

To: Senate Legal and Constitutional Affairs References Committee

Dear Sir/Madam:

I would like to make a personal submission on the following matter referred by the Senate to your Committee:

Legislative exemptions that allow faith-based educational institutions to discriminate against students, teachers and staff, including on the basis of sexual orientation and gender identity and other attributes covered by the Sex Discrimination Act 1984, with particular reference to proposals for amendments to current legislation, and any related matters.

I believe that this is not a clear and honest formulation of the issue we face as a society - for two reasons:

1. **The wording is loaded.** It suggests that the dominant - and even *only* - Act of Parliament which the citizens of Australia must obey in this area of human rights is related to “sex discrimination”. Yet there are many forms of discrimination in our society - including, increasingly, religious discrimination. A healthy society seeks to balance all these rights, and should not be emphasising “sex discrimination” as the dominant right, if it sets the agenda of rights legislation, and has priority over all other rights.

Faith-based educational institutions, such as schools and colleges throughout Australia, must continue to be allowed to exercise their right of religious freedom in selecting and managing their students, teachers and staff in accordance with their fundamental beliefs and the stated mission of their institutions. The alternative is to sanction a form of state control that will finally threaten all freedoms in our society.

2. **There is international recognition of the right of religious freedom** - for example, by the United Nations in its 1948 Universal Declaration of Human Rights and in the European Convention on Human Rights (Article 9) in 1953. Given the extent to which Australia is responsive to international agreements of all kinds, it is extraordinary that this essential right of religious freedom is not already enshrined, clearly and unambiguously, in our legal and constitutional system. Instead, it is being regarded as an after-thought, which can only be covered by “exemptions”.

I sincerely hope that Australia can catch up with the broader international community in affirming the fundamental right of religious freedom.

Thank you for the opportunity to make a submission to your Committee.

Karl Schmude