



PRESBYTERIAN CHURCH OF AUSTRALIA

Church and Nation Committee

Threat to Christian Education from ARLC review

February 2023

The Federal government will almost certainly seek to amend Anti-Discrimination Legislation so that religious schools lose current exemptions which allow them to have enrolment and employment policies that promote their mission and enable them to develop an educational community that reflects their religious convictions. In particular, the current exemptions which allow religious schools to discriminate on the basis of sex, sexual orientation, gender identity, marital or relationship status or pregnancy would be removed.

The first step toward these changes is a review by the Australian Law Reform Commission (ALRC). The ALRC has now released a consultation paper: *Review into Religious Educational Institutions and Anti-Discrimination Laws*.

Organisations can make submissions to the ALRC in response to the paper. The Presbyterian Church of Australia, and most of the state churches will do this. We also encourage Presbyterian schools to make submissions.

The ALRC invites individuals to participate in a survey. This takes about 10-15 minutes to complete and will give you a chance to express the importance of religious schools being able to maintain a consistent ethos through enrolment and employment policies. Some draft responses to questions in the survey are given listed below. You should express your views in your own words, but these can be a prompt. The survey can be accessed [here](#).

The ARLC is due to present a final report for the government in April which will provide a basis for drafting amendments to the legislation. It will be important for the Christian and religious community to have a clear voice at each step along this process. This opening round will be crucial.

The suggested changes will make it harder for religious schools to maintain their distinctive ethos. The comments below focus on Christian schools, but this will affect schools of any faith basis.

In terms of enrolment, the ARLC recommends that schools should have no exemption which allows them to discriminate against students on the grounds of sex, sexual orientation, gender identity, marital or relationship status or pregnancy or on the grounds that a family member or carer has one of these attributes. It accepts that schools should be able to have uniform requirements, though even these would have to accommodate for “transgender and gender diverse” students.

Most Christian schools have no desire to discriminate against students for enrolment. However, this kind of provision can make it difficult for schools to require students to comply with required behaviour.

The impact on employment policy is of far greater concern. The paper recommends that religious educational institutions will only be able to preference staff with faith commitment for positions that directly teach religious material or lead religious activities, that is chaplains or Christian studies teachers. Even then such preference could not equate to discrimination. This would mean that a school could not refuse to employ a Christian studies teacher who said they were a Christian but was in a sexual relationship outside of marriage.

If these proposals become federal law, they will further erode the capacity of Christian schools to offer a distinctive education in a community shaped by a faith ethos. This has already been severely compromised by changes in anti-discrimination legislation in many states. The current federal legislation gives some protection but will disappear if the ARLC proposals are enacted.

John McClean
Convenor, Church Nation Committee.

What can you do?

- 1) Complete the ARLC survey and encourage members of your congregation to do the same.
- 2) Encourage any Christian school you have a connection with to make a submission.
- 3) Pray that Christian leaders and Christian schools can make a difference to the government policy direction.

For more information:

See the [ARLC report](#).

Neil Forster, a Christian law academic from Newcastle University, has [an analysis and assessment](#) of the report.

[Christian Schools Australia](#) is holding several online briefings this week.

Steve MacAlpine, a Christian commentator, [warns of the threats](#) in the report.

Draft Answers to ARLC survey — provided by Freedom for Faith.

Question: *Do you see the creation of a 'community of faith' within a religious educational institution as important?*

Comment: Schools are about more than just teaching maths and English – they are a learning community that shapes the whole person. That's why schools teach sport, art and ethics. Parents choose faith-based schools because they want that learning community to also be a community of faith that shapes their child.

In your answer, you might talk about how you have experienced the community of faith in your school or college, and how you value that as a part of education.

Question: *What do you think about reforms to change the law so that religious educational institutions would not be allowed to discriminate against students on the grounds of sexual orientation, gender identity, marital or relationship status, or pregnancy?*

Comment: All schools set down codes of conduct for students that reflect the values of the school and the community it serves. No student should be harassed or bullied for any reason. However, all schools should be able to have rules of conduct that reflect the faith of the community.

In your answer, you might suggest that schools should treat all children with respect and love, but that it is reasonable for a school to have rules of behaviour in line with their faith.

Question: *What do you think about reforms to change the law so that religious educational institutions would not be allowed to discriminate against staff on the grounds of sex, sexual orientation, gender identity, marital or relationship status or pregnancy?*

Comment: Schools that are faith communities need to have staff who uphold that faith. Faith is a fundamental worldview that impacts all of life for a believer. For many faiths, this impact includes sexuality. Staff who work in faith-based schools and colleges should expect to be asked to share the values of the faith community, not only in their teaching but in their manner of living out their faith.

In your answer, you might discuss the value of having staff that uphold the faith in creating the faith community in a school or college. For faiths that hold to specific beliefs about sexuality, those beliefs cannot be separated from the rest of the faith.

Question: *In relation to the employment of staff and selection of contractors... what do you think religious educational institutions should be permitted to take into account in preferencing members of the same religion? What do you think religious educational institutions should not be permitted to take into account in preferencing members of the same religion? Are there some factors that institutions should be permitted to take into account for particular employee/contractor roles, but not for other employee/contractor roles?*

Comment: Each faith has its own requirements – some have restrictions on clothing, diet, and all kinds of behaviour. Is it dangerous for a Government to decide which bits of a faith a religious school is allowed to require, and which bits are not.

In your answers, you might talk about the need for religious groups to hold to their own faith and not be told what they are and are not allowed to believe.