



The Secretary  
House of Assembly Government  
Administration Committee  
Parliament of Tasmania  
Parliament House  
HOBART TAS 7000

Phone: (03) 6212 2220

Email: [assemblygaa@parliament.tas.gov.au](mailto:assemblygaa@parliament.tas.gov.au)

Web: [Inquiry into Discrimination and Bullying in Tasmanian Schools | Parliament of Tasmania](#)

8 August 2024

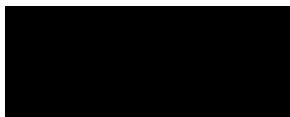
BY E-MAIL: [assemblygaa@parliament.tas.gov.au](mailto:assemblygaa@parliament.tas.gov.au)

Dear Committee Secretary

The Australian Christian Lobby (ACL) is grateful for the opportunity to make a submission to the *Inquiry into Discrimination and Bullying in Tasmanian Schools*.

Thank you for giving the following submission your careful consideration.

Yours Sincerely,



**Michelle Pearse**  
CEO

# **SUBMISSION:**

## ***Inquiry into Discrimination and Bullying in Tasmanian Schools***

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**AUSTRALIAN CHRISTIAN LOBBY**

### **About Australian Christian Lobby**

The vision of the Australian Christian Lobby (ACL) is to see Christian principles and ethics influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation.

With around 250,000 supporters, ACL facilitates professional engagement and dialogue between the Christian constituency and government, allowing the Voice of Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned. ACL representatives bring a Christian perspective to policy makers in Federal, State and Territory Parliaments.

**[acl.org.au](http://acl.org.au)**

## Executive summary

ACL respectfully advances its view that:

- this Inquiry should stick faithfully to the agenda of addressing school bullying, and
- those steering it should do all within their power to prevent the important goals which could be achieved being diverted in pursuit of political ambitions.

ACL abhors bullying, and supports proper steps towards its eradication.

ACL's main concern, which springs from the Parliamentary speeches made in support of the Inquiry, is that the Inquiry already has the appearance of being less about "bullying" and more the vehicle for prosecuting ideologically-driven positions against religious individuals (including Tasmania's Catholic Archbishop Porteous) and religious institutions (faith-based schools). This is deeply regrettable.

Among the most contested areas of political activism currently, which divide Australia, are:

- the discrimination law exemptions available to religious institutions in different jurisdictions, and
- the most appropriate health and human rights policies to be taken to the sensitive issue of gender transitioning, especially among school-age children.

The Parliamentary comments in support of this Inquiry which refer to Archbishop Porteous disclose serious antagonism towards him, and the views he expressed in his recent pastoral letter. The connection with bullying in schools is sufficiently indirect and tenuous as to suggest an intention to elevate politics above bullying outcomes.

Among a number of misconceptions promoted in the activism against religious schools in the context of the ALRC's *Inquiry into Religious Educational Institutions and Anti-Discrimination Laws* is the extent to which such schools supposedly discriminate against students.<sup>1</sup> The stated focus of this Inquiry, on prohibitions against discrimination in educational settings, raises many issues from the ALRC Inquiry which are still under consideration, to gives the impression that this Inquiry is an exercise in reigniting those contentious questions, rather than about bullying as such.

ACL is also concerned that the best approaches be found to issues faced by gender dysphoric children. Unquestioning "affirmation" of a gender identity at variance with natal sex, particularly in children, is increasingly controversial. We note that Tasmania's Commissioner for Children and Young People, on whose opinion certain Tasmanian MPs appear to rely, has failed to engage with questions put to her two

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<sup>1</sup> In the context of staffing, the main concern for those schools which are serious about their ethos is to secure staff who support it.

years ago, concerning the medicalisation of such children.<sup>2</sup> In the face of a growing body of international evidence to demonstrate grounds for concern, the Tasmanian government would be well-advised to adopt a cautious approach on this issue. The interests of those most directly affected, especially children, are not well served by a hyper-politicised public discourse. If this Inquiry were to stray into such areas, rather than being confined in scope to school bullying, it is likely to attract criticism for promoting ideological causes above the safety and protection of the children affected.

