

ALRC Submission: Christian Schools Australia (CSA) – Analysis of Systemic Sexual Discrimination

Submission to the Australian Law Reform Commission - Religious Educational Institutions and Anti-Discrimination Laws: Consultation Paper (2023)

Date 24 February 2023

To: Committee Secretary ALRC

Let the legacy of Nelson Mandela shine light on the issue of sexual discrimination: *"Racism is a blight on the human conscience. The idea that any people can be inferior to another, to the point where those who consider themselves superior define and treat the rest as subhuman, denies the humanity even of those who elevate themselves to the status of gods."*

I write this letter with unique insights, stories and evidence, from working within Christian Schools Australia (CSA) and the conservative Christian culture. I have been a past leader and employee within a CSA School, a current governance board member, youth worker, and have numerous family members and friends, including my wife, working as educators within the CSA school movement. I have completed a Christian Ministry Degree and write this as a practicing Christian. I know personally some of the faces and names of staff within CSA schools who have been victims of discrimination carried out because of 'religious conviction'. With sadness, I must admit that at one point, I too uncritically adopted the approach of discrimination against the LGBTQI community.

This letter is written in the context of my public stand, as interview by the Age (10 August 2021), an article that was the top read article for the week and trigger significant pressure on the Andrew's government to create law reform.

[Gay teachers at religious schools are subject to discrimination, including being sacked: and it's all legal \(theage.com.au\)](#)

I also raised my concerns with the Sex discrimination Amendment Bill 2018 submission 682.

I recognise the immense good that CSA schools are doing but cannot ignore that the current approach advocated by CSA towards the LGBTQI community is not acceptable. It is not acceptable to our shared humanity, our core faith values and our understanding of the human right to be free from discrimination because of sexual or gender identity. I also recognise the validity of CSA's position regarding the importance and legal protection necessary for Christian schools to be able to hire staff who are organisationally and missionally aligned as people sharing a Christian faith – but this cannot be at the expense of institutional exclusion and active discrimination of LGBTQI staff, students and their advocates AND be government funded discrimination.

Religious schools cannot simply discriminate against LGBTIQ staff and simultaneously create a safe and affirming culture for students struggling with their sexuality. The position of CSA to LGBTQI staff and students is crystal clear: *"You are not equal and do not have equal rights. You are not God's ideal at the core of your identity. Your 'gayness' is a sickness, a perversion and a sin. You must suppress or deny your identity for employment and acceptance within the school community. This discrimination is our religious freedom that we currently enjoy and seek protection under the law."*

A YouGov Galaxy poll, conducted for Just Equal, found 82% opposed the discrimination law exemptions that allowed expulsion of gay and lesbian students and 79% opposed schools' ability to fire teachers if they married a person of the same sex. Similarly, there are a wide variety of beliefs within Christian culture on the issue. **As Independent schools are significantly funded by the government, it is essentially tax payer funded discrimination, but more importantly this is about human rights, human dignity and mental health.**

Nature of Independent Schools:

The Centre of Independent Studies found 1.1m students in independent schools, and 90 per cent are religious schools. Australian data shows that between 3 and 5 per cent of people are LGBTIQ. Statistically this equates to a LGBTIQ population within Independent Schools of about 50,000 Australian students and 5,500 staff. The annual Federal and State Government funding for independent schooling is approximately \$7,062 million, based on an average contribution of \$6,420 per student.

In this debate on the intersection of religious rights and human rights, it's vitally important to understand that religious schools cannot simply be seen as extensions of the local faith community. Usually these schools are open enrolment, so students and their families represent a wide variety of backgrounds. The school, unlike a church, is not a voluntary member based and member funded organisation. Rather, many schools, whilst not-for-profit, **have developed into large and sophisticated organisations with significant revenues (>30m), large campuses, employment of hundreds of staff and some principal salaries (called CEO's) in excess of \$500k.**

As religious schools are often more representative of large public NFP, significantly funded by the government, their position comes with obligations to the wider community and the taxpayer, not simply to a conservative Christian board who hold the power.

Frankly, it is absurd that in secular democracy the Federal and State Governments fund billions of dollars to private religious schools, with zero accountability on discrimination under the guise of a 'belief statement'.

