

## **SUBMISSION TO INQUIRY INTO RELIGIOUS EDUCATIONAL INSTITUTIONS AND ANTI-DISCRIMINATION LAWS**

Thank you for the opportunity to make a submission to the Inquiry into Religious Educational Institutions and Anti-Discrimination Laws.

Apart from the Australian Constitution, making legislation is the highest form of promulgating and codifying Commonwealth of Australia policy.

In developing any policy to be enacted the potential public policy benefits and costs need to be identified and described qualitatively and, where possible, quantified. As always, there is the probability of community, individual, economic and social unintended consequences because of the difficulty of identifying impacts across every aspect of the life of a nation.

In order to set the context for the main point of this submission it is appropriate to record a statistical snapshot of Australian religious life and the Australian school sector.

The 2021 Australian census reveals the following religion picture:

- Christian 44%;
- other religions 10%;
- no religion 39%;
- no stated 7%.

Religious demographers predict that Christianity will continue to decline in the census until it reaches around 25% which is the proportion of the Australian population thought to adhere to Christ as Saviour in their heart and mind. Actual Christian and other religious service attendance (defined as attending a religious service at least once per month) was 20% of the Australian population in 2022. In Christian churches nationwide the 2022 number of people in the 18-34 years age group now rivals the number of people in the 65+ years age group attending services.

In ABS data released 15 February 2023 reveals the following 2022 snapshot of the school sector:

- of the 4.04M primary and secondary students government schools educated 64.5% and non-government schools educated 35.5% (a little over 1 in 3);
- of the non-government schools Catholic schools educate 19.7% (1 in 5) of the total 4.04M students and Independent Schools (mostly Christian schools) educate 15.8% (almost 1 in 6) of total students;
- total growth in the Australian student population in the 5 years to 2022 was 3.8% with the growth of student numbers in schools over the 5 years by ABS category being:
  - Government schools 1.9%;
  - Catholic schools 3.9%; and
  - Independent schools 12.5%;
- school staffing numbers growth obviously reflects student growth and in 2022 71.9% of teaching staff were female and 28.1% male.

Australia is in a minority of OECD countries in having such a high proportion of primary and secondary students at non-government schools. Only Chile, Belgium, United Kingdom and Korea are similar. In addition, the ABS figures reveal that Catholic and Independent schools are increasing

their share of the student population. This continues the trend of the last 20 years where Government schools in 2002 educated 68.6% of Australian school students and in 2022 educate 64.5%. Catholic and Independent schools are increasingly viewed favourably by parents as revealed by the numbers.

All of the above is building a statistical picture that, although people living/practising their religion now constitute a minority of Australians, they currently constitute a significant part of Australian society and that fee paying religious schools are already crucial to education of Australia's young and growing significantly faster than the government school system.

The statistics tell us that some 1 in 3 parents choose the values and religious basis of religious schools, even though there is a financial cost in doing so, for their children. Also that the number of those parents continues to grow over time. Any factor that makes those schools less attractive to parents, or indeed leads to religious bodies deciding that compromise in conscience is sufficient to make it untenable to operate schools, will have visible consequences.

I am not talking about the proposed legislative changes for students. I am not aware of any religious school which currently refuses entry to students on the grounds proposed to be rectified by Proposition A. I am talking about Proposition B which applies to staff, the leadership of a school. Half of Proposition B1 (sex, marital status, pregnancy) is uncontroversial. The remainder (sexual orientation, gender identity) is problematic for religious schools.

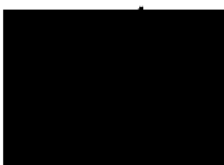
If there is sufficient crisis of conscience to lead to the closure of religious schools or the decision not to expand the capacity of religious schools, that capacity gap must be bridged by State and Territory governments. With the exception of Western Australia, State and Territory governments are already struggling to cope with rising health, education, infrastructure and law and order costs.

Reducing, or at least slowing the expansion of the non-government religious schools sector may well be a consequence of religious schools management not being able to hire staff (school leadership) in accordance with their conscience. This is one of the material costs to society and education capacity which should be considered when framing legislative changes.

Regulating social interaction should be approached with caution always. Enacting laws which will most probably require/mandate that people must compromise genuinely held religious belief is fraught. This is of course why the courts have steered away from dealing with doctrinal issues for centuries.

When you combine the above with the tension between Proposition B1, Section 116 of the Constitution (free exercise of any religion) and freedom of association, it should give ALRC pause for thought.

Yours sincerely



**Christopher Bigg**