



Religious educational institutions and anti-discrimination laws

Submission to the Australian Law Reform Commission in response to Consultation Paper

23 February 2023

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Summary and recommendations

1. The Queensland Human Rights Commission (**QHRC**) supports reforms to the *Sex Discrimination Act 1984 (Cth)* (**Sex Discrimination Act**) to ensure religious freedoms are safeguarded while protecting the rights of students and teachers.
2. Overall, QHRC supports the amendment of the Sex Discrimination Act as proposed by the Australian Law Reform Commission (ALRC) in the Consultation Paper¹, but has specific feedback on some of the proposals.

Recommendations

3. The Commission recommends that:
 - The Sex Discrimination Act should specify that the exception for religious bodies in section 37(1)(d) does not apply in the area of education.
 - The Sex Discrimination Act should be amended to protect people from discrimination by religious educational authorities or institutions that occurs on the basis of the association with, or in relation to, a student with a protected attribute.
 - References to the need to meet the requirements of 'the curriculum' should be clearly defined, by referring to the Australian Curriculum specifically.
 - Legislation and explanatory materials should make it clear that 'duty of care' is an objective test based on a reasonable third-party perspective.
 - The Sex Discrimination Act should not be amended to clarify that the content of the curriculum is not subject to the Act.
 - The term 'religious ethos' should be replaced with well-established terminology from Australian discrimination laws.
 - A non-exhaustive list of factors be included in the amendment to the *Fair Work Act 2009 (Cth)* as matters to be taken into account when determining if the treatment is 'proportionate in all of the circumstances.'
 - The non-exhaustive list of factors included in the proposed *Fair Work Act 2009 (Cth)* amendment should explicitly include other human rights of the employee including the right to freedom of expression, association and freedom of thought, conscience, religion and belief.

¹ Australian Law Reform Commission, *Religious Educational Institutions and Anti-Discrimination Laws: Consultation Paper* (2023).

Introduction

4. QHRC is a statutory authority established under the Queensland *Anti-Discrimination Act 1991* (**Queensland AD Act**).
5. QHRC has functions under the Queensland AD Act and the *Human Rights Act 2019* (**HR Act**) to promote an understanding and public discussion of human rights in Queensland, and to provide information and education about human rights.
6. QHRC also deals with complaints of discrimination, sexual harassment, vilification, and other objectionable conduct under the Queensland AD Act, reprisal under the *Public Interest Disclosure Act 2009*, and human rights complaints under the HR Act. This includes complaints made under the Queensland AD Act about religious educational institutions.
7. In 2002, broad religious exemptions applying to religious educational institutions were narrowed in Queensland.²
8. QHRC has over two decades of experience working within the Queensland legislative framework and access to 14 years of complaints data to offer insights into how narrower exemptions operate in practice.
9. Following extensive consultation and research, the QHRC has recently published its report *Building Belonging Report – Review of Queensland’s Anti-Discrimination Act 1991* (*Building Belonging*) which recommends updating exemptions in relation to religious educational institutions.³

Queensland experience

Overview of Queensland anti-discrimination laws

Students

10. In Queensland the general exemption for religious bodies does not apply to the area of education.⁴
11. A limited exemption allows for preferencing of students on the basis of *religion* (as opposed to ‘religious belief or activity’), but it only applies on enrolment.⁵

² Discrimination Law Amendment Bill 2002 (Qld)

³ Queensland Human Rights Commission, *Building Belonging – Review of Queensland’s Anti-Discrimination Act 1991* (July 2022), Recommendations 38, 39 and 40.

⁴ *Anti-Discrimination Act 1991* (Qld) s 109 (2).

⁵ *Anti-Discrimination Act 1991* (Qld) ss 38-9.

12. QHRC's recent *Building Belonging* report considered that the current approach effectively protects students without unreasonably restricting the operation of religious schools. However, the QHRC recommended further clarity in the updated legislation through inclusion of a legislative note confirming that the enrolment exemption for religious schools applies only to:
- the initial enrolment of a child in school (rather than annual 're-enrolment') and
 - a student being of a particular *religion* rather than students having specific religious beliefs or activities.⁶

