

To the Australian Law Reform Commission (ALRC)

As a faith community and Christian church, we are supportive of changing the way Commonwealth anti-discrimination law applies to religious schools and other educational institutions.

Activate Church is an affirming, non-denominational, feminist Christian community in Adelaide, South Australia. Activate Church represents queer Christians who have experienced trauma from non-affirming religious communities and schools and have been hurt by discrimination. We represent queer Christians and straight Christians who have worked in religious schools and had their employment terminated because of their affirming faith. We represent queer and straight Christian parents who have refrained from sending their children to religious schools as such organisations can be unsafe for LGBTQIA+ young people. We represent a community who have been, and continue to be, discriminated against in religious schools for their gender, queerness, marital status and/or relationship status. The life and faith of the people in our church, and the people we work with in the community, has been made harder because there still aren't consistent protections against discrimination in religious schools.

As a community of faith, we reject any assumption that a religious school should be exempt from protections against discrimination. We do not support any assertion that Christian schools should be able to discriminate against staff or students based on gender, sexuality, marital or relationship status, whether or not someone is pregnant, or has sex outside of marriage. There should be no taxpayer funded environment that is empowered to discriminate, particularly when it involves a duty of care to minors who do not choose their education or their sexuality.

We support 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. We are broadly supportive of the four general propositions, that if adopted 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.

We welcome reforms that would make discrimination against students in religious schools unlawful and provide protection for teachers in these institutions (Proposals A and B). We support proposals that would bring Commonwealth anti-discrimination laws into greater alignment with the majority of Australian states and territories. We do raise concerns regarding Proposals C and D:

- We agree that religious schools should be able to maintain their religious character, but religious schools should not be allowed any legal ability to define that religious character in

ways that are specifically discriminatory towards an affirming worldview and/or sexual/gender diversity.

-Religious schools should be able to give preference to prospective staff on religious grounds when those roles require religious practices, but 'religious practices' should rightly be understood as the teaching of core doctrine and acts of observance that are relevant to the religious tradition (prayer, ritual, events, etc).

- 'Religious practices' should not be allowed to be defined narrowly in ways that are discriminatory for staff, such as adherence to heterosexual marriage, a dogmatic belief in binary gender identity, or any religious dogma that teaches that sexual/gender diversity is 'sinful' or 'worthy of punishment'.

-We agree that staff should respect the religious ethos of a religious educational institution, but any definition of 'religious ethos' should refer specifically to the core knowledge of a faith tradition. Staff should not be legally required to respect discriminatory views.

While we understand that such reform might involve a balance of rights and protections, we submit that the protection of students and staff should be strengthened primarily over the rights of schools to discriminate.

Final thoughts

Activate Church believes that our laws should protect all of us equally, not empower some religious views over others, or empower religious organisations to put people at-risk. We believe that an affirming view is a Christian view. Christian scripture offers no comprehensive statement on orientation (the term "homosexual" was first inserted into translations in 1946) and the larger narrative of the Bible is one of unfolding inclusion that grows to embrace sexual minorities. To follow Jesus is to love your neighbour, to show compassion to those who are in need, and to build inclusive communities. Our laws should not empower religious organisations to discriminate against others for who they are, for who they love, or because their faith is affirming.

In recent years, a number of religious schools have developed new staff and volunteer contracts that specifically demand discriminatory views and practices in their environments. These actions have made teachers and students unsafe, and caused harm to queer believers and many with affirming faiths. This attempt to narrowly define religious practices and religious ethos as discriminatory towards sexual orientation or gender identity is at odds with the core of our Christian faith, and has caused distress to so many connected to our church.

Thank you

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