

Resolution of Council

20 September 2021

Item 10.10

Religious Discrimination Bill and Parental Rights Bill

Moved by Councillor Scott, seconded by Councillor Thalís –

It is resolved that:

(A) Council note:

- (i) the Education Legislation Amendment (Parental Rights) Bill 2020 proposed by One Nation’s Member of the Legislative Council Mark Latham seeks to allow parents to remove their children from any lesson at a public school which contradicts their personal, social or political values in its current form;
- (ii) the Education Legislation Amendment (Parental Rights) Bill 2020 will effectively prohibit dealing with any topic that may elicit a complaint from parents including LGBTIQ+ issues, climate change, matters of immigration and cultural diversity, Indigenous issues and history and the experiences of people with differing religious beliefs in its current form;
- (iii) the Education Amendment (Parental Rights) Bill 2020 seeks to tie teacher accreditation to the compliance of such ‘parental primacy’ as described at (ii) above;
- (iv) the Education Legislation Amendment (Parental Rights) Bill 2020 precludes teachers and school counsellors at both private and public schools from recognising and supporting the gender identity of trans and gender diverse students in its current form;
- (v) in its current form the Education Legislation Amendment (Parental Rights) Bill 2020 would allow parents to effectively veto content they disagree with in the curriculum, as established by the NSW Education Standards Authority (NESA), from being taught, without safeguards to ensure a child’s education is not unreasonably compromised;

- (vi) in its current form the Education Legislation Amendment (Parental Rights) Bill 2020 would require all school staff, including teachers, non-teaching staff, counsellors, advisers and consultants, to not recognise or support the gender identity of others who are transgender, gender diverse or non-binary;
- (vii) Equality Australia has expressed opposition the Education Legislations Amendment (Parental Rights) Bill 2020 labelling it as “harm(ful to) trans and gender diverse students by denying their existence and preventing teachers and counsellors from supporting them”;
- (viii) the NSW Teachers Federation has strongly condemned the Education Legislation Amendment (Parental Rights) Bill 2020 and the report on the Bill from the NSW Parliamentary Education Committee as an “attack on the teaching profession and is the epitome of the politicisation of our schools”;
- (ix) the Federation of Parents and Citizens Association of NSW, including 1800 member organisations, The Office of the Advocate for Children and Young People, and The Office of the Children’s Guardian consider the proposed legislation as unjustified, unnecessary and not to be adopted;
- (x) both the NSW Teachers Federation and the Independent Education Union made submissions to and gave evidence before the Legislative Council Committee inquiring into the Education Legislations Amendment (Parental Rights) Bill 2020. Both organisations object to the Bill as it is unworkable and unsafe for both teachers and students;
- (xi) in its current form, the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 proposed by One Nation’s Member of the Legislative Council Mark Latham seeks to prohibit discrimination based on religious beliefs and activities by placing religion above other human rights, the law and government rules;
- (xii) in its current form, the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 would allow faith-based organisations to be able to discriminate on the grounds of religion in employment, education and service delivery, even when religion is not relevant to the role or the service, and even when receiving public funding to deliver services to the public;
- (xiii) a joint statement from Protect Us All signed by 110 organisations highlighted how in its current form the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 would “allow religion to be used as an excuse to hurt, exclude and demean others, including other people of faith”;
- (xiv) Equality Australia opposes the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 because it fails to protect all of us, equally under the law;
- (xv) that Council unanimously opposed the harmful Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 and the harmful Education Legislation Amendment (Parental Rights) Bill 2020 by resolution of Council on 24 August 2020; and

- (xvi) that arising from a Lord Mayoral Minute, Council unanimously called upon the Morrison Government to remove unbalanced provisions from its proposed Religious Discrimination Bill threatening safe and inclusive workplaces, schools and services, and privileging individual religious beliefs over patients' rights on 17 February 2020;
- (B) Council reaffirm its condemnation of both the harmful Education Legislation Amendment (Parental Rights) Bill 2020 and the harmful Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020; and
- (C) the Lord Mayor be requested to:
 - (i) write to the Premier, Attorney General and Minister for Education calling on the Government to oppose the Education Legislation Amendment (Parental Rights) Bill 2020 in its current form and Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 in its current form and ensure that any religious discrimination proposals put forward by the NSW Government protect all of use, including people of faith and those without, equally; and
 - (ii) write to the Labor Opposition Leader, shadow Attorney General, shadow Education Minister and the NSW Members for Sydney, Lake Macquarie and Wagga Wagga calling on them to oppose both the Education Legislation Amendment (Parental Rights) Bill 2020 and the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020.

The motion, as varied by consent, was carried unanimously.

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