Staff

13. The Queensland AD Act currently permits discrimination in relation to employment in an educational institution under the direction or control of a body established for religious purposes, or other work for a body established for religious purposes, if the work genuinely and necessarily involves adhering to and communicating the body's religious beliefs.⁷
14. Where it is a genuine occupational requirement for an employee to act in a way that is consistent with the employer's religious beliefs, the employer may discriminate in a way that is not unreasonable, if the person 'openly acts' in a way that is contrary to those beliefs.
15. Whether the discrimination is unreasonable depends on all the circumstances of the case including factors such as whether the action taken by the employer is disproportionate to the behaviour, and the consequences for both the person and the employer. This exemption does not apply to discrimination on the basis of age, race, or impairment, and does not allow an employer to seek information on which discrimination might be based.
16. In *Building Belonging*, QHRC identified issues with the existing exemption and determined that it is necessary to update the exemption to better protect the rights to privacy and non-discrimination of staff. While recommending that an exemption be retained in relation to staff working for religious bodies, QHRC recommended that it be amended to reflect a more balanced exemption which is less centred around 'concealing' a person's attributes. In summary the recommended approach included:
- Discrimination being confined only to being on the basis of the attribute of religious belief or activity; and
 - Where the discrimination is reasonable and proportionate in the circumstances; and

⁶ Queensland Human Rights Commission, *Building Belonging – Review of Queensland's Anti-Discrimination Act 1991* (July 2022), 385-389, Recommendation 40.

⁷ *Anti-Discrimination Act 1991* (Qld) ss 25(2)–(8).

- Where the participation of the person in the teaching, observation or practice of religion in a genuine occupational requirement.
17. QHRC further recommended the inclusion of a non-exhaustive list of factors to provide guidance as to whether it is reasonable and proportionate to discriminate in the circumstances.⁸

Complaints data

18. QHRC's complaints data indicates that changes to the laws in Queensland in 2002 have not resulted in large numbers of complaints being made against religious educational authorities or institutions, either by students or employees, in the two decades since.
19. Despite being the subject of considerable public discussion in recent years, in QHRC's experience the complaints against religious educational institutions on the basis of sex, pregnancy, sexuality, gender identity, intersex status,⁹ or relationship status are very rare, and the few that have been received have been mostly resolved through the conciliation process.
20. As far as QHRC is aware, no decisions considering or applying the Queensland religious education exemptions to a complaint have ever been made by tribunals or courts.

Complaints by or on behalf of students

21. QHRC interrogated its database which contains complaint data dating back to 2009 and identified that there have been 239 complaints about religious private education providers in the area of education (i.e. complaints by or on behalf of students).¹⁰ Of these, only 23 complaints were in relation to attributes that are also covered by the Sex Discrimination Act, representing around 0.02% of discrimination complaints made since 2009.
22. Most of the complaints about private education providers have been about impairment or race discrimination and therefore fall outside of the scope of this discussion.
23. Of the 23 complaints that QHRC was able to identify as being about religious education providers, 8 were about sex discrimination, 6 were about sexuality discrimination and 9 were about gender identity discrimination.
24. QHRC was able to identify only 5 complaints against religious schools based on the relevant attributes that have proceeded to Queensland Civil and

⁸ Queensland Human Rights Commission, *Building Belonging – Review of Queensland's Anti-Discrimination Act 1991* (July 2022), 383-384.

⁹ Noting that this attribute is not covered in the Queensland AD Act, but *Building Belonging* recommended the inclusion of a new sex characteristics attribute.

¹⁰ This is based on information extracted from QHRC's database current to 2 February 2023. QHRC had received 11,492 complaints since 2009, of which 9350 were about discrimination.

Administrative Tribunal since 2009. Eight of the 23 complaints were resolved through the conciliation process. Some complaints are ongoing.

Complaints by employees

25. QHRC was unable to identify any relevant complaints made since 2009 by employees of a religious educational institution where the respondents would have been able to argue that that the religious exemption in relation to work applies to the factual circumstances.¹¹

Human rights considerations

26. *Building Belonging* provides a detailed consideration of the key human rights relevant to this discussion, and in particular the rights to freedom of thought, conscience, religion and belief and the right to recognition and equality before the law protected under the Queensland HR Act.¹² Rights in the HR Act are based on those protected in the *International Covenant on Civil and Political Rights* (ICCPR).
27. The law must achieve a balance between ensuring that religious educational authorities and institutions can maintain their religious basis and teach their doctrine and beliefs, while also ensuring all people are protected from unjustifiable discrimination at their place of study or work.
28. As the Consultation Paper discusses, the ICCPR distinguishes freedom of thought, conscience, religion and belief from freedom to manifest religion or belief. The freedom to hold a religion is absolute, whereas the freedom to manifest a belief may be limited.¹³
29. The ICCPR provides that freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental freedoms of others.¹⁴
30. The Commission generally agrees with the analysis of human rights in the Consultation Paper, and considers that proposals accord with the 2018 comments of the Special Rapporteur on freedom of religion and belief:

When these rights ultimately clash, every effort must be made, through a careful case-by-case analysis, to ensure that all rights are

¹¹ QHRC searched its database for discrimination complaints in the area of work in relation to the same attributes as covered by the Sex Discrimination Act, and filtered the results for either the word 'school' or 'religion' within the summary of allegations contained in the complaint.

