



Submission by the Anglican Social Responsibilities Commission (Perth Diocese) on the Australian Law Reform Commission Consultation Paper on Religious Education Institutions and Anti-Discrimination Laws

Introduction

1. Thank you for the opportunity to make a submission in relation to the ALRC's Consultation Paper on Religious Education Institutions and Anti-Discrimination Laws ("the ALRC paper").
2. This submission is by the Anglican Social Responsibilities Commission of the Anglican Diocese of Perth ("the SRC"). The SRC is a statutory commission of the Anglican Diocese of Perth. Its role is to facilitate advocacy and education on social justice issues in the church, its schools and agencies and the wider community.
3. The views expressed in this submission are the views of the SRC alone and should not be taken to reflect the views of the Anglican Diocese of Perth. However, some references are made to Perth Synod resolutions and the General Synod which are the views of the governing bodies of the Perth Diocese or the national Anglican Church of Australia respectively.
4. The Christian tradition has many voices and viewpoints, and this submission does not reflect the diversity of Christian concerns on legal frameworks concerned with equal opportunity or human rights.

Summary

5. The SRC agrees with much of the ALRC Paper and sees most of it as a positive move. There are, however, some matters on which we would not agree and some additional reforms that should be considered. These are outlined below.

The five Principles

6. The SRC wholeheartedly supports the five Principles identified on page 9 of the paper, namely:
 - Principle 1 – Human Dignity is central to the expression and protection of all human rights,
 - Principle 2 – All human rights engaged by this Inquiry are fundamentally important.
 - Principle 3 – Human rights should be considered holistically. In managing intersections between human rights, the substance of the rights at issue should be preserved to the maximum degree possible
 - Principle 4 - Education performs a key role in maintaining a pluralist and socially cohesive society.
 - Principle 5 – Students are the centre of the inquiry and are owed a duty of care by all institutions that deliver education.
7. These principles are consistent with the resolution of the (national) General Synod of the Anglican Church of Australia in 2010 which, inter alia, affirmed that "every human being is made in the image of God and has inherent dignity and worth; and that it is essential to protect the human rights that reflect this inherent dignity of all people, especially of the most vulnerable". The Perth Anglican Synod passed a resolution in 2009 to a similar effect.
8. The SRC affirms that these human rights principles apply fully to people who may be the subject of discrimination on the grounds of sexual or gender orientation or identity, pregnancy, marital or relationship status and that it is vital for there to be protections against any such discrimination. Any exceptions to such protection must be as limited as possible and only go as far as required so as not to impinge unnecessarily on the fundamental rights of others, such as rights to religious freedom.
9. Human rights are indivisible and should not be seen as competing. Both religious freedom and freedom from discrimination should be fully protected practicable and if they conflict, it will be necessary to find solutions and accommodations that minimize interference with human rights as far as possible. Distinctions will need to be drawn between an actual infringement of fundamental rights on the one hand and matters which may just cause some offence or upset on the other.

10. The test in any conflict between fundamental human rights should be guided by who stands to suffer the most harm. This will usually be the person subject to the discrimination.
11. In the context of religious educational institutions, the duty of care to children must be paramount. Children are usually the most vulnerable and at greatest risk of harm. There have been much evidence of trauma and adverse impacts, sometimes suicidal, suffered by children in some religious contexts where they have been condemned due to their sexuality or gender identity, all at a time when they should be nurtured and given a sense of dignity and self-worth.
12. The Anglican Diocese of Perth seeks to promote a culture of care and respect for all people in their religious institutions. In recent debates about exemptions for religious education institutions from the provisions of the Sex Discrimination Act, the Archbishop of Perth, and the Anglican Schools Commission Inc (“ASC”), a body set up by the Diocese of Perth to run low-fee Anglican schools, have made it clear that the ethos and Christian values embodied are values of inclusion and non-discrimination. In her public letter of 31 October 2018 to principals, teaching and support staff of Anglican Schools Commission schools, the Archbishop of Perth said:

“Our school communities should be places which reflect the imprint of God’s grace for the students and staff within them. Our school communities should be places in which all members of the community may grow into the full measure of God’s love. Faith, excellence, justice, respect, integrity and diversity are the ASC core values which are part of every ASC school.

