



New ALRC Inquiry: Religious Educational Institutions and Anti-Discrimination Laws

The Australian Law Reform Commission has today received Terms of Reference from the Attorney-General of Australia, the Hon Mark Dreyfus KC MP, to consider reforms to the way Federal anti-discrimination laws apply to religious educational institutions.

The Government has appointed New South Wales Supreme Court Judge, the Hon Justice Stephen Rothman AM, as a Part-Time Commissioner for the Inquiry.

The new reference asks the ALRC to consider what reforms should be made, compatible with Australia's international human rights obligations, to ensure, to the extent practicable, Federal anti-discrimination laws reflect the Government's policy commitments in this area.

The Terms of Reference describe the Government's commitments as ensuring 'that an educational institution conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed:

- must not discriminate against a student on the basis of sexual orientation, gender identity, marital or relationship status or pregnancy;
- must not discriminate against a member of staff on the basis of sex, sexual orientation, gender identity, marital or relationship status or pregnancy;
- can continue to build a community of faith by giving preference, in good faith, to persons of the same religion as the educational institution in the selection of staff'.

The ALRC is required to report back to the Attorney-General by 21 April 2023.

In conducting its Inquiry the ALRC will have regard to extensive consultations previously undertaken on these issues by federal, state, and territory inquiries. Based on this, it will undertake further consultations in accordance with the Terms of Reference.

President of the ALRC, the Hon Justice SC Derrington AM, welcomed the new Inquiry.

"We will work closely with stakeholders to understand the key issues in managing the intersections of the important rights and freedoms raised by the Inquiry.

"In this, we are fortunate to be able to build upon a number of recent inquiries that have examined these issues at the Commonwealth, state, and territory level," Justice Derrington said.

She also warmly welcomed the appointment of Justice Rothman to the role of Part-Time Commissioner for the Inquiry, noting his eminence and experience in the field.

The Terms of Reference replace a previous Inquiry into religious exemptions in anti-discrimination legislation that has been [on hold](#) since March 2020.

ENDS



Australian Government

Australian Law Reform Commission

About the Australian Law Reform Commission

The Australian Law Reform Commission (ALRC) is an independent Australian Government agency that provides recommendations for law reform to Government on issues referred to it by the Attorney-General of Australia.

Religious Educational Institutions and Anti-Discrimination Law Inquiry:

<https://www.alrc.gov.au/inquiry/anti-discrimination-laws/>

Terms of Reference: <https://www.alrc.gov.au/inquiry/anti-discrimination-laws/terms-of-reference>

Further information on the work of the ALRC: <https://www.alrc.gov.au/>

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