

Questions

6. Discrimination: Areas of public life

Question 6.1: Discrimination at work — coverage

(1) Should the definition of employment include voluntary workers?

No

(2) Should the ADA adopt a broader approach to discrimination in work, like the way the Sex Discrimination Act 1984 (Cth) approaches harassment?

No

Question 6.2: Discrimination in work — exceptions

What changes, if any, should be made to the exceptions to discrimination in work?

None

Question 6.3: Discrimination in education

(1) What changes, if any, should be made to the definition and coverage of the protected area of “education”?

None

(2) What changes, if any, should be made to the exceptions relating to:

(a) single-sex educational institutions?

No changes should be made to exceptions relating to single-sex educational institutions

Question 6.7: Discrimination in accommodation — coverage

What changes, if any, should be made to the definition and coverage of the protected area of “accommodation”?

None

Question 6.8: Discrimination in accommodation — exceptions

What changes, if any, should be made to the exceptions for private households, age-based accommodation and charitable bodies in relation to discrimination in accommodation?

None

Question 6.9: Discrimination by registered clubs — coverage

What changes, if any, should be made to the definition and coverage of the

protected area of “registered clubs”?

None

Question 6.10: Discrimination by registered clubs — exceptions

What changes, if any, should be made to the exceptions for registered clubs in relation to sex, race, age and disability discrimination?

None

7. Wider exceptions

Question 7.1: Religious personnel exceptions

(1) Should the ADA provide exceptions for:

(a) the training and appointment of members of religious orders?

Yes this is absolutely necessary to comply with the International Covenant on Civil and Political Rights.

This must cover the selection, appointment, removal, training and education (including the selection, appointment and removal of people to take part in the training and education of) priest, ministers, pastors, bishops, deacons, chaplains, lay ministers, rabbis, imams, monks, nuns, muftis, sheikhs, elders etc..

It must not be the case that “For the exception to apply, the discrimination must be necessary to comply with the doctrines, tenets or belief of that religion.” As this could leave matters of determining doctrine in the hands of secular courts, which they are not qualified to do. On top of this a number of religious denominations leave certain issues to a lower level to determine or personal conscience.

(b) “the appointment of any other person in any capacity by a body established to propagate religion”?

At the very minimum there must be an exception for “the selection or appointment of persons to perform duties or functions for the purposes of or in connection with, or otherwise to participate in, any religious observance or practice”

Religious institutions (other than schools, hospitals, & age care facilities) must be allowed to require all staff to adhere to the religious beliefs and practices of the institution and conduct themselves consistently (in all areas of life) with the religious beliefs and practices of the institution.

Religious schools, hospitals, & age care facilities must be allowed to require all executive staff/ remunerated key management personal (i.e. CEO, Principal, Deputy Principal, Junior Principal, etc), all staff that reside on the premises (i.e. Bording House Master) and all staff involved in religious instruction (if not already covered above) (i.e. Biblical Studies Teacher, combined Geography/ Biblical Studies Teacher, etc) to adhere to the religious beliefs and practices of the institution and conduct themselves consistently (in all areas of life) with the religious beliefs and practices of the institution.

Religious schools, hospitals, & age care facilities must be allowed to give preference in the hiring of all other staff to those that adhere to the religious beliefs and practices of the institution and conduct themselves consistently with the religious beliefs and practices of the institution.

Religious schools, hospitals, & age care facilities must be allowed to require all staff to support the religious ethos of the institution, not undermined the religious ethos of the institution, and not behave in a manor inconsistent with the religious ethos of the institution at or in connection with work.

Exceptions must not be narrower than those found in federal law.

Question 7.2: Other acts and practices of religious bodies

Should the ADA provide an exception for other acts or practices of religious bodies? If so, what should it cover and when should it apply?

Yes, an exception must include at minimum admission and removal from membership, the participation in religious rites (i.e. communion), dress codes, and 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.

Question 7.3: Exceptions for other forms of unlawful conduct

Should the general exceptions for religious bodies continue to apply across the ADA, including to all forms of unlawful conduct under the Act?

Yes

Question 7.4: Exceptions for providers of adoption services

Should the ADA have a specific exception for providers of adoption services? If so, what should it cover and when should it apply?

Yes, the current exceptions should remain as is.

Question 7.5: Private educational authorities employment exceptions

(1) Should the ADA contain exceptions for private educational authorities in employment? Should these be limited to religious educational authorities?

Yes

Religious educational authorities (other than schools receiving over \$100,000 (inflation adjusted from 2024) per Anum in recurrent government funding) must be allowed to require all staff to adhere to the religious beliefs and practices of the institution and conduct themselves consistently (in all areas of life) with the religious beliefs and practices of the institution.

Religious educational authorities (receiving over \$100,000 (inflation adjusted from 2024) per Anum in recurrent government funding) must be allowed to require all executive staff/ remunerated key management personal (i.e. CEO, Principal, Deputy Principal, Junior Principal, etc), all staff that reside on

the premises (i.e. Bording House Master) and all staff involved in religious instruction (if not already covered above) (i.e. Biblical Studies Teacher, combined Geography/ Biblical Studies Teacher, etc) to adhere to the religious beliefs and practices of the institution and conduct themselves consistently (in all areas of life) with the religious beliefs and practices of the institution.

Religious educational authorities (receiving over \$100,000 (inflation adjusted from 2024) per Anum in recurrent government funding) must be allowed to give preference in the hiring of all other staff to those that adhere to the religious beliefs and practices of the institution and conduct themselves consistently with the religious beliefs and practices of the institution.

Religious educational authorities (receiving over \$100,000 (inflation adjusted from 2024) per Anum in recurrent government funding) must be allowed to require all staff to support the religious ethos of the institution, not undermined the religious ethos of the institution, and not behave in a manor inconsistent with the religious ethos of the institution at or in connection with work.

Educational authorities conducted solely or primarily for students of one sex must be allowed to appoint a principal of that sex.

Exceptions must not be narrower than those found in federal law.

(2) If you think the Act should provide exceptions in this area:

(a) what attributes should the exceptions apply to?

Religious beliefs and practices, marital or relationship status, non-innate characteristics that appertains generally to persons who have the same sexual orientation as the aggrieved person, non-innate characteristics that are generally imputed to persons who have the same sexual orientation as the aggrieved person, conditions, requirements or practices that have, or are likely to have, the effect of disadvantaging persons who have the same sexual orientation as the aggrieved person, non-innate characteristics that appertains generally to persons who have the same gender identity as the aggrieved person, non-innate characteristics that are generally imputed to persons who have the same gender identity as the aggrieved person, conditions, requirements or practices that have, or are likely to have, the effect of disadvantaging persons who have the same gender identity as the aggrieved person, indirect discrimination on the grounds of sexual orientation, indirect discrimination on the grounds of gender identity, and any other attribute that is not innate.

(b) what requirements, if any, should duty holders meet before an exception applies?

They should have a written policy.

Question 7.6: Discrimination against students and prospective students

(1) Should the ADA contain exceptions for private educational authorities in education? Should these be limited to religious educational authorities?

Religious educational authorities must be allowed to give preference in enrolment to the children of those that adhere to the religious beliefs and practices of the institution

Religious educational authorities must be allowed to require dress codes for students of each sex, require students not to behave in a manner inconsistent with the religious ethos of the institution either at school or in uniform, require students to attend religious services and religious education classes, and be allowed to teach the doctrine of that religion (including sexual ethics).

Educational authorities must be allowed to be conducted solely or primarily for students of one sex.