

# **Removing Discrimination From Schools Bill 2019**

**No.     , 2019**

The Hon. dyljam MP

**A Bill for an Act to remove exemptions for discrimination against children and staff in schools.**

## **Explanatory Memorandum**

The purpose of this bill is to introduce legislation to repeal exemptions which allow schools to discriminate against children and staff on the basis of gender, sexual orientation, gender identification, marital or relationship status or pregnancy.

## **Second Reading Speech**

Mr Speaker,

It is unfortunate that in the year 2019, schools may still reject the application for enrolment of, or expel, a student simply on the basis of their gender, sexual orientation, gender identification, marital or relationship status or pregnancy.

It is just as indefensible for a school to not employ, or to terminate the employment of, staff on these same bases.

Numerous governments of the past of the left, right and centre, have all failed to properly protect students and staff of educational institutions. We have ignored their rights as people to be contributing members of society, based on archaic ideals and deeply flawed principles.

It is for this reason that I am introducing this bill to remove these exemptions for educational institutions to discriminate against staff and students on the aforementioned bases. There should be no doubt that this bill is well justified, and I strongly urge all parliamentarians to support it.

# **The Parliament of Australia enacts the following**

## **1. Short Title**

This Act may be referred to as the Removing Discrimination From Schools Act 2019.

## **2. Commencement**

This Act is to commence upon Royal Assent.

## **3. Objects of this Act**

The objects of this act are:

- (a) To prohibit schools from not accepting the enrollment of, and from expelling, students on the basis of gender, sexual orientation, gender identification, marital or relationship status or pregnancy.
- (b) To prohibit schools from not employing, and from terminating the employment of, staff members on the basis of gender, sexual orientation, gender identification, marital or relationship status or pregnancy.

## **Schedule 1—Amendments**

### **Part 1—Amendment of the Sex Discrimination Act 1984**

#### ***Sex Discrimination Act 1984***

##### **1. After subsection 37(2)**

Add:

(3) Paragraph (1)(d) does not apply to an act or practice of a body established for religious purposes if:

- (a) the body is an educational institution; or
- (b) the act or practice is connected with the provision, by the body, of education or training; or
- (c) the act or practice is connected with the employment of persons to provide that education or training

##### **2. Section 38**

Repeal the section.

### **Part 2—Amendment of the Fair Work Act 2009**

#### ***Fair Work Act 2009***

##### **3. Section 12**

Insert:

***educational institution*** means a school, college, university or other institution at which education or training is provided.

**4. Paragraph 153(2)(b)**

After “institution”, insert “(that is not an educational institution)”.

**5. Paragraph 195(2)(b)**

After “institution”, insert “(that is not an educational institution)”.

**6. Paragraph 351(2)(c)**

After “institution”, insert “(that is not an educational institution)”.

**7. Paragraph 772(2)(b)**

After “institution”, insert “(that is not an educational institution)”.