

# Equal Opportunity Amendment (Equality for Students) Bill 2016

## Introduction Print

### EXPLANATORY MEMORANDUM

#### Clause Notes

- Clause 1 states the purpose of the Bill. The main purpose of the Bill is to amend the **Equal Opportunity Act 2010** to provide that exemptions for religious schools do not permit discrimination against students.
- Clause 2 is the commencement provision. It provides that the Bill comes into operation two months after the day on which it receives the Royal Assent.
- Clause 3 states that in this Bill, the **Equal Opportunity Act 2010** is called the Principal Act.
- Clause 4 amends section 82(2) of the Principal Act to provide that the exemption for religious bodies is subject to new section 84A.
- Clause 5 amends section 83(2) of the Principal Act to provide that the exemption for religious schools is subject to new section 84A.
- Clause 6 amends section 84 of the Principal Act to provide that the exemption for religious beliefs or principles is subject to new section 84A.
- Clause 7 inserts a new section 84A in the Principal Act which removes the special exemption for a person or body that establishes, directs, controls, administers or is an educational institution that is a school to discriminate against a student on the basis of the student's sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.

The amendment only limits the application of sections 82, 83 and 84 to schools. It does not limit those exemptions at other education or training institutions.

The effect of the amendment is to provide the same protection against discrimination for all school students regardless of their sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity or which school they attend.

Clause 8 provides for the automatic repeal of the Bill on the first anniversary of the day on which it receives the Royal Assent.

The repeal of the Bill does not affect in any way the continuing operation of the amendments made by the Bill, as provided for in section 15(1) of the **Interpretation of Legislation Act 1984**.

PARLIAMENT OF VICTORIA

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Students) Bill 2016**

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# PARLIAMENT OF VICTORIA

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Introduced in the Council by Sue Pennicuik

## **Equal Opportunity Amendment (Equality for Students) Bill 2016**

A Bill for an Act to amend the **Equal Opportunity Act 2010** to provide that religious schools cannot discriminate against students on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.

**The Parliament of Victoria enacts:**

### **1 Purpose**

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The main purpose of this Act is to amend the **Equal Opportunity Act 2010** to provide that religious schools cannot discriminate against students on the basis of sex, sexual orientation, lawful sexual activity, marital status, parental status or gender identity.

## 2 Commencement

This Act comes into operation on the day that is 2 months after the day on which it receives the Royal Assent.

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## 3 Principal Act

In this Act, the **Equal Opportunity Act 2010** is called the Principal Act.

## 4 Religious bodies

10 In section 82(2) of the Principal Act, for "Nothing" **substitute** "Subject to section 84A, nothing".

## 5 Religious schools

15 In section 83(2) of the Principal Act, for "Nothing" **substitute** "Subject to section 84A, nothing".

## 6 Religious beliefs or principles

In section 84 of the Principal Act, for "Nothing" **substitute** "Subject to section 84A, nothing".

## 7 New section 84A inserted

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After section 84 of the Principal Act **insert**—

### **"84A Discrimination against school students not exempt**

25 Sections 82(2), 83 and 84 do not permit discrimination by a person or body that establishes, directs, controls, administers or is an educational institution that is a school against a student on the basis of the student's sex, sexual orientation, lawful sexual activity, marital status, parental status or  
30 gender identity."

## **8 Repeal of amending Act**

This Act is **repealed** on the first anniversary of its commencement.

### **Note**

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The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## **Endnotes**

### **1 General information**

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.