



16 November 2018

Senator Louise Pratt
Chair
Senate Legal and Constitutional Affairs References Committee
PO Box 6100
Parliament House
Canberra ACT 2600
By email: legcon.sen@aph.gov.au

Dear Senator

Legislative Exemptions That Allow Faith-Based Educational Institutions to Discriminate Against Students, Teachers and Staff

The Association of Independent Schools of South Australia (AISSA) represents the interests of 104 South Australian Independent schools, with an enrolment in excess of 47,200. The AISSA is recognised as the peak body for Independent schools (non-Catholic) by governments, other education and training sectors and key interest groups within the community in South Australia.

The AISSA's response to the Religious Freedom Review articulated the importance of retaining the current level of protections under State and Commonwealth equal opportunity legislation as these relate to employment in religious schools. The AISSA considers that the current legislative framework, both in South Australia and nationally, provides an appropriate balance between the rights of all parties (religious schools and employees) and strongly opposes any attempts to reduce the current protections which enable a religious school to operate in accordance with the ethos upon which the school was founded and the right of parents to choose a school for their child which meets the needs, values and beliefs of their family.

It is essential to recognise that religion in religious Independent schools is not an 'accessory' or an 'add-on'. It is embedded in the very essence of the school including, school policies and practices, pedagogy, the curriculum and the co-curricular activities of the school. The values and ethos of the school provide the context for all aspects of school life including the educational programs.

In many religious Independent schools it is a necessity that staff be committed to the religion of the school and model their lives on the religion's values and beliefs. There is an expectation by parents when making a choice of school that staff in these schools embody the values of the school both within and outside of school life. This necessitates that school employees conduct themselves in a manner consistent with the principles of the school both within school hours and outside of school hours. For some religious schools a commitment to the beliefs and principles of the school, requires that all staff be committed to monogamous heterosexual relationships. However, it needs to be noted that this forms only one part of a commitment to religious principles that is expected in these schools.

It is a central tenet of Independent schools that staff across all occupations, and the wider school community, will be committed to the underlying philosophies (educational and/or religious) and principles of the school. This is not unique to schools, with many organisations, including political parties, having an expectation that employees will embody the principles, values and philosophies of the organisation in their everyday life. For the majority of Independent schools in South Australia, it is critical that they have the ability to engage staff and volunteers across all occupations who share the religious values of the school.

Legislative changes should only be made in cases where deficiencies have been clearly demonstrated in current law, there is a demonstrated overall benefit to the community arising from the changes and the potential impact of the changes on the community have been clearly identified. There is a significant and longstanding legislative precedence across Australia for recognising the right of religious bodies and institutions to operate in accordance with the (religious) principles and beliefs that the institution is founded on and these should continue. If Australia is to remain a diverse, multi-faith and multi-cultural society, and abide by its international treaty obligations, it is essential that the religious and cultural belief systems of Australians continue to be respected.

Yours sincerely

Carolyn Grantskalns
Chief Executive