



Australian Government
Department of Education and Training

Director, Legal Policy
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Dear Sir / Madam

Modernisation of the Northern Territory *Anti-Discrimination Act*

The Australian Government Department of Education and Training appreciates the opportunity to provide comments on your *Discussion Paper – Modernisation of the Anti-Discrimination Act*.

The proposed amendments are commensurate with the policies and procedures overseen by this department within the educational context, including where actions are prescribed by relevant Commonwealth legislation such as the *Sex Discrimination Act 1975*, the *Racial Discrimination Act 1984* and the *Disability Discrimination Act 1992*. The department supports streamlining of legislation, policies and procedures to make requirements easier to understand, remove ambiguities and simplify administration.

While the Australian Government plays an important role in national education policies, responsibility for the management of schools and educational institutions rests with state and territory governments and education authorities, in conjunction with individual schools and institutions. This includes the governance arrangements relating to schools of particular religious denominations.

The Government respects the right of parents to choose a government or non-government school for their children. Schools of different affiliations and educational philosophies have been part of Australia's diverse schooling system for decades and have made a significant contribution to the education of Australian children. The Government will continue to support parental choice through its growing investment in Australian's schooling system to provide a quality education for all Australian students.

Parents and guardians are able to choose the type of school their child attends and whether their child participates in particular programs such as religious or sex education.

The Government also recognises that safe, supportive and respectful teaching and learning environments contribute to positive learning outcomes and student wellbeing. Every child has the right to feel safe and supported. The Australian Curriculum provides a framework for all school students to appreciate the value of democracy, non-discriminatory behavior, an understanding and

Opportunity through learning

acceptance of their own and different cultures in multicultural Australia, as well as our Indigenous and Western heritages. The Government is committed to protecting freedom of speech, religion and other long practiced traditional rights and liberties.

Consequently, the Government supports the inclusion of strong protections for religious freedom (raised at question 14) in relation to education, and will ensure that religious bodies and educational institutions are able to operate in accordance with the doctrines, tenets, beliefs or teachings of their religion. It is also important that religious based schools implement the Australian Curriculum and operate according to state and territory laws and policies. Accordingly, they should continue to be able to make decisions concerning enrolments, employment of staff and related operations. This allows schools to determine how to best meet the needs of students in accordance with their religious beliefs.

On 22 November 2017, the Prime Minister, the Hon Malcolm Turnbull MP, announced the appointment of an Expert Panel to examine whether Australian law adequately protects the human right to freedom of religion. In doing so, the Prime Minister indicated that any reforms to protect religious freedom at large should be undertaken carefully, and that the Panel will provide a timely expert stocktake to inform the consideration of any necessary legislative reforms.

The Hon Philip Ruddock is chairing the Panel, which also consists of the President of the Australian Human Rights Commission, Emeritus Professor Rosalind Croucher AM, the Hon Annabelle Bennett AO SC, Father Frank Brennan SJ AO and Professor Nicolas Aroney. The Panel will report its findings to the Prime Minister by 31 March 2018.

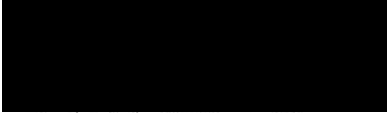
The NT Government may wish to make a submission to the Panel which is accepting initial submissions until 14 February 2018. Further information is available on the review's website: <https://pmc.gov.au/domestic-policy/religious-freedom-review>.

Finally, I note that the Disability Standards for Education 2005, formulated under the *Disability Discrimination Act 1992*, are in place to ensure all students with disability can access and participate in education on the same basis as other students. The Standards explain the obligations of education and training providers, including schools, for students with disability.

I look forward to hearing of the successful progress and outcomes of the modernisation of the Northern Territory's *Anti-Discrimination Act*.

The department has no objections to its comments being made publicly available and published. Please do not hesitate to contact me if there is any further information I can provide.

Yours sincerely


David Pattie
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Improving Student Outcome Group

31 January 2018