

Submission regarding the “Religious Educational Institutions and Anti-Discrimination Laws: Consultation Paper (2023)”

I am writing as a schoolteacher who has taught in NSW Public schools, Catholic schools, a Greek orthodox school and Christian schools.

In addition, I have two primary school aged children who attend a NSW Public school.

I write with alarm and concern over the recent consultation paper by the Australian Law Reform Commission (ALRC) regarding anti-discrimination laws. If the proposals which are suggested by the paper are enacted it will undermine the rights and freedoms of parents, teachers and students in many schools. It will reduce the true diversity of our society, and elevate the rights of some sections of society in a way that is left unjustified by the paper. This will be to the detriment of freedoms for ordinary people.

The quandary of conflicting rights – The ALRC has found itself seeking to maintain certain obligations to which Australia is a part, such as “equality and non-discrimination on the grounds of sex, sexual orientation, gender identity, marital or relationship status, pregnancy, race, or religion (p.10),” yet without recognising that such grounds often conflict. Why they chose to elevate sexual orientation and gender identity issues at the expense of other issues is not explained. Surely, it is best to let each school live out their ethos in accordance with their conscience.

A narrow-minded diversity - The ALRC’s proposals promote a narrow-minded diversity, which is not representative of our society. A multicultural society will allow a variety of different beliefs and practices, instead of the vanilla approach of the ALRC. As such, an Islamic primary or high school should be free to teach and live out the moral code of Islam, free from interference by the State. Likewise, a Jewish, Sikh, Steiner, or Christian school should be free to teach and live their respective moral codes, free from interference by the State. Logically speaking, these schools need only demonstrate that they are able to produce better educational outcomes than the lowest performing public school in order to have a strong argument for maintaining their funding.

The unacceptable separation of teaching from practice - The ALRC seeks to separate teaching from practice. For example, a school may be able to teach a certain sexual ethic in line with their beliefs, and this is with the knowledge and approval of the school's parent body, but the school may be restricted in applying those beliefs, such that they "could no longer refuse to hire a teacher on the grounds that they are LGBTQ+." An Islamic school should be free to hire teachers in accordance with their Islamic beliefs, including on sexual ethics. If my child was to attend an Islamic school then I would reasonably expect that the teachers at that school would both teach and live in accordance with Islamic sexual ethics. Let each school clearly display their beliefs and practices and then let parents decide where they wish their children to attend.

In conclusion, with the strongest words I wish to express my grave concerns about the ALRC's consultation paper. It tramples on the rights of certain members of society, whilst elevating the rights of others without justifying why such rights are elevated. It reduces the true diversity of society. It makes the State the moral judge of issues that should be left to individuals and communities.

Regards,
Graham Barnes (NSW citizen)