Systemic Discrimination in CSA Schools

Christian Schools Australia (CSA) is the largest association of Christian schools in Australia, represents over 180 Christian schools nationally, with approximately 131,000 students and 12,000 staff. CSA schools have grown rapidly over the last 15 years, **with the State and Federal Government funding representing approximately 40-60% of their total revenue.**

The harsh reality is that because of the systemic discrimination in the employment process there are very few LGBTIQ staff in CSA schools and their allies and advocates. Mark Spencer, CSA Executive Officer National Policy, told SBS News, when asked how many teachers were sacked on the basis of their sexuality, Mr Spencer said it was "not common" because **teachers "self-select by not even applying" if they are gay.** (<https://www.sbs.com.au/news/gay-teachers-atmuslim-catholic-schools-describe-pressure-to-stay-quiet>).

The 'self selection' CSA advocates for is systemic and institutionalised, as evident in the case study below, with examples evident across CSA Schools, including:

1. **Having a core belief a heterosexual marriage is God's 'only plan' and homosexuality as a departure from God's order.** Often this statement has added later to core beliefs, arguably to legally defend the discrimination of LGBTQTI.
2. **Embedding the core belief's into its governing Constitution that thereby informing all other policies including hiring, board selection, equal opportunity etc.**

3. **School Board appointments** that are screened to show full support for the conservative ethos and position of the College on matters of sexuality. College Board members represent a 'few voices of power' who not necessarily representative of the diversity of the staff, student families and Christian faith. These Board members thereby uphold the Constitution.
4. **Staff Employment Application Forms** that requests prospective applicants to detail their position on homosexuality.
5. **College Employment Checklists and reference checks**, often enquires after the individual's marital status & lifestyle, including their spouse's name.
6. **Interview questions** that specifically address the individual's private 'relationship status' and discuss their view on homosexuality.
7. **College policies** that explicitly state homosexuality as grounds for termination of employment.
8. **Employment Contracts** that requires compliance with College Policies, including the 'Lifestyle Policy' that deems certain actions as unprofessional, including homosexual activities, that can result in the school taking disciplinary action, which may involve termination of employment. This requires staff to agree that homosexuality is a life style choice and a sin - grouped with drug taking and alcoholism.
9. **College Code of Conduct** that expressly prohibits homosexual behaviour.
10. **Active political campaigning** to maintain current discrimination exemptions.
11. **Instructions to staff not to advocate for same-sex rights**, pointing them back to adherence of the School's Lifestyle Policy as a condition of employment.
12. **Lack of transparency and disclosure of the school to adequately inform it's anti-exclusionary LGBTQI positions to prospective families on the enrolment Terms & Conditions, and current parents.** Arguably this cannot be a core sensibility of its prospective community or its simply a poor public position to take for 'business'.
13. **CSA promotion of conversion practices to its leadership (CSA Leadership Podcast) and opposition to Gay Conversion Bill in Senate Submission (Health Legislation Amendment Bill 2019 Submission No. 079).**

I find it unacceptable that despite being a married heterosexual Christian, my views and any other person that shares them, because they run contrary to CSA's school's position and official policies, means that I am required to 'self select' myself out or alternatively not be considered for employment or a board role in a CSA School. **It appears that not only are the LGBTIQ community excluded from CSA Schools, but so too are those who advocate with an alternate affirming Christian view.** Despite there being a growing number of Christians, Christian leaders, churches and denominations who are affirming of the LGBTIQ community, the selection process means that their voice is not represented within these schools, ultimately to the damage of the students and wider society.

Religious School's questionable reliance on S38 of SDA to positively discriminate

Religious schools rely on current exemptions under s 38 of the Sex Discrimination Act 1984 (Cth) ('SDA') which allows religious schools to discriminate against staff and board members. My layman understanding is that a **key test under S38 is that the hiring and the continuance of employment of LGBTQI would cause an injury to the religious susceptibilities of the community**.

Arguably the religious susceptibilities defence that the religious schools has expressly relied on, are not firm demonstrable legal grounds to discriminate on given the broader context outlined below:

1. The majority of schools are open enrolment and inclusive enrolment policy, and therefore it's community would represent a range of faiths, nominal faith and no faith. It is estimated that c 20% of the College includes Christian families who regularly attend church.
2. Often the schools are inter-denominational, and therefore has a range of Christian perspectives on the matter of LGBTQI positions.

3. The school's do not adequately disclosed any anti-exclusionary LGBTQI positions/policies to prospective and current families on the enrolment Terms & Conditions, nor inclusion on their website of key policies.
4. Key historic Christian faith statements shared across denominations have not elevated LGBTQI as a core faith statement.

