



23 February 2023

Dear ALRC team,

Submission regarding Religious Educational Institutions and Anti-Discrimination Laws

Thank you for the opportunity to provide a submission regarding proposed reforms to the *Sex Discrimination Act 1984* (Cth) [*Sex Discrimination Act*]. Our submission is made on behalf of rainbow families across Queensland, with a focus on representing the voices of the LGBTQ+ community as well as those of our children. Throughout this submission we have included the personal accounts of our community members to demonstrate the importance of these reforms to families.

Rainbow Families Queensland (RFQ) endorses the submission of Equality Australia.

This submission provides specific examples of the experiences of parents and children attending religious educational institutions.

About Rainbow Families Queensland (RFQ)

RFQ supports, celebrates, and advocates on behalf of LGBTQ+ parents and carers and their children across Queensland. RFQ has a vision of a community where every family is included, respected, and valued. As a community organisation run on a volunteer basis by LGBTQ+ parents, we act as a support network for parents and carers as well as their children. We advocate on behalf of our community and are a strong and consistent voice for LGBTQ+ families to address discrimination, raise awareness and promote acceptance.

Families in which one or more parents or carers identify as LGBTQ+ are known as *rainbow families*. Our families are diverse and are formed in many ways, including through donor conception, surrogacy, step-parenting, and co-parenting.

Our families have always existed in society, but are now becoming more visible. With increased community acceptance and access to assisted reproductive technology, the numbers of rainbow

families are growing substantially. While the Australian Census does not correctly identify and record our families,¹ some information can be extrapolated from the 2021 data:

- 78,425 same sex couples lived together in Australia (67.7% increase since 2016)
- 1 in 3 were married (30%)
- 17.3% had children living with them

This means that there were at least 13,567 same sex parented families living with children in 2021 in Australia, although this figure is significantly lower than the number of rainbow families overall because of problems with the questions that were asked in the Census.

Nonetheless, this is a significant increase in four years: *an increase of 161% for male same sex couples with children, and 84% for female same sex couples with children.*²

Experiences in religious educational institutions

The below examples have been drawn from discussions on our online community and support group. The group has over 1900 Queensland members at the present time. Examples have been de-identified for privacy reasons.

Parents often post their experiences about schools or seek out the views of other parents about where to send their children or how to cope with discriminatory situations. Enrolment decisions can be the source of quite considerable anxiety for our families because of the genuine fear of experiencing exclusion and discrimination.

Parents have reported the following experiences:

- The parents tried to put their child on the waiting list for Prep but once the school found out the child had same-sex parents they were told they had been removed from the wait list and the application was declined.
- Two parents went to enrol their child in a single-sex religious secondary school but were declined on the basis of being in a same-sex relationship. They found it very hard to explain to their child why they wouldn't be going to school with their friends from primary school.
- Parents had their child enrolled to start primary school but attended an interview with the school before commencement. On meeting the couple, the principal of the school said that the child may be a 'better fit elsewhere'. If they decided to continue with the child's schooling this would only be possible if they were 'discrete' and never spoke about the fact that they are in a relationship. The parents withdrew their child's enrolment.
- Two mums had been upfront about the fact that they were same-sex parents. Sadly, they left the enrolment interview in tears after the way they were treated. This was after another

¹ The Census did not collect gender, variations of sex characteristics, or sexual orientation and does not therefore reflect the full range of relationships and families. Where a child lives over one or more household, depending on where they were on Census night they may not be included as being in a same-sex parented family.

challenging experience with their child in a religious school, and now they have left the private school system entirely.

- A parent has two children in a religious school, and they have never felt accepted. Many of the parents would not let their kids come over. The school preaches that being gay is a sin and religion is compulsory part of the teaching. However, the school claims to be 'inclusive' in its promotional materials.
- A school tried to convince the teenage child of same-sex parents to live with their other parent because they would be 'better off' with a male and female parent than in their current home environment.

Some parents also had positive experiences to share:

- Two dads attended at a pre-enrolment interview at the school and were straight up about their family. The principal was very inclusive, keen to welcome them and made them aware there were other rainbow families at the school and had been in the past. The parents were also invited and encouraged to join the P&C. The chapel service at the school has inclusive messaging about understanding, tolerance and acceptance.
- Two dads reported that the teachers and staff at the school for their two children are well briefed on diverse families and they are always given opens for things such as parent dinners, Mother's Day etc. The school have been accommodating of everything and they have stated publicly that they would never exclude or dismiss a staff member, student or exclude a parent because they are LGBTIQ+. The school is also bringing in a gender-neutral uniform.
- A parent told us that they have had no problems with their child's school, which is very inclusive. The parent is also a relief teacher there and there has never been any issues. However, they would not be able to work a full-time staff member because they can't meet the requirements of 'having to live by the ethos' of the religion.
- A parent of a prep-age child told us that they wanted their child to go to the same religious school they had attended as a child. They are a practicing member of the faith. The family feels that they have made the right choice. The parent had a particularly positive experience volunteering to help out with church services which led to some conversations about how to better acknowledge historical exclusion of LGBTIQ+ from the church.
- Two mums reported that they school always makes sure that both of them get a Mother's Day gift each year.

These examples illustrate the incredibly mixed experiences of our families accessing education for their children. While there is good, inclusive practice at some schools, others are choosing to discourage or even outrightly refuse the enrolment of children from rainbow families. For those who have children enrolled in religious schools, some experience acceptance and understanding while others experience exclusion and discrimination.

There is a clear evidence-base that it is *necessary* to limit the freedom to manifest religion to prevent the unfair discrimination that is being experienced by parents and children. Children have the right to special protection in their best interests. Our children have no choice in who their parents are and should not be discriminated in any circumstances simply because of their association with their family members.

Parents in the rainbow families community are unlikely to make complaints about discriminatory treatment – either they fear reprisals against their child still enrolled in the school, or where a negative experience occurs during the enrolment process, most parents will put their energy into finding another school instead of making a complaint. Unfortunately, this means that schools are not held to account for their actions. While there are greater protections for our children in Queensland laws, it seems that schools don't necessarily understand this or choose to ignore the Queensland legislation, only referring to their obligations under the better-known sections 37 and 38 of the *Sex Discrimination Act*.

Changing the outdated *Sex Discrimination Act* exemptions and ensuring that children are protected from discrimination by association will positively influence the culture of exclusionary schools over time.

Thank you for considering our submission and we are happy to be contacted for any further information or follow up.

Yours sincerely

Rainbow Families Queensland Steering Committee