We therefore strongly recommend confining this Inquiry to school bullying, not wider issues.

## Submission

The Inquiry is concerned with questions of “direct and indirect discrimination, prohibited conduct, unequal and disadvantageous treatment, bullying and harassment”.<sup>3</sup> It goes well beyond “bullying”. The way it was moved in Tasmania’s lower house suggests that the purpose may be to invite activist hostility against religious beliefs, including of the type frequently encountered in public debate on the removal of discrimination exemptions for religious schools. The Inquiry was also framed in an unexpected way, by referring to Archbishop Porteous in a negative light without compelling relevance or justification.

In ACL’s view bullying is bullying, and should be condemned as such regardless of whether it is prohibited by the discrimination, harassment or other laws. It should be the sole focus of the Inquiry.

Some House members spoke to the question of “bullying” in its more conventional sense, aside from formal questions of discrimination, harassment or other legal prohibitions. Hon. Vica Bayley (Deputy Leader, of the Greens Party) mentioned recently-published findings of the Australian Council for Educational Research (ACER), based on OECD data and showing that

“of all students in OECD countries, only Latvia reports higher levels of bullying than Australia. Almost one in five, so that is about 18 per cent, of teenagers surveyed reported instances where other students had made fun of them and 10 per cent of students felt left out and had nasty rumours spread about them, while 5 per cent had been threatened.”<sup>4</sup>

Unlike discrimination exemptions, which are disputed on the basis of attribute-based claims, bullying affects the school community more broadly, and on a different basis.

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<sup>2</sup> We refer here specifically to a letter from Binary spokeswoman, Kirrilie Smith addressed to the Commissioner in July 2022, itemising concerns. This was followed by another letter in October 2022. Commissioner Leanne McLean never responded to these letters.

<sup>3</sup> Resolution of the House of Assembly of 12 June 2024.

<sup>4</sup> Hansard, Parliament of Tasmania, House of Assembly, report of debates Wednesday, 12 June 2024, p.49. De Bortoli, L., Underwood, C., Friedman, T., & Gebhardt, E. (2024). PISA 2022. Reporting Australia’s results. Volume II: Student and school characteristics. Australian Council for Educational Research. <https://doi.org/10.37517/978-1-74286-726-7>

Hon. Guy Barnett commented that the OECD survey included all three Tasmanian school sectors (government, Catholic and independent schools) and he recommended that all government schools be encouraged to foster “a culture of openness and a celebration of diversity”.<sup>5</sup> It is unclear how this recommendation engages with the results of ACER’s report.

A number of ACER’s findings challenge the usual assumptions about identity-based victimisation. According to the ACER report:

- Female students reported less exposure to bullying than male students.
- Students from disadvantaged socioeconomic backgrounds reported greater exposure to bullying than students from average or advantaged socioeconomic backgrounds.
- Students who attended schools in major cities reported lower levels of exposure to bullying than students at schools in regional areas.
- First Nations students reported greater exposure to bullying than non-First Nations students.
- Australian-born students reported greater exposure to bullying than first-generation or foreign-born students, and first-generation students reported greater exposure to bullying than foreign-born students.
- Students from each of the demographic groups reported greater exposure to bullying than on average across the OECD.<sup>6</sup>

The OECD figures are silent on the question of whether students identifying as LGBTIQ+ fare worse than others.

Contrary to the impression given by the Tasmanian Parliamentary debates, the ACER report showed that students in Catholic and independent sectors are significantly *less* likely to report experiences of feeling bullied than those in government sector schools. This would seem to confirm the wisdom of a pastoral approach that emphasises the inestimable worth of every child, regardless of the attributes which modern identity politics seems to prioritise.