¹² Queensland Human Rights Commission, *Building Belonging – Review of Queensland's Anti-Discrimination Act 1991* (July 2022), 368.

¹³ United Nations General Assembly, *International Covenant on Civil and Political Rights*, res 2200A (XXI) (16 December 1966), art 18. ('*International Covenant on Civil and Political Rights*').

¹⁴ *International Covenant on Civil and Political Rights* art 18(3).

*brought in practical concordance or protected through reasonable accommodation.*¹⁵

External affairs power

31. The constitutional basis for federal discrimination laws is provided for in the external affairs power in the Constitution. Federal discrimination laws are necessary to give effect to Australia's obligations under international instruments to which Australia is a party, including but not limited to:

- the International Covenant on Civil and Political Rights;
- the International Covenant on Economic, Social and Cultural Rights;
- the Convention on the Rights of the Child;
- the ILO Convention (No. 111) concerning Discrimination in respect of Employment and Occupations;
- the ILO Convention (No. 158) concerning Termination of Employment at the Initiative of the Employer.

32. Because the right to freedom of religion is recognised in the ICCPR, the Covenant is arguably the primary foundation for religious exemptions in the Sex Discrimination Act. Although it is not necessary that legislation implement all obligations in an international convention for it to be a valid exercise of the external affairs power, the legislation should not be *inconsistent* with the Convention. On this issue the High Court has said:

*Deficiency in implementation of a supporting Convention is not necessarily fatal to the validity of a law; but a law will be held invalid if the deficiency is so substantial as to deny the law the character of a measure implementing the Convention or it is a deficiency which, when coupled with other provisions of the law, make it substantially inconsistent with the Convention.*¹⁶

33. The rights to equality before the law and to freedom from discrimination are also recognised in the ICCPR, and Australia has an obligation to enact laws to protect these rights.

34. In the Commission's view, section 37 and 38 of the Sex Discrimination Act as currently drafted have the effect of elevating the right to manifest religion above other protected rights. Changes to the federal laws are required to ensure that the Sex Discrimination Act is consistent with international human rights principles and obligations.

¹⁵ Ahmed Shaheed, *Report of the Special Rapporteur on freedom of religion and belief*, (28 February 2018) UN Doc A/HRC/37/49 [47].

¹⁶ *Victoria v Commonwealth* (1996) 138 ALR 129.

Comments on propositions and technical proposals

Proposition A – students

35. This section will respond to Proposition A and the related technical proposals 1, 3, 4, 6 and 7.

Educational institutions or authorities

36. QHRC is in general support of Proposition A and its related technical proposals as they represent a similar position to Queensland’s current legislation. However, the QHRC recommends an alternative framing to ensure that students are not discriminated against by any educational institution or the bodies that administer them.
37. The Queensland AD Act makes it clear that the general religious exemption does not apply to either educational *authorities* or educational *institutions*. Section 109(2) states that the exemption does not apply in the *area* of education. Sections 38 and 39 prohibit discrimination by educational authorities and section 41 provides for a limited exemption for educational institutions on enrolment based on sex or religion.
38. The terms are defined in the same way in the Queensland AD Act and the Sex Discrimination Act, as follows:

educational authority means a person or body administering an educational institution.

educational institution means a school, college, university or other institution providing any form of training or instruction, and includes a place at which training or instruction is provided by an employer.¹⁷

Recommendation 1:

The Sex Discrimination Act should specify that the exception for religious bodies in section 37(1)(d) does not apply in the area of education.

Association with students

39. In relation to Proposition A.1, QHRC agrees that people associated with a student such as a family member or carer should be protected from discrimination. In Queensland, such a person would be protected through the

¹⁷ *Anti-Discrimination Act 1991* (Qld) Schedule 1 (Dictionary), *Sex Discrimination Act 1984* (Cth) s 4.

'association' attribute.¹⁸ However, QHRC considers the framing proposed by the ALRC to be unnecessarily narrow.