I acknowledge and applaud the approach of the ASC in employing teachers and staff who support the Anglican ethos and values of the school. Anglican schools do have a special place in enlivening acceptance and the ethics of care, compassion, and respect for others. Sexual orientation is not a consideration in the employment of teachers or support staff, nor the enrolling of students in ASC schools. ASC schools are inclusive communities and I believe that your schools provide an important option to parents who wish to choose an Anglican education for their children.”

The SRC fully supports these values.

Propositions A and B

13. We note the ALRC’s Propositions A and B as follows:

Proposition A:

Discrimination against students on the grounds of sexual orientation, gender identity, marital or relationships status, or pregnancy

1. Religious educational institutions should not be allowed to discriminate against students (current or prospective) on the grounds of their sexual orientation, gender identity, marital or relationship status, or pregnancy, or on the grounds that a family member or carer has one of those attributes.
2. Religious educational institutions should be permitted to train religious ministers and members of religious orders, and regulate participation in religious observances or practices, unfettered by sex discrimination laws. Where applicable, religious educational institutions should also continue to benefit from the exception available to charities in relation to the provision of accommodation.
3. Religious educational institutions should be permitted to teach religious doctrines or beliefs on sex or sexual orientation in a way that accords with their duty of care to students and requirements of the curriculum.

Proposition B

Discrimination against staff on the grounds of sex, sexual orientation, gender identity, marital or relationships status, or pregnancy

1. Religious educational institutions should not be allowed to discriminate against any staff (current or prospective) on the grounds of sex, sexual orientation, gender identity, marital or relationship status, or pregnancy.

2. Religious educational institutions should be able to select staff involved in the training of religious ministers and members of religious orders, and regulate participation in religious observances or practices, unfettered by sex discrimination laws. Where applicable, religious educational institutions should also continue to benefit from the exception available to charities in relation to the provision of accommodation.

3. Religious educational institutions should be able to require staff involved in the teaching of religious doctrine or belief to teach religious doctrine or belief on sex or sexuality as set out by that institution and in accordance with their duty of care to students and staff, and requirements of the curriculum.

14. We have different responses to the different parts of Propositions A and B as set out below.

Propositions A and B Clause 1

15. For the reasons outlined in the previous section, we fully support clause 1 of both Propositions A and B.

16. Since sexual orientation and gender identity are widely accepted as inherent matters, like race, age or disability, that people are in most cases born with or unable to choose otherwise, it would be unfair and a denial of human rights to allow discrimination against people on the grounds of possessing such attributes. It would be inappropriate to allow schools to expel, exclude or penalise people on the grounds of the attributes protected by the *Sex Discrimination Act* (Cth) ("the SDA attributes") listed in Propositions A1 and B1.

17. The same logic applies to members of staff (current or prospective) of religious schools as well as students. It should also apply to contractor workers in such institutions as well.

Propositions A and B Clause 2

18. In relation to clause 2 of Propositions A and B, while members of the SRC would like to see the elimination of discrimination on grounds of SDA attributes in relation to ministers of religion, members of religious orders and in participation in religious observances or practices within the Anglican Church, we recognise that this legislation has to apply to a range of different religious beliefs across Australia and that there are different theological interpretations even within the Anglican Church on such issues.

19. In the circumstances, such matters need to be decided within each religious community based on their own religious criteria without the need for courts or tribunals to be involved in assessing the appropriateness of their doctrines or tenets. While such discrimination can be very harmful to individuals, they are internal matters which do not impinge on the rights of the wider community outside that religion.

Propositions A and B Clause 3

20. Clause 3 of the Propositions A and B will depend on how the legislation is drafted in terms of how the duty of care to students and staff will be protected and the extent to which students will be free to disagree with the religious doctrines and the extent to which staff may outline in an objective manner the existence of alternative beliefs to those taught by the religion. We support the proposition that religious education institutions should be entitled to teach their doctrines as that is the whole point of many religious educational institutions, but we note the importance of limitations to protect the duty of care to students and staff. For example, it may be necessary to allow religious schools to outline what their doctrines are on matters of sexuality, but not appropriate to require LGBTIQ+ teachers or students to justify or argue for any beliefs to the effect that they are living in sin and damned to hell.

21. It is also vital that any such teaching is not directed at particular students or staff nor should particular students or staff be singled out in any way in such teaching. There would have to be alertness to ensure that no in case any students are subject to bullying as a result of such teaching of doctrine. The duty of care to students and staff should at least include the duty to care for their well-being and to ensure that they are not penalised or victimised by such teaching.