It is particularly surprising therefore to find that the Inquiry was promoted in Parliament in a way that made specific targets of: a prominent Catholic leader (Archbishop Porteous), Catholic schools, and Christian schools more generally.

In proposing the Inquiry Hon. Kristie Johnston opened abruptly, not with the OECD’s rationale based on bullying in schools, but with Tasmania’s *Anti-Discrimination Act 1998*:

“It says under section 17(1) that a person must not offend, humiliate, intimidate, insult or ridicule another person on the basis of age, race, disability, gender, intersex, gender identity, sexual orientation, lawful sexual conduct, pregnancy, breastfeeding, family responsibilities, parental status, marital status and relationship status, and where a reasonable person having

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<sup>5</sup> Ibid, p.42.

<sup>6</sup> Ibid.

regard to all the circumstances would anticipate the other person would be offended, humiliated, intimidated, insulted or ridiculed. This can be a form of bullying that is against the law.”<sup>7</sup>

Section 17(1) is notorious for the way it was applied in 2016 against Archbishop Porteous for distributing a tract providing guidance to members of the Catholic Church. It resulted in a formal complaint, arguably without proper cause, and certainly without adequate opportunity for him to be exonerated. The same provision was also applied against Senator Claire Chandler for expressing concern in support of the rights of biological women in connection with single-sex spaces and sports.

In Parliament, in support of this Inquiry, Ms Johnston made repeated references to Archbishop Porteous in a way that is likely to be of acute concern to many of ACL’s supporters. She conflated bullying in schools with certain comments made in a recent open letter by him, on the basis of which it is said “students have experienced what they feel is discrimination”.<sup>8</sup>

It would be deeply regrettable if this Inquiry were to be used as the opportunity for attacks on Archbishop Porteous, when his letter has little direct connection with schools, or to bullying. It equates a letter by a religious leader in one context (addressing aspects of Catholic doctrine) with abusive conduct in contravention of the law. It gives this Inquiry the character of a gratuitous attack on him personally, on Catholic schools which do not subscribe to particular ideologies, and on religious schools (including Islamic and Jewish) which operate in accordance with a more traditional ethos. It suggests that this Inquiry is capitalising on existing politically inspired hostility, which has no proper place in multicultural Australia. As applied to Archbishop Porteous it has a decidedly bullying flavour.

The fact that claims have been made under section 17(1) (and officially processed by Tasmania’s human rights authority) in response to mere expressions of opinion and belief by Archbishop Porteous and Senator Chandler indicates the degree to which free speech is unjustifiably restricted by a prohibition framed in such terminology as “offend”. No defences are available for conduct prohibited by section 17. In Tasmania, section 17 operates as a secular blasphemy law, preventing speech which is critical of ideology.

Hon. Vica Bayley was correct in noting in his House of Assembly speech that “[t]olerance and acceptance is a problem nationwide”.<sup>9</sup> He also observed the crucial relevance of the “human rights that we as a country have signed up to protect”, by which he can only have meant the human rights protected by international human rights treaties.<sup>10</sup>

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<sup>7</sup> Ibid, p.36.

<sup>8</sup> Ibid, p.37.

<sup>9</sup> Ibid, p. 49.

<sup>10</sup> Ibid, p.49.

These treaty requirements, binding on Australia, do not support – in fact they condemn – the anti-religious sentiments expressed in connection with this Inquiry, and the best interests of the child which are at stake if gender ideology is prioritised over the as-yet-unresolved health concerns for children in schools who encounter issues of gender dysphoria.

## Recommendations

We respectfully recommend that the Inquiry focus only on bullying, as conventionally understood (including by the OECD), and avoid the temptation to reach for a one-size-fits-all “solution” to behaviours that are likely to have complex drivers. The type of inquiry most likely to serve the interests of children in Tasmanian schools by helping to reduce bullying in schools must be able to deal impartially with evidence as to fact, rather than operating on the basis of prejudice or presumption.