40. The ALRC notes in the Consultation Paper that there may be merit in considering extending protections generally in relation to association with another person, but the paper considers that this would be a significant change more broadly to the architecture of the Sex Discrimination Act and therefore more properly dealt with through further reforms at a later stage. QHRC understands that recommending such a change may fall outside of the ALRC's terms of reference for the current review of religious exemptions.
41. However, an alternative option is to only refer to 'associates' in the narrower context of treatment by religious educational institutions, rather than creating a new attribute that applies across all areas of the Sex Discrimination Act.
42. An 'associate' could either be left undefined, or defined consistently with the *Disability Discrimination Act 1992* (Cth).
43. The *Disability Discrimination Act 1992* prohibits discrimination against a person on the ground of a disability of that person's associates. Associate is defined as including:
 - a spouse of the person;
 - another person who is living with the person on a genuine domestic basis; and
 - a relative of the person; and
 - a carer of the person; and
 - another person who is in a business, sporting or recreational relationship with the person.

Recommendation 2:

The Sex Discrimination Act should be amended to protect people from discrimination by religious educational authorities or institutions that occurs on the basis of the association with, or in relation to, a student with a protected attribute.

Religious doctrines or beliefs in teachings

44. QHRC considers that Proposition A.3 strikes an appropriate balance between ensuring that religious doctrines or beliefs can be taught at a religious school and ensuring that the duty of care to students and the requirements of the curriculum are met.
45. However, the meaning of the term 'curriculum' in this context may be ambiguous. While we assume the Consultation Paper is referring to the requirements of the Australian Curriculum, this is not clear. For the removal of doubt, the QHRC

¹⁸ *Anti-Discrimination Act 1991* s (7)(p) includes 'association with, or relation to, a person identified on the basis of any of the above attributes.'

considers that the Australian Curriculum should be specifically referenced, rather than the broader and undefined concept of 'curriculum' which may encompass anything potentially taught in a school or other educational setting.

46. Further, we suggest the term 'duty of care' should be framed as an objective test based on a reasonable third-party perspective. It should not be from the perspective of the educational authority or institution, or from the perspective of an adherent to the beliefs of the religious group with which the educational institution is associated.
47. Points of tension are likely to arise when a school is of the view that teaching a particular view on sexuality, gender or relationships is necessary to protect the whole student body, but this teaching disproportionately affects students with a protected attribute.
48. Examples may need to be provided in explanatory materials accompanying the Bill to ensure that obligations on the part of educational institutions to prevent psychosocial harm to students are clear.

Recommendation 3:

References to the need to meet the requirements of 'the curriculum' should be clearly defined, by referring to the Australian Curriculum specifically.

Recommendation 4:

Legislation and explanatory materials should make it clear that 'duty of care' is an objective test based on a reasonable third-party perspective.

Curriculum

49. QHRC strongly opposes Proposal 7 which carves out curriculum content from the Sex Discrimination Act entirely. QHRC does not consider that the Consultation Paper provides justification for this significant change, which has implications outside of the current context.
50. The Queensland AD Act covers curriculum content by confirming that discrimination can include treating a student unfavourably in any way in connection with the student's training or instruction.¹⁹
51. The proposal in the Consultation Paper appears broader, and would mean that no complaints could be made in future against bodies developing curriculum, such as the Australian Curriculum, Assessment and Reporting Authority (ACARA), about a range of issues, whether or not they relate to religious

¹⁹ The Consultation Paper referred to QHRC guidance from its website that stated that curriculum content is not subject to the Queensland AD Act. QHRC has since updated its website to remove this information as it was an incorrect or misleading interpretation of the law.

education. For instance, it may render lawful content within the curriculum that teaches that women are inferior to men.

52. Where curriculum content, either set by an educational authority or institution or by the government, is indirectly or directly discriminatory towards people with attributes protected under the Sex Discrimination Act, and a person with a protected attribute experiences a detriment, there should be an option to bring a complaint about this treatment.
53. The proposed approach would create inconsistency and unequal treatment based on protected characteristics between federal discrimination laws, because people could make a complaint about curriculum content regarding age, race or disability, but not in relation to the attributes protected by the Sex Discrimination Act. Further fragmentation of federal discrimination laws is not beneficial as it creates complexity and confusion about the application of laws.
54. Preventing complaints about curriculum content could also unjustifiably limit the accountability of bodies that set the curriculum and would limit the opportunities to identify content that needs updating.
55. At a minimum, the law should be clear that discrimination can still arise from the way in which the set curriculum content is delivered. For example, it may be possible to discriminate by using derogatory language when describing people with attributes, or by singling out individual students in the class while delivering standard content.