22. Further, if students or staff are to be subjected to teaching on doctrines on matters relating to the SDA attributes, then they need to be forewarned of this before joining the institution. If the institution seeks to teach any doctrines which may fall foul of the SDA, then they should be required to provide information about their doctrines and formulate policies on how these will be taught and provide such information to prospective staff and students. This needs to be a condition of relying upon any such exemption.

Proposition C

23. We note that the ALRC's Proposition C is that:

Preferencing staff involved in the teaching, observance, or practice of religion on religious grounds

1. In relation to selection, appointment, and promotion, religious educational institutions should be able to preference staff based on the staff member's religious belief or activity, where this is justified because:

- participation of the person in the teaching, observance, or practice of the religion is a genuine requirement of the role;
- the differential treatment is proportionate to the objective of upholding the religious ethos of the institution; and
- the criteria for preferencing in relation to religion or belief would not amount to discrimination on another prohibited ground (such as sex, sexual orientation, gender identity, marital or relationship status, or pregnancy), if applied to a person with the relevant attribute.

2. The nature and religious ethos of the educational institution should be taken into account in determining whether participation of the person in the teaching, observance, or practice of the religion is a genuine requirement of the role.

24. The SRC supports the ability of religious educational institutions to give preferences to staff and students on the basis of their religious beliefs or affiliations. As treating the fact that someone is from the same religion as a positive factor, this is potentially a form of discrimination and needs to be listed in legislation as an exception to religious discrimination laws. Most religious institutions will not want to discriminate *against* people who are not of their religion but wish to be able to employ at least a core of their members of their own religion in order to maintain the ethos and mission of the religion, the religious character of the body or to facilitate ministry to people of the same faith. If this was not the case, then the institution could cease to be a *religious* educational institution. This is not out of any desire to discriminate *against* others.

25. We have concerns about the first dot point which limits the situations where "participation of the person in the teaching practice of the religion is a genuine requirement of the role". For most institutions the whole enterprise is part of their mission. This means that it is neither easy nor appropriate to draw distinctions between those positions where participation of a person is a genuine occupational requirement or where a certain core of the school community across different required to provide a culture of religious.

26. Our concern is that the question of what is a "genuine occupational requirement" may be read very narrowly. We certainly disagree with any suggestion that limits this to just the principal, chaplain and religious education teachers.

Students may have interactions and receive pastoral care or other support from a range of occupations within a school.

27. We note the concerns about impact on people who do not share the same religious belief having fewer employment opportunities open to them if excluded from schools by preferences. This may be mitigated first by the proposed requirement that the differential treatment is proportionate to the objective of upholding the religious ethos. This would allow the preference to be applied to a core of positions but perhaps would not be proportionate if there is a requirement for every single member of staff to belong to the same religion.

28. The concern about impact on people who are not of the same religion may also be mitigated by clarifying what is a preference and ensuring that there is no discrimination *against* people who are not of the same religion. Preferences are more applicable when there is choice between applicants for limited positions and where an institution wishes to treat the fact that someone shares the values and faith of the school as a positive factor in an applicant's favour. If there was no one else to preference, to refuse to employ someone on the basis of their religion or lack thereof will not come within a preference exception but simply be discrimination. Also, the reality is that schools want the best staff member available. The positive religious factor may often be outweighed by other factors in favour of a teacher who is not of the same religion as the school.
29. All the comments above about religious preferences are primarily relevant to legislation prohibiting religious discrimination rather than sex discrimination or other kinds of discrimination. It has nothing to do with any of the SDA attributes. From an Anglican point of view, LGBTIQ+ Anglicans, for example, are members, leaders, teachers or staff in our church, so religious preferences and benefits are just as much for the benefit of our LGBTIQ+ members as others. Discrimination against them on the grounds of sexual or gender identity should not be permitted. The same applies to discrimination on the grounds of race, disability, age etc.
30. If the "religious preferencing" is just a disguise for sexual or other discrimination, then this is simply non-exempt discrimination. This would be the case if people had to sign statements of belief or agreements in relation to sexuality or other protected attributes in the *Sex Discrimination Act* or any other beliefs that may impact on other protected attributes like race or disability. There is no need to include any religious preferencing in relation to such discriminations and it should be limited to being an exception in relation to religious discrimination only.