The legal case *Griffin v The Catholic Education Office (1998)*, reliance on S38 was overturned and it was deemed that 'any offence to parents and pupils was not an injury to their religious susceptibilities but an injury to their prejudices'. **Just because the schools' have a belief in their Constitution does not provide it grounds to actively discriminate against LGBTQI or its allies.** It would be beneficial to make this position explicit in the re-drafting of laws.

The Education departments (Federal & State) currently have no review or approval of school's Constitution/ governing documents, and therefore private schools are given significant 'room to maneuver' by elevating whatever discriminatory belief into their constitution with further assumed protections under S38. We need to create better governance than this.

Testimonies of CSA staff and students discrimination experiences

Much of the conversation revolves around arguments of religious freedom and theological belief systems, however it is important to remember that real people are involved, as shared in the stories below – mainly stories about CSA schools in Victoria.

Flinders Christian Community College (CSA School) – Teacher Samantha Cairns

Shared in the Senate relating to the BILLS - Sex Discrimination Amendment on 29/11/2018:

*"I came out as a lesbian to myself, my closest friends and family members in 2010. At the time, I was working in a Christian school—I'd been there since 2005. Keeping my orientation a secret, whilst living my private life with my girlfriend, was very stressful. Hiding who I was, I ended up in hospital with cardiac issues later realising it was stress and anxiety. I worried I would be found out and sacked, given I knew I'd signed documentation stating that I'd be living my life in accordance with the Christian ethos and being gay was not allowed. I chose to resign with no work to go to. I feared never finding work again. Months went by—and nothing. I was so desperate I went back to the faith based school to do some contract relief teaching, CRT. They were still unaware of my sexuality and happy to have me back. They even offered me a short-term contract which I accepted because financially I couldn't afford not to. The day before I commenced my contract, I was doing a day of CRT. After period 1, I was summoned to the vice principal's office. He had a very one-sided conversation with me where he stated that he had been made aware of my choice of sexuality and that I could no longer work there as what kind of message would that be sending to the school community? Then they essentially marched me off the premises. **The most dehumanising experience I have ever experienced was to be told I couldn't work somewhere just because of who I am**".*

Large Victorian CSA School (Name withheld) - Teacher identity withheld

"I was offered a leadership position which I accepted. Then two things happened simultaneously.

The (principal) realised I'm an advocate for both the rights of donor conceived children (eg to know of their origins) and that I support the right for gay couples to be parents. I actually had a long running web site where I helped people connect with would-be known donors, before going to clinics...I'm proud of the work, which mainly revolves around being a voice for donor conceived children. The school leader googled me and saw the work. I've never hidden it.

At the same time as he was googling me, I read the (employment) contract I was supposed to sign. I was to agree that homosexuality is a life style choice and a sin - grouped with drug taking and alcoholism. I was stunned. I asked what the stance was with gay students. They said they tried to help them. I thought I had gone back in time to the 50s. Help them? What - 'ungay' themselves? ...But the idea of teenagers being told that who they are, their self-identity, is wrong? That's my definition of evil.

So the school leader withdrew the offer.

I said it was discrimination- that he was withdrawing an offer despite me being the best candidate, because of my previous work raising awareness of donor conception and the impact on children (self identity) and that I believed the contract (regarding homosexuality) should be changed. It could not have that clause!

My legal representative, their legal representative and also the judge in the hearing said this was their legal right. I fought because I wanted the clause removed.

So this is probably not the usual story. I'm straight. I just fight for human rights. I wasn't discriminated against because I'm gay, but because of my beliefs and actions to protect children and promote a positive self identity. And, FYI, I am a Christian."

Large Christian School

Ex Principal CSA School

"I tried to change its (LGBTQI) position from the inside. I thought my strong allegiance and contribution to CSA and its schools would give me influence here towards positive change. However, I came up against a very conservative board that would not compromise or soften it's position. In the end, I simply had to walk away'.

Hillcrest Christian College - Student Name withheld

Presented at a Senate Enquiry 15 Feb 2018

Refer Item 8 - Feb 2018 Gov Submission by Former Hillcrest Student

Selected Extract: " As a young gay man... I attended high school at the conservative Hillcrest Christian College in Victoria. I never knew what the laws where. so I kept quiet. I faced a lot of uncertainty. The closest I ever got to a straight forward answer, was one day in Christian studies class. There was an opportunity to ask our Chaplin anonymous questions, so I asked if the school expelled gay students. In his answer, he beat around the bush a lot, but he basically said the school tries not to expel students.