Recommendation 5:

The Sex Discrimination Act should not be amended to clarify that the content of the curriculum is not subject to the Act.

Proposition B – employees

56. This section will respond to proposition B and the related technical proposals 2, 3, 4 and 5.
57. QHRC is in general support of Proposition B and its related technical proposals. When read in conjunction with Proposition C, the ALRC's suggestions are consistent with the recommendations contained in *Building Belonging*.
58. However, QHRC recommends expanding the protections proposed in B.1 to prohibit discrimination against staff on the basis of their association with someone with a relevant attribute. This protection is necessary, in particular, to protect against discrimination of staff whose family members or other close associates are LGBTQ+. Although a staff member may be protected from discrimination because of their own personal attributes, they should not be forced to hide their association with others out of fear they will face discrimination in their current or prospective workplace.

59. As discussed above in ‘association with students’, in Queensland an employee would be protected from discrimination on the basis of their association with a person possessing an attribute referred to in B.1.²⁰ The reforms proposed in the Consultation Paper do not include no such protections.
60. The QHRC understands that recommending the addition of an ‘association’ attribute, as exists in Queensland is outside the scope of the ALRC’s terms of reference. However, the alternate option discussed above in Proposition A is equally applicable here. ‘Associates’ could be referred to in the narrower context of treatment by religious educational institutions, rather than creating a new attribute that applies more broadly to the Sex Discrimination Act.
61. An associate could be left undefined, or defined consistently with the *Disability Discrimination Act 1992* (Cth).

Recommendation 6:

The Sex Discrimination Act should be amended to protect people from discrimination by religious educational authorities or institutions that occurs on the basis of the association with, or in relation to, an employee with a protected attribute.

‘Religious ethos’ terminology

62. The next section will respond to Proposition C and D and the related technical proposals 8, 9 and 10, which include the term ‘religious ethos’.
63. The Commission has reservations about the term ‘ethos’, which does not appear in any discrimination laws in Australia.²¹ In the absence of any established Australian case law, the term may be too nebulous. Ambiguity in discrimination law is likely to benefit the duty holder.
64. ‘Ethos’ is much more uncertain than the terms ‘doctrines’, ‘tenets’, ‘beliefs’, ‘teachings’ appearing commonly in Australian discrimination laws.
65. The *Macquarie Dictionary* defines the term ‘ethos’ as a ‘character or disposition’ or the ‘fundamental spiritual characteristics of a culture’.²²
66. Having to establish the fundamental spiritual characteristics of a religious culture may place religious educational institutions at a disadvantage in proving an exemption applies. While it may be possible to provide evidence to establish a ‘doctrine’, such as by pointing to relevant passages of a religious text, proving what an ‘ethos’ of a school is in a court or tribunal would be too difficult.

²⁰ *Anti-Discrimination Act 1991* s (7)(p) includes ‘association with, or relation to, a person identified on the basis of any of the above attributes.’

²¹ The Commission understands that it has been considered in a separate and different context by the European Court of Human Rights.

²² *Macquarie Dictionary* (online at 23 February 2023) ‘ethos’ (def 1) and (def 2).

Recommendation 7:

The term 'religious ethos' should be replaced with well-established terminology from Australian discrimination laws.

Proposition C – employees

67. This section will respond to Proposition C and the related technical proposals 8 and 10.
68. The QHRC does not take issue with Proposition C.1 but stresses that the only situation in which institutions should be able to preference staff based on religious belief or activity is where it is a genuine requirement of the role in question. It should be made clear that the treatment in preferencing staff needs to be proportionate in all of the circumstances.
69. In *Building Belonging* the QHRC recommended a non-exhaustive list of factors be included in the Queensland AD Act to guide whether preferencing staff based on religious belief or activity is reasonable and proportionate. The considerations recommended include:
 - the importance of the relevant conduct in protecting the ethos of the religious organisation and the religious susceptibilities of adherents to that religion
 - the proximity between the person's actions and the religious organisation's proclamatory mission
 - the reasonable availability of alternative employment
 - the rights and interests of the employee.
70. The QHRC recommends that similar approach be taken when amending the *Fair Work Act 2009 (Fair Work Act)*. The inclusion of a non-exhaustive set of factors provides guidance for all parties and provides further protection for staff against unjustifiable discrimination.
71. The QHRC recommends including examples in this section, as is discussed at page 24 of the Consultation Paper, to demonstrate that the exception does not permit discrimination against employees who are not involved in the teaching, observance, or practices of a religion.