Proposition D

31. We note that Proposition D provides as follows:

Ongoing requirements on all staff to respect the religious ethos of the educational institution

1. Religious educational institutions should be able to expect all staff to respect their institutional ethos. A religious educational institution should be able to take action to prevent any staff member from actively undermining the institutional ethos of their employer.
 2. Religious educational institutions should be able to impose reasonable and proportionate codes of staff conduct and behaviour relating to respect for the institution's ethos, subject to ordinary principles of employment law and prohibitions of discrimination on other grounds.
 3. Respect for an educational institution's ethos and codes of conduct or behaviour should not require employees to hide their own sex, sexual orientation, gender identity, marital or relationship status, or pregnancy in connection with work or in private life, or to refrain from supporting another person with these attributes.
32. The SRC broadly supports the principles in Proposition D, especially clause 3, but has concerns that it could be used to impose onerous terms on employees in relation to what could amount to undermining the employer's ethos. Any legislation will need to keep this to the usual situations when an employer could be justified in taking action against an employee. It is also unclear as to how far "taking action" against the staff member can go. Some additional safeguards are mentioned below.
33. It needs to be clarified that the question of whether an employee is undermining the ethos of the institution is a matter of objective interpretation and not something that is left up to the institution to create as a disguise for unlawful dismissal. There should not be any lesser standards applied to religious institutions than any other employers as to when they would be justified in taking action against an employee.
34. It is vital to require codes of conduct and requirements to respect the institution's ethos to be neutral and applied consistently in good faith and not in an arbitrary manner. They must not be allowed to be in effect a

means of discriminating on the grounds of the SDA attributes. For example, the codes should not just emphasise beliefs about sexuality and marriage and ignore or gloss over other beliefs that are part of the doctrines and beliefs. In such cases, it may appear that the real aim of the codes are sex discrimination and not a normal employment requirement to respect an institutional ethos.

35. It is important in any legislative drafting that clauses 2 and 3 qualify the scope of clause 1. For example, it would be fair for a religious school to prevent staff members from urging their students to become atheists or it would be fair to direct staff members to cease openly ridiculing the doctrines of the school. It would not be fair to require staff members to actively promote beliefs that they do not share or to refrain from advocating for LGBTQI+ rights outside the school context, for example.

36. In addition, there should not be a requirement on students or staff members to sign any doctrinal statements or promise adherence to a set of religious beliefs doctrines or beliefs about any of the SDA attributes and refusal to do so should not be seen as undermining the ethos of the institution.

37. So as not to take employees by surprise once they have commenced at the religious educational institution, it is important that the codes of staff conduct and behaviour should have been made available to the staff member at the outset before their appointment and not altered unilaterally once a staff member has commenced employment. This should be included as an additional requirement.

Technical Propositions 1 and 2

38. The SRC supports Technical Proposition 1 that “Subsection 38(3) of the *Sex Discrimination Act 1984* (Cth) should be repealed” and supports Technical Proposition 2 that “Subsections 38(1) and (2) of the *Sex Discrimination Act 1984* (Cth) should be repealed”.

39. We note that s38 provides exemptions for education institutions conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed. There are three exemptions provided from what would otherwise be unlawful discrimination on the grounds of a person’s sex, sexual orientation, gender identity, marital or relationship status or pregnancy. S38(3) provides the exemption for such religious institutions to discriminate in the provision of education and training ie primarily allowing sex discrimination against students. Technical Proposition 1 seeks to remove this exemption. S38(1) and (2) provide the exemption for such religious institutions to discriminate in connection with employment as a member of staff or in connection with contract work. The qualification is that the institution has to discriminate in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed.

40. The existing exemption is very wide and ~~limitations as to it is not clear~~ what such institutions may consider as necessary to “avoid injury to religious susceptibilities of adherents” are not set out. It is not even limited to what is *necessary* to comply with doctrines and tenets of the religion. There is no scope to consider the impact of the discrimination on the staff member, contract worker or student. ~~nor to~~ We therefore support the removal of the exemptions.

Technical Proposition 3

41. The SRC supports Technical Proposition 3 that:

“The *Sex Discrimination Act 1984* (Cth) should be amended to specify that the exception for religious bodies in s 37(1)(d) does not apply to educational institutions.”

42. We note that s37(1)(d) is a wide catch-all provision in the exemptions for religious bodies that provides that the discrimination provisions in the Act do not apply to:
“(d) any other act or practice of a body established for religious purposes, being an act or practice that conforms to the doctrines, tenets or beliefs of that religion or is necessary to avoid injury to the religious susceptibilities of adherents of that religion.”

