984 Section 5 (1):

Discrimination occurs when —

"the discriminator treats the aggrieved person less favourably than, in circumstances that are the same or are not materially different, the discriminator treats or would treat a person of the opposite sex."





Sex Discrimination Act 1984

No. 4 of 1984

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Sex Discrimination Act 1984 Section 14 (2) (d):

"by subjecting the employee to any other detriment."

Section 21 (2) (d):

"by subjecting the student to any other detriment."



AUSTRALIA

Sex Discrimination Act 1984

No. 4 of 1984

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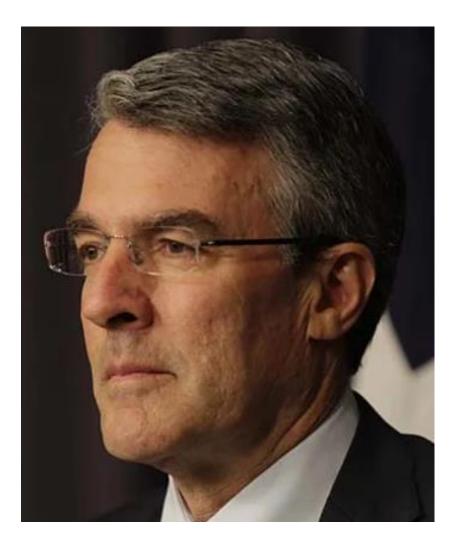
Sex Discrimination Act 1984

Section 38 exemptions:

"an educational institution that is conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed, if the first-mentioned person so discriminates in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed." Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013

Amended Sex Discrimination Act 1984 to:

- Include protection for discrimination on the basis of sexual orientation, gender identity or intersex status
- Extend exemptions for actions in relation to sexual orientation and gender identity (not intersex status)
- Remove the definitions of "woman" and "man" from the Act



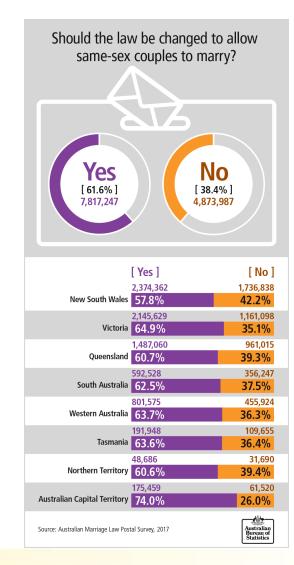




All the while activists were focussed ...

"Since the 2004 amendment to the *Marriage Act 1961* (Cth) which inserted the current definition of marriage, **23 bills** dealing with marriage equality or the recognition of overseas same-sex marriages have been introduced into the federal Parliament."

[Source: <u>Chronology of same-sex marriage bills introduced into the federal</u> parliament: a quick guide]





... then with that out of the way ...

"Key initiatives in 2024-2025 flowing from our strategic priorities include:

- 1. Protecting and strengthening legal protections from discrimination including removing religious exemptions in federal and state discrimination laws
- 2. Protecting and strengthening law and policies to **end conversion practices** ..."





STRATEGIC PLAN EQUALITY AUSTRALIA STRATEGIC PLAN 2023-2026

[Source: Equality Australia Strategic Plan 2023-2026]



Wentworth By-Election / "Wong Bill"

- Claims of expulsion of LGBTI students
- Debate shifted to 'protecting gays kids'
- Battle of 'principles' vs emotional narratives
- Victimhood narrative shifted from physical to psychological





Australian Law Reform Commission Review

"Far from "maximising" human rights, the report (as expected by those who spoke to some of its researchers) would have the effect, if adopted, of seriously impairing the operation of faith-based schools around Australia."

- Associate Professor Neil Foster

ustralian Governmen FINAL REPORT XIMISING THE REALISATION OUS EDUCATIONAL INSTITUTIONS AND ANTI-DISCRIMINATION LAWS ALRC Report 142 December 2023

[Source: <u>https://lawandreligionaustralia.blog/2024/03/23/challenges-to-</u> religious-freedom-conversion-practices-law-passed-alrc-report-released/]



... but wait a minute ...

