

IEUA-QNT SUBMISSION

[11 August 2022]

Submission: Exposure Draft Anti-Discrimination Amendment Bill 2022

The Independent Education Union – Queensland and Northern Territory Branch (IEU-QNT) welcomes the opportunity to provide feedback regarding the *Exposure Draft of the Anti-Discrimination Amendment Bill [1]* (the Bill), released by the Department of the Attorney-General and Justice.

About IEU-QNT

IEU-QNT represents ~16,000 teachers, support staff and ancillary staff in non-government education institutions in Queensland and the Northern Territory and consistently engages in debate concerning educational, industrial and equity issues through its Education, Industrial and Equity Committees and through its national counterpart, the Independent Education Union of Australia, which receives input from teachers in all States and Territories.

As a union of education professionals in the non-government sector, our interest in the changes proposed via the Draft Anti-Discrimination Amendment Bill concerns their impact on: 1) the working conditions for our members, and 2) the effect that the school environment has on the educational and interpersonal experiences of both school staff and students.

Comments regarding the Exposure Draft of the Anti-Discrimination Amendment Bill 2022

Given their crucial role in the lives of students and young people, and the impact the school environment has on health and wellbeing, it is particularly important that schools are held to the highest of standards in relation to their fundamental responsibility to ensure that students and staff are able to attend schools that are free from all forms of discrimination and harassment.

In 2017, our union made a submission to the Northern Territory Government's review of the *Anti-Discrimination Act*. In that submission, we indicated (in response to question 14 of the Government's Discussion Paper) our support for the removal of automatic religious exemptions which allow religious organisations to discriminate against students and staff in ways that are out of step with modern community expectations and disproportionately affect the very sectors of society discrimination legislation is intended to protect.

Our union's position remains that employers in faith-based schools should not need to rely on religious exemptions because:

1. All staff and students in schools deserve safe workplaces/learning environments; and staff and students in schools should not be discriminated against on the basis of their personal lives.

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2. Practices in faith-based schools, and indeed in any endeavour conducted for the public by faith-based organisations, should reflect community standards and expectations. This is especially the case when such organisations are in receipt of public funds.
3. Faith-based schools have the capacity and resilience to continue to operate in the absence of discrimination exemptions.

Further, we are aware that there are, within the Northern Territory, faith-based schools that have committed, in enterprise bargaining agreements, to non-discriminatory practices, by explicitly excluding themselves from using the provisions of section 37A. Section 17.3 of the *St Phillip's College (Alice Springs) Teachers Enterprise Agreement 2021*, for example, contains the following:

TERMINATION OF EMPLOYMENT

Exemption from section 37A of the Northern Territory Anti-Discrimination Act 1992

17.3.1 In recognition of creating a more inclusive workplace and society St Philip's College will not, on the basis of religious doctrine, discriminate against a person in the area of work if the discrimination:

(a) is on the grounds of:

(i) religious belief or activity; or

(ii) sexuality;

17.3.2 The College being an educational authority under the below mentioned act; excludes itself from using the provisions of section 37A of the Northern Territory Anti-Discrimination Act 1992 that allows an educational authority on the basis of religious doctrine to discriminate on the grounds of religious belief or activity; or sexuality where in good faith it offends the religious sensitivities of people of the particular religion.

We would also draw the Northern Territory Government's attention to a [current review of Queensland's Anti-Discrimination Legislation](#), which has also received submissions (including those from our union) that sections of the Act relating to religious exemptions are no longer appropriate and should be deleted.

Concluding Comments

Our union believes the current revision of The Northern Territory's Anti-Discrimination Act provides an opportunity to contemporise the legislation through introducing changes that are consistent with other jurisdictions, and contemporary community expectations.

With respect to the specification of circumstances where non-government schools might be granted exemptions, we believe that Section 37A of the current Act, and the draft Bill is inappropriate and should be deleted.

We are #IEUUnionStrong

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We look forward to the opportunity to participate in further consultations as the Bill is progressed.



Terry Burke
Branch Secretary
Independent Education Union of Australia -Queensland and Northern Territory Branch
Thursday 11 August 2022