



ALRC Religious Educational Institutions Inquiry: Consultation Paper Released

The Australian Law Reform Commission (ALRC) today released a Consultation Paper with proposals for changing the way Commonwealth anti-discrimination law applies to religious schools and other educational institutions.

On 4 November 2022, Commonwealth Attorney-General, the Hon Mark Dreyfus MP KC, asked the ALRC to recommend reforms to the law to implement the Government's policy commitments in this area in a way that is consistent with Australia's international legal obligations.

The paper sets out **four general propositions** supported by **14 technical proposals** for reform. If adopted, these would:

- make discrimination against students on the grounds of sexual orientation, gender identity, marital or relationship status, or pregnancy in schools and other religious educational institutions unlawful, by removing exceptions currently available under federal law,
- protect teachers and other school staff from discrimination on the grounds of sex, sexual orientation, gender identity, marital or relationship status, or pregnancy, by removing similar exceptions, and
- allow religious schools to maintain their religious character by permitting them to:
 - give preference to prospective staff on religious grounds where the teaching, observance, or practice of religion is a part of their role (and it is not discriminatory on other grounds); and
 - require all staff to respect the educational institution's religious ethos.

The proposals would bring Commonwealth anti-discrimination laws into greater alignment with the majority of Australian states and territories.

The ALRC seeks feedback on its propositions and proposals by 24 February 2023. It will provide its final recommendations to the Attorney-General by 21 April 2023.

Federal anti-discrimination and employment laws, including the *Sex Discrimination Act 1984* (Cth) and the *Fair Work Act 2009* (Cth), prohibit discrimination in a wide range of settings on grounds including sex, sexual orientation, gender identity, marital or relationship status, and pregnancy. However, these laws currently provide broad exceptions for religious educational institutions, including early childhood education centres, schools, colleges, and universities. The ALRC's proposals would remove exceptions relating specifically to students and staff in religious educational institutions, while retaining exceptions relating to participation in religious worship and observance and the training and appointment of religious leaders.



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.

In November 2022, the Australian Government appointed New South Wales Supreme Court Judge, the Hon Justice Stephen Rothman AM, as part-time Commissioner for the Inquiry.

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Inquiry Consultation Paper: <https://www.alrc.gov.au/publication/adl-cp-2023/>

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

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

Inquiry 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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