However, he did bring up a story about a gay year 10 student at Hillcrest from 2002. I had read about the story before. The student, Tim, was bullied relentlessly by his peers, and when the school asked him if he was gay, he admitted to it. The principal, Tony Ham, advised him to hide his sexuality, and that 'invisibility' and 'discretion' would protect him; a "don't ask, don't tell" policy essentially. Tim refused, and was told "he didn't want to hear anymore about this", that he was "sinful" and he should just "shut my mouth about it". Because he still admitted to being gay, they did not support him and the bullying from students continued, and even from a teacher who said he "had the devil in him". He left the school a not too long after and studied using distance education, felling he had no choice. He did try to sue the school on the grounds of discrimination and neglecting their duty of care by not doing enough to prevent the bullying; but this is something hard to prove, turning into a "he said-he said" situation, and he lost the lawsuit

My Chaplin said he had essentially brought this all on himself, because his sexuality had made his straight peers "uncomfortable". In the end, Hillcrest didn't expel him, but by fostering and environment that was hostile to homosexuals and turning a blind-eye to the bullying, Tim was forced to leave.

In this situation, these students are the victims, not the religious schools; they're not the ones that suffer, or have their education and safety neglected. They are the ones the government should be protecting, not the religious institutions.

They don't need protecting, as there is nothing to protect them from. I are not some kind of threat. The schools and institutions are the ones with all the power over their student, and the students are the vulnerable ones to discrimination. The laws should be changed to protect us, because I are the ones that are need protection, from those who run religious schools and wish to expel us just for our sexuality. Nobody said you had to like your sexual orientation, but I shouldn't be punished for it.

I am not asking for special rights nor privileges nor to stop somebody from observing and following their religion... I just want to be treated fairly, the same ways as heterosexuals.

(<https://pmc.gov.au/domestic-policy/religious-freedom-review/submissions/name-withheld-16>)

South Coast Baptist College – Teacher Craig Campbell (2017)

"Craig Campbell had attended South Coast Baptist College as a child through its kindergarten, primary and secondary school and taught there for nearly three years. "I [Mr Campbell and his partner] went to my aunt's wedding and there were three kids from my school in the back of the room," he said. "It got to this point where I was like, 'I can't hide this anymore'". Believing he was doing the right thing, Mr Campbell chose to speak with the head of his department about his relationship. "I told them I was in a relationship and obviously this is something that I believe is fine from both a moral and a theological standpoint," he said. Following his admission, Mr Campbell soon learned he had been taken off the list of approved relief teachers for the school. The school later confirmed Mr Campbell had been let go due to "an inconsistency with his beliefs on sexuality and the college's beliefs".

<https://www.watoday.com.au/national/western-australia/youre-gay-youre-out-gay-teacher-sacked-due-to-a-law-loop-hole-20171122-gzqe1o.html>"

Hillcrest Christian College (CSA School) – Former Student

A former student commenced proceedings against the school under the Equal Opportunity Act 1995 (Vic) on the grounds the school discriminated against him because he was homosexual. This incident was tabled in the Senate Legislation Committee (2005), DEST Question No. E824_05 (refer Item 7 - Senate Committee question _ gay student at Hillcrest)

The student alleged that the Principal told him that 'I shouldn't be admitting it, I shouldn't be proud of it, and that's the last he wanted to hear about it'. He also alleged another teacher remarked that he 'had the devil in him'. At the time the claim was lodged he stated that 'he eventually felt he had no option but to leave the school and continue by distance education'. The Principal of Hillcrest Christian College, denied the allegations, and said: I [the school] state that I will actively share with them [students] the Christian faith. They [parents] sign on the dotted line. I don't apologise for that...I don't talk about being defective, I talk about sin and disobeying God. He was also reported as saying that he teaches 'mutual respect' for gay people, yet 'stands by the motto "Love the sinner, hate the sin"' (Milligan, 2002b).