43. S37(1)(d) would provide another means for religious educational institutions to discriminate on the grounds intended to be protected by the SDA. We agree that this should not apply to such institutions.
44. We would also support amendments to narrow the s37(1)(d) exception for religious bodies generally but realise that this is out of the terms of reference of the ALRC.

Technical Proposition 4

45. The SRC agrees with Technical Proposition 4 that "The *Sex Discrimination Act 1984* (Cth) should be amended to specify that the exception for religious bodies in s23(3)(b) does not apply to accommodation provided by an educational institution".
46. S23(3)(b) simply exempts religious bodies from what would otherwise be discrimination under the Act in the provision of accommodation. The only limit to that is for Commonwealth funded aged care – s23(3A). We agree that this is too wide and at very least religious education institutions should be removed as well.

Technical Proposition 5

47. The SRC supports Technical Proposition 5 to the effect that "The *Fair Work Act 2009* (Cth) should be amended to specify that the exceptions for religious bodies in ss 153(2)(b), 195(2)(b), 351(2)(c) and 772(1)(f) do not apply to educational institutions except as otherwise provided in the *Sex Discrimination Act 1984* (Cth) and *Age Discrimination Act 2004* (Cth)."
48. The *Fair Work Act* s153 and 195 prohibit discriminatory terms in modern awards and enterprise agreements but exempt religious institutions where the discriminatory act is done in good faith to avoid injury to susceptibilities to adherents of the religion. S351 and s772 of the *Fair Work Act* prohibit discrimination by employers on a range of grounds, including those in the *Sex Discrimination Act* but exempt religious institutions.
49. It is appropriate that these provisions be brought into line with amendments to limit the exemptions to those intended to be made in the *Sex Discrimination Act*.

Technical Proposition 6

50. The SRC agrees with Technical Proposition 6 that "The *Sex Discrimination Act 1984* (Cth) should be amended to extend anti-discrimination protections to prohibit discrimination against students and prospective students on the grounds that a family member or carer of the student has a protected attribute." It is well-known that people, especially people under-age like students, may be discriminated against on basis of the attributes of parents and others.
51. We do urge that it be extended beyond family members and carers includes associates like the Disability Discrimination Act

Technical Proposition 7

52. This proposition is that the government should "Amend the *Sex Discrimination Act 1984* (Cth) to clarify that the content of the curriculum is not subject to the Act."
53. We note that this is proposed to give scope to religious educational institutions to teach their beliefs in a curriculum. The manner in which the curriculum is taught may still amount to unlawful discrimination, eg if taught in a manner that harangues or harasses.
54. The SRC is concerned that this amendment may give more scope discrimination disguised as just part of the curriculum and does not believe necessary.

Technical Proposition 8

55. The Technical Proposition 8 is that “The *Fair Work Act 2009* (Cth) should be amended such that a term of a modern award or enterprise agreement (as applicable) does not discriminate merely because it gives more favourable treatment on the ground of religion to an employee of an educational institution conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed where:

- the treatment relates to the selection of employees;
- participation of the employee in the teaching, observance or practice of religion is a genuine occupational requirement, having regard to the nature and ethos of the institution;
- the treatment does not constitute discrimination on any other ground prohibited by ss 153(1) or 195(1), respectively; and
- the treatment is proportionate in all the circumstances.

56. The SRC understands that the aim is to replace the very wide exemptions for religious bodies in the *Fair Work Act* with a narrower exemption that allows for preferences and provides that the giving of such preferences is not discrimination under those awards or enterprise agreements. This aim is logical.

57. We have already expressed our concern above in relation to Proposition C with the requirement of participation in teaching, observance or practice of religion being a genuine occupational requirement and are concerned that this will be interpreted too narrowly. We believe religious educational institutions should be entitled to give preferences to people of their own religion in order to build a school culture and ethos and that this may need to go beyond just a handful of select positions.

58. As outlined above in relation to Proposition C, the test of proportionality, the issue of what a preference means and also the requirement that there be a prohibition on others forms of discrimination prohibited under Commonwealth law, apart from religious discrimination, should give sufficient protections against an abuse of a “preference” exception.

