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The Association of
Independent Schools of
New South Wales Limited

22 February 2023

The Hon. Justice Stephen Rothman AM
Commissioner for the Inquiry
Inquiry into Religious Educational Institutions and Anti-Discrimination Laws
Australian Law Reform Commission

Email: antidiscriminationlaw@alrc.gov.au

Dear Commissioner

The Association of Independent Schools of New South Wales (AISNSW) is the state's peak body representing the Independent school sector. The sector is diverse and through this diversity, provides families with choice in school education. The NSW Independent school sector has 511 schools and campuses, educates over 228,000 students each year and accounts for 18.4% of all NSW school enrolments.

In NSW, approximately 90% of students in the Independent sector attend faith-based schools. These include schools of Christian denominations, Anglican, Catholic, Greek Orthodox, Lutheran, Presbyterian, Seventh-day Adventist and Uniting Church, Christian, Islamic and Jewish schools.

Many Australian parents choose to enrol their children in faith-based schools because the schools' religious beliefs and values align with their own, a right protected by Article 13(3) of the International Covenant on Economic, Social and Cultural Rights (of which Australia is a party), which provides:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities ... to ensure the religious and moral education of their children in conformity with their own convictions.

AISNSW strongly supports this right. The reforms being considered by the Australian Law Reform Commission's (ALRC) inquiry should not diminish the fundamental character of faith-based schools and should protect one of the most important attributes parents seek in choosing a religious school.

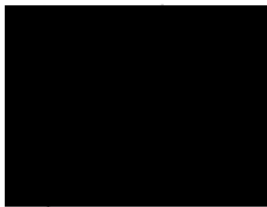
The terms of reference of the ALRC Inquiry state that one of the core purposes of the Australian Government's proposed reforms is to ensure religious education institutions "can continue to build a community of faith by giving preference, in good faith, to persons of the same religion as the educational institution in the selection of staff." AISNSW endorses this purpose including recognising that a community of faith is built on all

members of the community fostering the same religious belief and values, not simply those entrusted with explicitly teaching those beliefs.

Where an organisation's objectives are based on deeply held convictions and common values, (political parties and member associations are other examples), it is appropriate for those organisations to have the right to employ people having the same convictions and values.

To preserve their ethos, faith-based schools must have a positive right to preference employees who will best uphold the school's religious traditions and values, and to enrol students sharing their religious beliefs and observing their values. Removing that ability from faith-based schools necessarily jeopardises the religious character of the school and diminishes the educational choices available to Australian families.

Yours faithfully,



Margery Evans
Chief Executive, AISNSW