College identity withheld (CSA School in outer South East Melbourne)

An allegation by the parents of a 10 year old transitioning gender, where the College refused to allow Charlotte to socially transition from a boy into a girl and claims staff non-acceptance resulted in the child being distressed and having to leave the school (<https://www.news.com.au/lifestyle/parenting/schoollife/christian-school-accused-of-victimising-10yearold-transgender-girl/newsstory/529594ad86a6726d0b4b6655cbb4f291>)

Chairo Christian College, the prior principal Rob Bray says of homosexuality "it is a challenging issue. If an individual student were worried about his or her sexuality, they might be directed "back to the word of God". Or, says Bray, the school "might say it's more appropriate to discuss it with a pastor, minister, youth group; I also have a chaplain".

Foundation Christian College (not CSA) told the father of a seven-year-old girl she would not have been welcome had it known her parents were gay. <https://www.watoday.com.au/national/western-australia/gaymans-daughter-not-welcome-at-mandurah-christian-school-20151029-gklh0d.htm>

Numerous staff at CSA Schools

Names withheld: *"During the marriage equality vote, I wore at the College the rainbow linchpins to show our silent support. The principal called us aside and firmly reminded us that the College's Lifestyle Policy that I signed onto, was very clear about the College's position. Therefore I were expected to keep our view private and remove the rainbow linchpins. I removed mine. Looking back I am disappointed in myself for not taking it further, but I have my job to protect and I did sign the Lifestyle Policy. I still don't know if the College's position is legal, but they do have the power and I love my job here"*.

St Andrews Christian College in Wantirna South, teacher application form states that sexual intimacy "is to be between one man and one woman" and there should be abstinence from "homosexual relationships"

St Andrews College (CSA School) that includes gender and sexuality in statement of faith (<https://standrews.vic.edu.au/about/statement-of-faith>). "The two distinct, complementary genders (sexes) of male and female together reflect the image and nature of God (Genesis 1:26-27). The Bible ties gender identity to biological sex (Genesis 1:27; Genesis 2:22-24) and does not make a distinction between the two. God's intended best for humankind is that we live our lives in accordance with our biological sex. According to Scripture, our gender identity is to align with our biological sex, as designed by God. The determination of biological sex commences in the womb and is recognised at birth (Genesis 1:27; Genesis 5:1-2; Psalm 139:13-14; Mark 10:6). We therefore acknowledge the biological sex of a person as recognised at birth and require practices consistent with that sex".

Red Rock Christian College Deputy Principal Kevin Muslayah appeared on the ABC's Q&A program and openly stated said if he found out a *"staff member teaching the school's religious doctrine was gay, they would be sacked on a case-by-case basis, while the law permits. And despite public criticism around that, the very preface that we are a Christian school, there is a particular alignment of values"*.

Summary of CSA's position on LGBTIQ Discrimination

The wider community would expect CSA and its schools to compassionately and humbly embrace, protect and honour all people, including the LGBTIQ minorities. **However, under the protection of religious freedom, CSA is advocating to maintain the current legal discrimination exemptions, particularly relating to the employment of staff, as demonstrated in the CSA Senate Submission and on other public forums.** In a joint submission to the Ruddock Religious Freedom Review, CSA along with Adventist Schools Australia, called for *"the right to choose all staff based on their belief in, and adherence to, the beliefs, tenets and doctrines of the religion concerned"*, which could provide a valid basis for the right to discriminate against LGBTIQ staff. Refer Inquiry into the status of the human right to freedom of religion or belief Submission 30 - Supplementary Submission, Link: <https://www.aph.gov.au/DocumentStore.ashx?id=6a584464-3d68-43d0-910a608a78735d70&subId=508909>).

CSA's past and present CEOs, advocate politically for CSA's right to discriminate and should not be perceived as fringe extremists, but have an intimate understanding of the political and educational context, as well as the implications of their advocacy. Stephen O'Doherty, CSA CEO until end of 2016, is politically savvy, having previously been a Liberal frontbencher working on portfolios of Education and Community Services. Dr Daniel Pampuch, current CEO, is a well distinguished educator, previously the Principal/CEO of Hillcrest Christian College (Crest Education), Executive Officer of the Uniting Church Schools Commission, and awarded the Federal Government Award for Outstanding Service in Education.

