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Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Dear Committee Chair, Members and Secretary

Thank you for your invitation to make a submission to your inquiry into ***Legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff***. Civil Liberties Australia (CLA) consents to this submission being published.

CLA has made a number of submissions to various inquiries in recent years on the subject of religious freedom and the supposed need for faith-based institutions to enjoy exemptions to Australia's anti-discrimination laws so that they may discriminate against students, teachers and staff on sexual orientation and other grounds.

Given the limited time provided for making submissions to this inquiry, we do not propose to repeat everything we have said in previous submissions. Those submissions are on the public record and readily available to you. Instead, we make the following brief points.

CLA does not support exemptions from Australia's anti-discrimination laws for faith-based institutions and existing exemptions should be abolished.

Australia came a long way during the twentieth century to remove discrimination based on sexual orientation, gender, race and other grounds. It is time to consign such discrimination to the dustbin of history where it belongs rather than perpetuating the discrimination, marginalisation and exclusion of yet another generation of Australians.

CLA strongly supports religious liberty as one of the fundamental universal human rights. However, while the freedom to believe in a god or gods of one's choice, or not to believe in god at all, should be absolute, actions that affect the rights and freedoms of others may be subject to limitation. Discriminating against people – in this case, students, teachers and other staff – on the basis of their sexual orientation or gender identity is something CLA believes should not be tolerated in Australia of the 21st Century.

If institutions retain the right to discriminate on these grounds, any such institution should not receive public funding (or grants, subsidies or public funding otherwise described).

If Parliament decides to allow institutions to discriminate on these grounds, CLA believes such institutions should not be eligible for any public funding and that this ineligibility should be

legislated. We believe it is not acceptable in a modern country that public funding goes to institutions that maintain such prejudices.

In previous submissions to various inquiries, we have put our arguments in terms of international treaty law, Australian High Court decisions and the different practices of states. For the purposes of this submission, CLA asks one simple question: how would Committee members feel if their taxes went to an institution from which they or their children were excluded on sexual orientation or gender identity grounds?

If institutions retain the right to discriminate, any such institutions should be required to publicise their discriminatory practices.

CLA believes that if certain institutions wish to discriminate against people for religious reasons, then they should be required to make their practices public, for example by registering their discriminatory practices on a public website. This would ensure the community is aware of what that institution does and can make up their own minds about the legitimacy of its prejudices. It would also allow businesses, for example banks, tradespeople, transport companies and others, to choose not to do business with that institution.

Yours Truly

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