Technical Proposition 9

59. The proposition is that:

“The *Fair Work Act 2009* (Cth) should be amended such that a term of a modern award or enterprise agreement (as applicable) does not discriminate merely because it allows an educational institution conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed to terminate an employee’s employment where:

- the termination is necessary to prevent an employee from actively undermining the ethos of the institution;
- the treatment does not constitute discrimination on any other ground prohibited by ss 153(1) or 195(1), respectively; and
- the termination is proportionate to the conduct of the employee — including by reference to:
 - the damage caused to the ethos of the educational institution;
 - the genuine occupational requirements of the role, having regard to
 - the nature and ethos of the educational institution; alternative action
 - the employer could instead reasonably take in the circumstances;
 - the consequences of termination for the employee; and
 - the employee’s right to privacy.

The *Fair Work Act 2009* (Cth) should be further amended such that religion is a permissible ground of termination, despite s 772(1)(f), in the circumstances set out above.”

60. We have previously expressed our concerns about Proposition D which this Technical Proposition 9 seeks to articulate. The ability to terminate an employment is a severe step and it is even more important to provide safeguards to ensure that the ability to terminate is not any easier than what would be allowable at law anyway without Proposition 9. The danger is that the notion of “undermining the ethos of the institution” could be used as an alternative for discrimination. There is also not much point otherwise in

placing it in the context of discrimination provisions and yet say it does not apply when there is discrimination. There would appear to be no logic for enshrining a separate exemption for religious institutions to terminate employment for undermining a religious ethos from other situations when termination of employment would be permissible. For these reasons, we do not support this Proposition.

61. If contrary to our submission, Proposition 9 is proceeded with, then as outlined in relation to Proposition D, there needs to be the additional requirement that the treatment and policies are applied generally and not as a means of targeting a teacher. There should also be a requirement for notice of the conditions under which such a termination could occur to have been given to a staff member prior to their employment or contract, before the staff member can be dismissed under these provisions.

Technical Proposition 10

62. The proposition is that:

“The Australian Government should ensure that any future legislation to prohibit discrimination on the basis of religious belief or activity contains exceptions in relation to employment and engagement of contract workers that allow an educational institution conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed to:

- give more favourable treatment to an employee or prospective employee (and contract worker or prospective contract worker) on the ground of religion in relation to selection; and
- take action that is reasonably necessary to prevent an employee or contract worker from actively undermining the ethos of the institution; consistent with the limitations on such exceptions contained in **Proposals 8 and 9.**”

63. As indicated previously we support the first dot point in relation to preference on the grounds of religion but not the second dot point unless there are tight restrictions like those called for in relation to Proposition 9 above.

Technical Proposition 11

64. The SRC supports the Technical Proposition 11 that “The *Australian Human Rights Commission Act 1986* (Cth) should be amended so that religious educational institutions are subject to the Act.”

Technical Proposition 12

65. The SRC supports the Technical Proposition 12 that “The Australian Human Rights Commission should review the ‘Commission Guidelines’ for ‘Temporary exemptions under the *Sex Discrimination Act 1984* (Cth)’ in light of the legislative changes proposed.”

Technical Proposition 13

66. The SRC agrees in principle to Technical Proposition 13 that “The Australian Human Rights Commission, in consultation with the Attorney-General’s Department, should develop detailed guidance to assist educational institution administrators to understand and comply with the *Sex Discrimination Act 1984* (Cth) and anti-discrimination provisions in the *Fair Work Act 2009* (Cth), and for the public to understand the relevant protections.”

67. Naturally we would need to see the detailed guidance to be able to support them, but we agree with the development of such detailed guidance by the Australian Human Rights Commission. We would urge that there be broad consultation by the AHRC and invitation to organisations to make submissions on drafts.

Technical Proposition 14

68. The SRC agrees with the consolidation and simplification of Commonwealth anti-discrimination laws and thus supports Technical Proposition 14 that "Following implementation of Proposals 1 to 11, the Australian Government should consider and consult on further reforms to simplify and strengthen Commonwealth anti-discrimination law, including by addressing inconsistencies arising from reforms proposed in this Inquiry."
It is important to make such laws simpler to locate, understand and remember,

especially bearing in mind that the people in greatest need of such legislation may not have easy access to legal advice and representation. The removal of inconsistencies in definitions of discrimination and indirect discrimination and other similar terminology in a new statute, with an aim of making the tests and applicability of the laws realistic and less bureaucratic for people suffering from discrimination would be welcomed.

70. We thank you again for this opportunity to comment and look forward to being able to make further comments on any draft guidelines or reports. Please feel free to contact Ian Carter AM by email on [REDACTED] or the major writer of this Submission Carolyn Tan on [REDACTED]

Yours sincerely,

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