The CSA senate submission, authored by Daniel Pampuch (CSA CEO), that includes desired legal right to both **'employ staff...and disengage students and families to protect the religious character and fulfill its religious purpose'** (Inquiry into the status of the human right to freedom of religion or belief Submission 30.1 (6) Refer <https://www.aph.gov.au/DocumentStore.ashx?id=6a584464-3d68-43d0-910a-608a78735d70&subId=508909>. An interesting spin on their position is the change to differentiation, rather than discrimination. Primarily this 'differentiation' seems to be focused on on the sexuality and relationships of the LGBTQI, and their allies and advocates.

CSA's submission was further endorsed by a statement from Mark Spencer, CSA National Officer, *"I have got staff in our schools who have indicated to the school leadership that they're same-sex attracted, but they take the view that it's not what God's best plan is for them. It's a struggle they have, but they don't accept it, they don't try to live it out, they don't try to be or identify as gay. They're struggling with same-sex attraction. And I'd say, for those staff who are same-sex attracted, that there are lots of other schools that they can seek*

employment in". In other words, if they want to work in a Christian school, they need to deny or suppress their sexuality (part of their identity) to maintain employment.

If we take CSA's position of sending off all the Christian staff who are same-sex attracted (and in some cases, all of the staff who affirm same-sex relationships) to 'other schools', how sad is it that their voices and experiences are not represented in Christian schools. What better way to support young people who may be struggling with their sexuality than to have positive and supportive role models within the Christian culture. CSA's previous CEO Stephen O'Doherty, says one of the main reasons people choose Christian education is to get an "ethical and moral view" in sex education, which is that, "the most ideal way to express sexual attraction is in the context of a monogamous, heterosexual relationship, a marriage". O'Doherty concedes that homosexuality is a reality, but with the caveat, "Did God create it? No". In the hypothetical situation of a teacher declaring themselves gay, O'Doherty says it "may become an issue for their employment" because a homosexual "can't teach a Christian view about sexuality and marriage".

CSA's view is that religious freedom is under attack, with CSA CEO Dr. Daniel Pampuch tweeting (27 Nov 2018) 'please pray for our government that they will allow religious freedom to prevail in this country' #pray4freedom (https://twitter.com/daniel_pampuch?lang=en).

Avril Howard, principal of Lighthouse Christian College in Melbourne (CSA School), shared with The Australian in November 2018 that the removal of key exemptions from the Sex Discrimination Act would put at existential risk the ability of schools to provide a faith-based education. Avril Howard goes further, as identified in her story as a 'coloured girl...having faced what I did in South Africa, I would hate to experience on religious grounds anything similar ... Not only is any form of discrimination evil — it's abhorrent. And I'd hate to see ... that we would have to face any form of discrimination on religious grounds.'" (<https://www.theaustralian.com.au/national-affairs/education/religious-schools-faceexistential-threat/news-story/81b48a25352fcf71d31bd29a95119d25>).

Avril Howard's personal reference of living under apartheid seems to forget that the core evil of apartheid was putting an ideology of separateness (significantly informed by the Christian faith and enforced by legal and social systematic laws), above common humanity and equal rights. It was the horror of apartheid that made South Africa's post-apartheid Constitution the first in the world to outlaw discrimination based on sexual orientation. South Africa was the fifth country in the world, and the first—and only, to date—in Africa, to legalise same-sex marriage. Unsurprisingly, Christian and faith institutions in South Africa are going just fine!

CSA's position for sexual discrimination needs to be reflected on - What does this communicate to all of our students, when same-sex attracted teachers are not acceptable for employment? What does this communicate about Christianity? Schools play a key formative function in society, so how does this shape future generations and a culture embracing inclusion? What does this communicate about the law in Australia, when you can be gay and get married, but then get fired the next day – all as a teacher at a heavily government funded religious school? How is this played out in real lives?

CSA promotion of conversion and suppression practices

Given CSA and their schools' strong theological position on LGBTIQI discrimination, it is not surprising them to see the practical outworking in their support of both suppression and conversion practices.

CSA's Queensland Parliament Submission (2019)

CSA has on numerous occasion, both publicly and before Parliament, asserted their religious rights as having primacy over other human rights of sexuality and gender, and advocated for continued exemptions under the Sex Discrimination Act in their schools.

