

EXPLANATORY MEMORANDUM
Equal Opportunity (LGBTIQ Anti-Discrimination) Amendment Bill 2018

Background

The Purpose of the Bill is to repeal section 73 of the Equal Opportunity Act 1984 (WA), and in doing so protect lesbian, gay, bisexual, transgender, intersex and queer people ('LGBTIQ') from discrimination on the basis of their sexuality or gender identity or history by educational institutions formed for religious purposes ('religious schools').

The Bill seeks to strike a balance between the rights of LGBTIQ citizens to remain free from discrimination on the basis of their sexuality or gender identity/history in the areas of employment and education, and the rights of religious organisations to observe or practice in conformity to the doctrines, tenants or beliefs of that religion.

This Bill is to be limited in its operation. The Bill will still allow:

- Religious organisations to discriminate against any person, for any reason in relation to the training or ordination of priests, ministers of religion or member of any religious order, the appointment of persons to perform the duties or functions in connection with in any religious observance or practice; or any other act or practice that conforms to the doctrines, tenants or beliefs of that religion. (s72 EOA)
- Any person or organisation (including religious schools), to apply for exemptions on any ground in the EOA via the State Administrative Tribunal (s135 EOA)
- Religious schools to teach and direct their employees and contract workers to teach their religious beliefs in a manner that is consistent with the *2018 Standards for Non-Government Schools* and the *School Education Act 1999 (WA)*.
- Religious schools to favour enrolling students who adhere to their religion.

Clause 1 Short title

The short title is the *Equal Opportunity (LGBTI anti-discrimination) Amendment Act 2018*.

Clause 2 Commencement

Part 1 of the Act will come into operation on the date of Royal Assent, and the remainder of the Act will come into operation on the day after Royal Assent.

Clause 3 Act amended

Describes the Act the bill is amending: the *Equal Opportunity Act 1984 (WA)*.

Clause 4 – Section 73 Amended

Delete section 73 - Educational institutions established for religious purposes- including section 73(1), 73(2) and 73(3).

Clause 5 – Section 73 Inserted

This clause creates an exemption allowing religious schools to discriminate on the basis of religion when choosing which students to enrol in the school. For example, a Jewish School may choose to only enrol Jewish students.