



THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

Note from committee secretariat

Approximately 155 submissions were received that were identical or substantially similar to the attached form letter.

The committee therefore agreed to publish one example of this form letter, along with a cover note setting out the approximate number of submissions received.

Sex Discrimination Amendment (Removing Discrimination Against Students) Bill 2018

To: Committee Secretary
Senate Legal & Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600 (by email)

Submission Date: 6/1/2019

Dear Secretary,

Please kindly accept this submission on the proposed SDA amendment Bill. I am a pastor with some concerns in Commonwealth law and Australia's Constitution.

I understand that a bill that had been introduced into Parliament proposing amendments to the federal Sex Discrimination Act has been referred to a Senate Committee for further deliberation and so will not be debated again till Parliament next sits in 2019.

In anticipation of that I would like to express some concerns to you about the proposed amendments.

Firstly I agree that a student should not be expelled from school purely for their personal sexual orientation. However my concern is that the proposed bill (maybe unintentionally) seems to go further than this.

Although the bill would remove exemptions to discrimination it doesn't provide corresponding positive protections for religious freedom. This would leave religious schools, other religious educational institutions (including theological colleges) and churches/other faith communities who teach their beliefs, open to the charge of discrimination when they articulate a traditional position on sexuality.

In its current form the provisions of the proposed bill are not limited to 'educational institutions' but seem to apply to every 'body established for religious purposes', which includes churches. Thus the bill could cover, unless somehow other constrained, teaching Scriptures in Sunday Schools, in small Bible study groups, and presumably in churches, mosques and synagogues in their public meetings.

I write asking for your support to ensure that that these freedoms should be protected by a positive right, rather than conceded as exemptions. I believe that there should be a separation of church and state such that we do not expect the government, in a democratic, pluralistic society, to privilege Christian faith over and above other belief systems but to advocate for freedom for all people to hold and propagate their faith and beliefs without fear of legal repercussions. It is these freedoms that appear to be at risk in this proposed Bill.

Yours sincerely