



Australian Council of State School Organisations Limited

One voice for every child in public education

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The Australian Council of State School Organisations (ACSSO) is the recognised national peak body that provides a voice for families and communities in our public schools. We are strong advocates for all young people and their teachers. Thank you for the opportunity to make comment to the inquiry on *Legislative Exemptions that allow faith based educational institutions to discriminate against students, teachers and staff*.

ACSSO advocates that all lesbian, gay, bisexual, intersex and transgender (LGBTI) people have the right to be recognised for their sexual orientation or gender identity. They have the right to feel safe and respected for who they are, wherever they are.

The Universal Declaration on Human Rights and the principles of equality and non-discrimination apply equally to all people¹, and no child or young person should be denied receiving an education at a school, or a right to be employed at, including faith based or religious schools simply because of their sexuality or gender identity. Nor should they be bullied or discriminated against at any place they attend either for an education or a workplace.

The removal of the existing religious exemptions on the basis of gender identity and sexuality will safeguard and protect them from discrimination in these schools – it will also give a clear message of equality within our nation and then also perhaps be a potential protection for wellbeing. Religious exemptions that are currently in place are not conducive to the wellbeing of all.

Many trans and gender diverse young people already experience difficulties at school due to lack of understanding and archaic school policies – these religious exemptions continue to amplify these situations. Schools should be also required to ensure that their policies and practices reflect an environment that is inclusive and supportive of the LGBTI community – there is a lack of consistency which can only be rectified and enforced with the removal of these exemptions.

There is much anecdotal information to support that religious schools, in particular Catholic Schools, are happy to lift any rules governing the religious backgrounds of students and teachers. Many who attend are of no faith or differing religious views – but are able to pay the appropriate fee and attend

The National Catholic Education Commission identifies that religiosity is not a barrier and identifies the fact that “currently almost a third are from outside the faith”. Anecdotally, we would argue in many cases that is much higher.

¹ UN Free and Equal, Fact Sheet: International Human Rights Law and Sexual Orientation and Gender Identity, UN Human rights Office



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We would also argue that there are many further behaviours that would be “against their ethos” that seem to be overlooked when either employ or enrol people such as contraception, pre-marital sex, divorce, illegitimate children, adultery, non-attendance to church etc.

Whilst ACSSO is committed to the inclusive nature of our nation's public-school system – which is its greatest strength, ACSSO believes the sexuality or gender diversity of a student makes no difference to their ability to participate or learn in whatever setting their family chooses. A young person's ability to work in teams with other students and share knowledge and experience in no less because of their gender or sexuality. Their experiences and opportunities may enhance the learnings of their fellow students.

We would also argue that a person's ability to be engaging, nurturing, inspiring and impart or facilitate the acquiring of knowledge is what parents look for and students value in a teacher. This does not in any way diminish due to sexuality or gender. It may indeed be strengthened by these attributes. Our greatest value should be our inclusivity and acceptance.

This legislation does not only effect students and teachers – it effects all that work within that school community – IT, HR, groundskeeper, office admin, canteen worker, learning support officers etc.

Educational opportunities and careers are being limited by these outdated exemptions provided to **publicly funded** faith-based institutions. This is not acceptable.

A recent comment from one of the representatives of our Victorian member states: "As a parent who (previously) sent their children to Catholic schools, I am outraged that this type of discrimination still takes place in today's society. Provided that students, teachers and other employees align with the school's ethos, and teachers do the extra training required around religious instruction, then I see no reason as to why they should not be accepted into the community.

Catholic schools need to start seeing people as people and not worry about such things as sexual orientation or religious beliefs. These things don't make anyone less of a person."

We recommend that all exemptions be removed. Removing these exemptions would protect our LGBTI community and hold all institutions accountable.

Dianne Giblin
Chief Executive Officer

Kevan Goodworth
Chair