"... religious education institutions, despite the provisions of the Sex Discrimination Act or any other discrimination legislation, or any law, written or unwritten, Commonwealth or State, should be able to discriminate in favour of, or preference, on the basis of the person's adherence to or belief in the genuinely held religion, beliefs or tenets of the religious education institution."



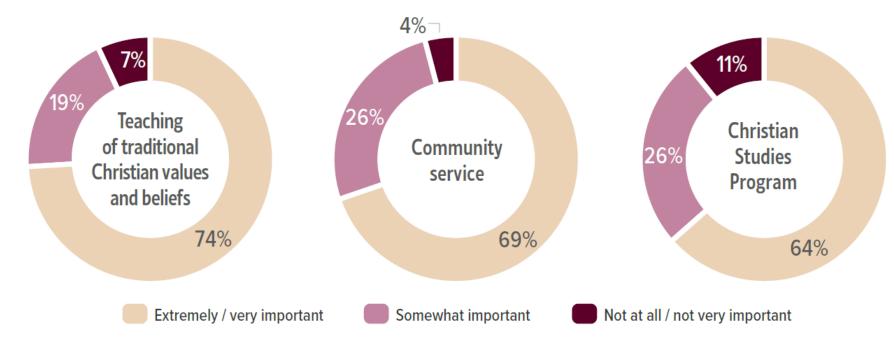
Justice Stephen Rothman Notre Dame University School of Law Annual Religious Liberty Conference, 12 April 2024



Enrolments in Christian schools are growing ...

Parents Pursue Christian Values and Beliefs

The dominant reason why parents are choosing Christian schools was for the distinctly Christian values and teaching, with 54% of parents selecting 'values that align with my own' as the primary determinant. When asked what practices should be most important at a Christian school, 74% of parents indicated teaching of traditional Christian values and beliefs was extremely, or very important.





As we provide a quality education, and the public supports us ...

Australian Schools and the Common Good	c ^ rdus	CES Australia
Colour Key Government School Catholic School Indep	endent School Christian School	
School sectors have different educational emphases. % of mille Academic excellence was emphasised at their school	Leadership development was emphasised at their school	55% 74% 76% 70%
Character development was emphasised at their school	Spiritual/religious values were emphasised at their school	21% 87% 65% 80%
Students feel their schools prepared them for more than just X of millennial graduates who feel somewhat or very prepared by their school for the feel somewhat or very prepared by the feel somewhat or very prepare		onal ()) (64%) (67%)

National Poll on Attitudes to Christian Schools		
Executive Summary		
Nearly of Australians support the right of a religious school to employ teachers and other staff who support the clearly stated values and beliefs of the school Over of arents with children in a faith-based school support this right Ware than of christian school parents support terminating the employment of staff if they no longer share these beliefs		
In the latest B07% of Australians believe that Australian laws should protect the right to hold and practice religious beliefs. This figure has been increasing since 2019. 0% of Australians outly practicing a faits over 70% of voters without any religion 0% of parents sending their children to faith-based schools and 75% of all Australians support the right of a religious school to enforce and beliefs		
More than Similarly, over 70% of parents sending their children to faith-based schools support the right of a religious school to be able to teach students their values and beliefs about gender, sexuality and marriage, with this supported by a majority of all voters		
of all voters support the right of parents to choose a school that reflects their strongly held values and beliefs.		
support the right of all students to receive some level of taxpayer funding, which is consistent with previous results.		
ACCS Associated Christian Schools Other Address And Association of CHRISTIAN SCHOOLS		

Brisbane 29 April 2024



Sydney 6 May 2024



Launceston 21 May 2024



Melbourne 22 May 2024



Perth 8 May 2024



Adelaide 12 June 2024







What does a 'positive right' look like?

The precisely crafted amendments submitted by faith leaders would allow a religious educational institution to:

- act in good faith in accordance with its beliefs in relation to conduct that threatens to undermine its religious character and ethos,
- protect its ability to teach in accordance with its beliefs, and
- require staff to adhere to and conduct themselves in accordance with the beliefs of the religious educational institution.





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Politicians only know what matters when we tell them