Recommendation 8:

A non-exhaustive list of factors be included in the amendment to the *Fair Work Act 2009 (Cth)* as matters to be taken into account when determining if the treatment is 'proportionate in all of the circumstances.'

Proposition D – employees

72. This section will respond to Proposition D and the related technical proposals 9 and 10. The QHRC notes that many aspects of Proposition D and technical proposals 9 and 10 are consistent with the recommendations of the *Building*

Belonging report. These proposals seek to strike an appropriate balance between the rights of educational institutions and the rights of employees and prospective employees.

73. Therefore, overall QHRC supports these proposals, while noting that the effect is unlikely to be clearly understood until the relevant amendments are drafted. For example, how the concept of 'actively undermining' would apply to alleged conduct.
74. QHRC supports the approach that a body that provides religious education should be able to manage its workforce in accordance with its religion, provided that any action taken against an employee is proportionate. We note that the proposed proportionality assessment in proposal 9 lists relevant factors, which are non-exhaustive. They are similar to proportionality factors suggested by the QHRC in *Building Belonging*.
75. However, we suggest it is particularly important that the 'ethos' of an organisation is not unreasonably used to limit the rights of an employee (see also Recommendation 5 above in relation to terminology). With this in mind, while the proposed factors are not exhaustive, we suggest that as well as the employee's right to privacy, other rights may also be explicitly included, such as freedom of expression, freedom of association and the employee's freedom of thought, conscience, religion and belief. This would appear particularly important when there is no human rights act at the national level, emphasising the need to set out clearly which ICCPR rights must be considered.
76. Another relevant factor, in light of the principles of the review, is the impact on the education of students at the educational institution. Other factors proposed by the QHRC in *Building Belonging* included the proximity between the person's actions and the religious organisation's proclamatory mission.²³
77. We consider that any factors set out for limitations in proposals 8 and 9 should be replicated under technical proposal 10.
78. As applies to many of the proposed changes, we suggest that examples and explanatory material will be particularly important to guide the sorts of situations where the amendments would permit, or not permit, adverse action against an employee.

Recommendation 9:

The non-exhaustive list of factors included in the proposed *Fair Work Act 2009* (Cth) amendment should explicitly include other human rights of the employee including the right to freedom of expression, association and freedom of thought, conscience, religion and belief.

²³ Queensland Human Rights Commission, *Building Belonging – Review of Queensland's Anti-Discrimination Act 1991* (July 2022), 384.

Other issues

The below section will respond to technical proposals 11 – 14.

Proposal 11

79. QHRC supports an amendment requiring religious education institutions to be subject to the inquiry powers contained in the *Australian Human Rights Commission Act 1986*. This promotes transparency and further protects employees and students in religious educational institutions from discrimination.

Proposal 12

80. QHRC agrees that to avoid any unintended consequences to minority or marginalised groups, guidelines for ‘temporary exemptions under the *Sex Discrimination Act 1984*’ should be reviewed to ascertain whether it should be amended to include religious educational institutions.
81. However, temporary exemptions from compliance with the proposed changes should be assessed carefully and granted for the shortest time that is reasonable and necessary following consideration of each individual application.

Proposal 13

82. QHRC supports the development of educational resources and guidance to inform both educational institutions of their obligations and the public of their rights.
83. Any community education activities or resources aimed at informing the public of the protections available to them should be accessible to all individuals in the community, regardless of socio-economic status or geographical location.
84. How to effectively deliver education on the relevant protections to people with disabilities, culturally and linguistically diverse people, First Nations people and other diverse groups should be a primary consideration when developing these resources.

Proposal 14

85. QHRC welcomes efforts to simplify and strengthen Commonwealth anti-discrimination laws. Further consideration of broader law reform in this area is needed to protect vulnerable and marginalised groups from unlawful discrimination.
86. Protections from discrimination on the grounds of association with a person having a relevant attribute should be incorporated into Propositions A and B. It is submitted that this could be achieved with only minor changes to the proposals.
87. However, should this not occur, QHRC strongly advocates for a wider review of the protections and exceptions from discrimination in the *Sex Discrimination Act* and the *Fair Work Act*.

88. QHRC supports investigating the enactment of a Commonwealth human rights act. This would consolidate and give effect to the core human rights treaties to which Australia is a party.
89. The QHRC appreciates the opportunity to respond to the Consultation Paper and welcomes any further questions or clarifications.