

# AUSTRALIAN LAW REFORM COMMITTEE

## SUBMISSION BY THE

# AUSTRALIAN ASSOCIATION FOR RELIGIOUS EDUCATION

24<sup>th</sup> February 2023

*In response to call for submissions to the Australian Law Reform Commission's inquiry into anti-discrimination laws as they apply to religious educational institutions.*

The Australian Association for Religious Education is the non-denominational, not-for-profit, professional association for all chaplains and educators in the field of religious education.

The AARE seeks to:

- promote religious Education as an important part of the educational landscape.
- represent, support & promote the chaplain and religious educator and facilitate the co-operation & understanding among them.
- facilitate the ongoing development of religious education and related fields within schools, universities and other educational institutions.

To be clear, we oppose the suggested reform as they represent a dangerous and ill-conceived change.

The short consultation phase provided and the timing of it set at the beginning of the school year:

- undermines the credibility of the ALRC if it is suggesting that it is genuinely seeking feedback in order to make a good and informed decision,
- illustrates a very poor understanding of the “educational industry”,
- makes this rushed “reform” likely to cause more harm than good,
- suggests political interference and particular individuals with their own social-engineering agenda.

It is a huge contradiction to the ideal of a secular government to be interfering in the workings of religious institutions in this way. In broad terms, a “secular government” is not controlled by religion; neither does it control religion. Here, the government is proposing to interfere and control religious institutions; this is alarming and very disappointing.

To suggest that protections be removed from religious educational institutions because they are discriminating against staff and students smacks of hypocrisy and inconsistency. Religious educational institutions must be free to operate so they may be true to what they are. By way of comparing other “discriminatory practices”:

- Parents may only send their children to government schools in a particular locality relative to where they live. - Is this discrimination?
- Individuals can't practice law or medicine because they do not have a law or medical degree. - Is this discrimination?
- A member of the Liberal party with views inconsistent with that of the Labor Party may not run as a Labor candidate. - Is this discrimination?
- A devout Catholic may not join and lead an atheist group - Is this discrimination?

Contrary to the implication that there is rampant discrimination in Christian schools, one will more likely find the school striving to protect students from any such the victimisation and to educate its students against

the bullying of others. Because of their faith traditions, religious schools today are overwhelmingly safe places. They offer support and sanctuary against many hardships that their students experience in life and provide training of their staff to promote the welfare of their students.

In a free society, religious educational institutions must be free to promote and practice their faith. Surely, what we want is for our citizens to have choice. Parents have the right to choose to send their children to any particular school. If parents have chosen a particular religious school, it is often because of its religious beliefs and values. The particular institution is what it is because of its faith tradition. Incidentally, contrary to your statement there is no suggestion that single sex schools would be prohibited, the wording of the suggested reforms implies just that.

Regarding the statements about sexual orientation, gender identity, marital / relationship status this is a whole area which needs to be sensitively, sensibly and carefully considered as there are many myths being espoused as "truths". Children and adolescents need to be protected from them, as by definition, they are still growing in understanding in these areas. Religious educational institutions are often places that demonstrate great love and understanding for students struggling with a range of related perceptions and realities.

Religious educational institutions are of great benefit for our country. They offer proficiency and genuine care for the welfare and learning of students founded on their strong religious beliefs and values. Their focus is helping to form productive citizens with sound morals and a desire to serve others and the community. They serve to promote and reinforce the religious faith of the parents who choose to send their children there.

Religious schools seek to empower and enable their students to have healthy, respectful relationships built on their understanding of a loving Creator who desires for them to come to know Him and who wants their eternal happiness. Because religious schools teach that God created the world for all of humankind, religious schools promote the concept of caring for the world in a sustainable way; to be stewards of the land and respectful of each other.

An integral element to being a religious educational institution is the formation of a 'community of faith'; people belonging to a community that shares the same religious faith. This is core. Everyone needs to feel they belong, are respected and valued. As the old cliché states, faith is "caught" not "taught". Formal religious education informs a person but their faith is a gift that needs to be nourished. Parents charge the school to foster this with instruction, positive experiences, encouragement and role-modelling. While learning about one's religion is imperative, faith is more than intellectual assent. Faith is a community-formed, nourished and supported aspect of life.

The proposed reforms for religious educational institutions are an unnecessary and harmful intrusion. Institutions must retain the right to employ people who support and give example to the beliefs and values of the institution.

Parents have the right to expect that the teachers and other relevant staff are supportive of the religious beliefs, practice and ethos of the school. While institutions can and do currently employ people of different faiths, or of no faith, they MUST retain the right to employ their staff so that the school can do what it promises its significant stakeholders (parents) to do. Religious educational institutions should continue to be permitted to choose who to employ, taking all considerations into account; they do this looking for appropriate balance.

Religious educational institutions must be permitted to retain the right to employ staff or engage contractors who will meet the needs of the institution. This may include the capacity and willingness of the individual to publicly support the ethos, beliefs, values and practices of the institution. It is only logical and reasonable that this occurs.

Part of being any type of institution is corporate identity; it would be unreasonable to employ anyone who does not fit that identity. We presume that the Australian Law Reform Commission has certain standards and conditions required of its members in order to uphold its corporate identity and professional standing.

To create the appropriate religious community the employment of staff who desire to and can support and contribute to this community is essential. It might be that not all staff need to be of "the Faith" or with any particular attribute mentioned in the suggested reform but that is for the school to decide as circumstances and needs change.

In an era of profound accountability, religious educational institutions should be permitted to expect its members to support:

- the institution's Code of Conduct
- all that pertains to a public demonstration of support to the beliefs, values and practices of that religious educational institution.

Of course, the level of expectation required by contractors and employees differs according to the level of interaction and exposure to the community; especially the students. There should be flexibility with those not directly involving interaction with students. Institutions are already acting with discretion in these matters so there is no need for legislation. Market forces will resolve any matters.

In conclusion, no one is expecting perfection or sainthood among its community members but it is not unreasonable that religious educational institutions expect its staff, in particular, to strive to model the religious life of the school. Religious educational institutions should continue to have the right to operate consistently with its publicly espoused vision and mission statements. There is no secret here. Religious educational institutions, prospective staff and parents should retain the right of choice.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Callus', written in a cursive style.

Mr Chris Callus  
President  
Australian Association for Religious Education