

Senate Standing Committees on Legal and Constitutional Affairs

Religious Discrimination Bill 2021 [Provisions]; Religious Discrimination (Consequential Amendments) Bill 2021 [Provisions] and Human Rights Legislation Amendment Bill 2021 [Provisions]
QUESTION ON NOTICE

Outcome: Schools

Department of Education, Skills and Employment Question No. IQ22-000002

Senator Deborah O'Neill provided in writing.

Religious Freedom Review

Question

In its formal response to Recommendation 9 of the Religious Freedom Review, the Morrison Government promised that:

- it would “take a leadership role by developing model Guidelines that could form the basis of a national framework to ensure that parents’ and guardians’ rights to request the removal of a child from a class that contains instructions on religious or moral matters are consistently applied and understood in all Australian schools regardless of jurisdiction”;
- the “Minister for Education will correspond with State and Territory Education Ministers encouraging them to review their existing policies as to when and how a parent or guardian may request that a child be removed from a class that contains instruction on religious or moral matters that the parents or guardians may reasonably consider contrary to the religious doctrines, tenets or beliefs of that family, and ensure that these policies are applied consistently, in line with the Religious Freedom Review’s recommendation and in accordance with the proposed model Guidelines to be developed by the Australian Government”; and
- the “Minister for Education will put this recommendation on the agenda of the next meeting of Education Ministers at the COAG Education Council for their consideration”.

Has the Government taken a leadership role in the development of such guidelines? If so, please explain exactly what it has done.

1. Precisely what steps has the Government taken to develop such guidelines?
2. What is the current status of those guidelines?
3. Did the current or any former Minister for Education ever correspond with State and

Territory Education Ministers encouraging them to review their existing policies as to when and how a parent or guardian may request that a child be removed from a class that contains instruction on religious or moral matters that the parents or guardians may reasonably consider contrary to the religious doctrines, tenets or beliefs of that family, and ensure that these policies are applied consistently, in line with the Religious Freedom Review’s recommendation and in accordance with the proposed model Guidelines to be developed by the Australian Government?

- a. If not, why not?
- b. If so, on what date(s) and could copies of the relevant correspondence please be provided to the Committee.

4. Has the current or any former Minister for Education ever put Recommendation 9 on the agenda of any meeting of Education Ministers? If so, when did this happen, what was the meeting and on which date(s) did the meeting(s) take place? If not, why not?

Answer

The Department of Education, Skills and Employment is the lead on the implementation of Recommendation 9 of the Religious Freedom Review.

The aim of Recommendation 9 was to ensure that state and territory education departments maintain clear policies as to when and how a parent or guardian may request that a child be removed from a class that contains instruction on religious or moral matters, which may include relationship and sexuality education classes as well as to ensure that these policies are applied consistently.

In 2019, following the release of the Government response to the Religious Freedom Review, the then Minister for Education, the Hon Dan Tehan MP wrote to state and territory Education Ministers noting that in the Government's response to the Religious Freedom Review there is an intention to develop national guidelines.

In April 2019, senior Government officials across all states and territories were engaged through Schools Policy Group. The original correspondence outlined proposed issues for consideration in the development of the draft guidelines, which included information on existing state and territory legislation and policies on school attendance, exemptions and parental consent.

Research was undertaken to examine the religious environment in Australia to better understand what areas are more likely to attract requests for religious exemptions. A stocktake of existing state and territory legislative arrangements and information for parents and families was also completed.

In combination this showed that all states and territories (excluding SA at the time) had in place existing legislation and arrangements to support parents with information on the content of religious education being taught and processes to support students being exempted for religious grounds.

- SA was in the process of considering legislation at the time which has now been enacted (the *Education and Children's Services Act 2019* (V1.7.2021) with guidance on the SA Education website).

Following these discussions draft guidelines were initiated by the Commonwealth but these did not progress to consultation with states and territories.

In early 2020, the priority for Education Ministers became the management of responses to the bushfires, and then the COVID-19 pandemic.

On 25 November 2021, the Government introduced the *Religious Discrimination Bill 2021*.

Currently Education Ministers are considering a review of the Australian Curriculum which may result in changes to the timing and content of relevant matters within schools, particularly through the health and PE curriculum, which include relationship and sexuality education content.

The Department of Education, Skills and Employment will discuss with states and territories if further work is required on Recommendation 9 in the first half of 2022 noting this will also be an opportunity to update states and territories on the progress of the *Religious Discrimination Bill 2021*.