

**From:** [REDACTED]  
**To:** [Anti Discrimination Law](#)  
**Subject:** To maintain the diversity of education in Australia please support the rights of religious schools  
**Date:** Monday, 20 February 2023 3:23:48 PM

---

Dear Australian Law Reform Commission,

Below is our submission to the ALRC Religious Educational Institutions Inquiry's consultation paper:

We are encouraged by some of the points contained in the four propositions. For example, proposition D states, "Religious educational institutions should be able to expect all staff to respect their institutional ethos. A religious educational institution should be able to take action to prevent any staff member from actively undermining the institutional ethos of their employer." It also proposes: "Religious educational institutions should be able to impose reasonable and proportionate codes of staff conduct and behaviour relating to respect for the institution's ethos, subject to ordinary principles of employment law and prohibitions of discrimination on other grounds."

However, the last point in Proposition D effectively counteracts the above principles by saying, "Respect for an educational institution's ethos and codes of conduct or behaviour should not require employees to hide their own sex, sexual orientation, gender identity, marital or relationship status, or pregnancy in connection with work or in private life, or to refrain from supporting another person with these attributes."

One example of how this last point will play out in practice is given in the consultation paper itself: "a school could not terminate the employment of a lesbian teacher on the grounds that she was actively undermining the religious ethos of the institution merely by entering into a marriage with a woman." We entirely disagree with this. If a Christian or Muslim school cannot lift a finger against something as clearly opposed to their religious teachings as this, the whole ethos of the school cannot but fall apart. If schools are to uphold religious principles and give students examples to follow, they must retain the right to consider important factors, such as a public homosexual marriage or publicly acting as the opposite gender, when making employment decisions.

In effect, the proposed reforms pay lip service to the human rights of parents who choose to send their children to religious schools.

The International Covenant on Civil and Political Rights (ICCPRs, Article 18) provides "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to ... manifest his religion or belief in worship, observance, practice and teaching."

The Universal Declaration of Human Rights (UDHRs, Article 18) also recognises the right of freedom of religion to include the right "to manifest his religion or belief in teaching, practice, worship and observance."

So, the right to freedom of religion includes the freedom to practice those beliefs – it is not confined only to freedom to worship.

This is why we call upon you to support, rather than remove, these rights of religious schools so that Australia can maintain its diversity of education.

Yours sincerely,

Jennifer and Shann Kellaway

[REDACTED]