

Religious Educational Institutions and Anti-Discrimination Laws

Submission from Scott Muir

I write to express my opposition to changes in the law that would create hardship for religious schools preferring staff members who share the religious convictions and values of the governing body. I appreciate the complexities that exist in making laws that work across the diversity of ideologies, cultures, faiths etc.. that we have in Australia. But I do not believe the suggested changes enhance such diversity, but in fact, serve to limit it.

The argument seems to be that there is no need for the maths teacher or the PE teacher to hold to the religious views of the school because their area of work is not inherently religious. Yet such a position undermines the very purpose of religious schooling. In sending children to religious schools (as I do), parents are not just hoping to get some additional religion thrown into what is otherwise the same school experience as the State provides. We are expecting a cultural difference that comes through having staff (governing staff, teaching staff, administration staff) who embody our religious principles, values and teachings. This goes beyond what is taught and extends to character, conduct and ideology.

In the school my children attend, the faith of the teachers is evident and this positively contributes to the culture of the school. This would be broken down completely if many teachers (dare I say, majority) did not hold to those convictions.

I also know that in our school, teachers gather together for biblical encouragement and prayer, which serves to unify the teaching group. This too would be impossible with non-believing teachers and staff on the team.

My concern is that changes to the law in this regard would severely impact the right of religious organisations to maintain their doctrinal standards and values, particularly when employing staff who share the doctrinal convictions of the organisation. Such a proposal elevates 'equality rights' above 'liberty rights' without any sound reason for doing so. The reasons are purely ideological. This transgresses the line separating church and state and prevents religious organisations from freely acting in accordance with its doctrinal standards.

The Census results demonstrate that fewer Australians identify with a particular religious category, but the fact that enrolments in Christian schools are on the increase, demonstrates that people still want the values that Christian schools hold (they like the fruit of the Christian gospel even if they are not committed to the root from which the fruit comes). Governments ought to respect this as it aligns completely with section 18.4 of the International Covenant on Civil and Political Rights –

18.4 The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The impact of legislation limiting the rights of religious schools from employing Christian people across all its positions would be to make them indistinct from public schools. As a parent who sends my children to Christian schools, I value the fact that the maths teacher and the administration staff are Christians. This serves to strengthen the Christian foundation of the school. These values, not the educational values, are the primary reason I choose a Christian school for my children.

Of course, some religious schools may choose to employ non-religious persons in various roles. That is their prerogative. But for the state to create the situation where schools could be sued for preferring a Christian on its staff, seems ludicrous.¹

I am also concerned that such changes would likely result in religious schools spending a lot of time and money in litigation. Any decision it makes to employ a religious person would come under scrutiny and would often result in litigation.

There is a certain irony that political parties may prefer persons who share their political views when making staff appointments. Of course, it only makes sense to do so. In the same way, it makes sense for religious organisations to be free to employ people who share their religious values.

A sensible, national approach, seems the logical way forward. I appreciate that this is difficult in a diverse society, but the answer is not to limit the freedoms of those who make the society stronger.

Scott Muir
24 February 2023

¹ Note that in no way do I support Christian schools making demands on its students concerning sexual identity. The laws I am referring to are those that may limit the Christian influence of the school through its staff, not students. A Christian school ought to be a safe and loving place for all students where the Christian values and doctrines are not compromised, but without demanding all students abide by them.