Of relevance to conversion therapy, in Queensland Parliament -- Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, there was "An Inquiry into the Health Legislation Amendment Bill 2019 (QLD)". In Submission 79, there was a joint submission of leading Christian education peak bodies, including CSA. <https://www.parliament.qld.gov.au/documents/committees/HCDSDFVPC/2019/HealthLAB2019/submissions/079.pdf>

Their submission holds out "abhorrent practices of the mid-20th century cannot, and are not, in any way supported.. (including) the use of lobotomies, chemical castration with hormonal treatment, aversive treatments including the application of electric shock to the hands and/or genitals". It goes on to propose in relation to conversion therapy that "**Prioritising religious values [beliefs]" over personal desires or needs, across a wide range of issues, is at the heart of orthodox Christian teaching. In simplistic terms, there are many calls within the Bible for Christians to deny or put off 'the old self' and to seek a new life in Christ – it is at the heart of the Gospel message...is the proposed Bill seeking to make this fundamental tenet of Christian faith unlawful for health practitioner.**

CSA Podcast S2 E2 Living in Sexual Hope 10 Mar21

(<https://open.spotify.com/show/7wbQytGcnYarC6qkK6MABv>).

On the CSA podcast, interview with Mark Spencer (CSA Executive Director) and Geoff Lin (Chair of Living Hope, Regional Director of Australia Fellowship of Evangelical Studies, Chaplain at Adelaide University). Living Hope is essentially an underground sexual conversion therapy and support group for same-sex attracted Christians, where Geoff explains, *'we put together a group which we've called Living Hope SA. Our primary goal is to care for Christians who are struggling with same-sex attraction, who understand that God's plan for the way in which we would live is in a way that our world doesn't necessarily agree with. Therefore, with that comes great challenge and temptation and struggle'. 'Living Hope believes that you can be a Christian, but also same-sex attracted, but the biblical teaching is a marriage to a man and woman is the only appropriate relationship for sexual activity. You believe that we're all broken, including possibly in relation to our sexuality, but equally, some, not necessarily all Christians, can find a form of healing from that brokenness'.*

Geoff has been a keynote speaker at various CSA Conferences, and Geoff states 'I'm really thankful for the opportunity to work with some of the CSA schools in South Australia'. Mark (CSA National Director) in his concluding remarks says "***I really appreciate both the ministry you've got to young people, so AFES and also through Living Hope, and the hope that that does offer to people struggling with these particular issues***".

A Case Study – A large, interdenominational CSA School (Victoria)

This case study illustrates the extent to which many CSA Schools go to ensure that none of the LGBTIQ community gain employment at their schools. This information relates specifically to one large, open enrolment, inter-denominational CSA Christian College in Victoria, with approximately 60% government funding and revenue over \$30M.

A. Item 1 - Expectations of Staff. School Policy on Expectations of Staff (New and Existing Staff) with a 'lifestyle clause' (Clause 8), specifically includes homosexuality, alongside substance abuse and adultery, as "such behaviour will result in the College taking disciplinary action which may involve termination of employment".

B. Item 2 - Sexual Activity. School Policy that states (Clause 9), "staff, volunteers and students refrain from any sexual activity that does not fit within the biblically accepted standard of that between a heterosexual married couple".

Clause 10: "Any action or reaction to sexual activity outside of this policy is to be dealt with in a Christ-like manner. That is, while hating the sin, the sinner is loved."

Clause 11: “We are told in Genesis 1:27 that God created mankind, male and female, in His image. He created only one man for one woman and told them to be one flesh and to reproduce. Therefore the marriage relationship is a union between one man and one woman.”

C. Item 3 - Job Applicant Interview Checklist. Interview Checklist includes a specific question for referees to “speak to the person providing the Pastoral reference and ask about their marital status and whether there is anything in the applicant’s lifestyle that may conflict with conservative Christian values”.

D. Item 4a- Teacher Application Form. Specifically requests the prospective staff member disclose their position on ‘homosexuality’ and along with ‘marital status’ and ‘spouses name’.

E. Item 5 - Employment contract section. Specifically contracts the staff member to comply with all relevant School Policies, including the ‘Expectation of Staff Policy’ that specifically includes homosexuality practices as a termination offense (see Item 1).

F. Equal Opportunity Policy – the inclusions of various attributes but expressly is silent on sexuality as an excluded attribute.

G. Hiring Policy – the express prohibition of hiring of practicing homosexuals

H. Transparency to parents – no reference in enrolment pack, or inclusion of key policies on its websites that references its position to LGBTIQI despites having such vocal internal policies against it.

A Better Way

The rapid growth of CSA schools is evidence of the good works, educational outcomes and healthy culture, informed by the Christian faith, that the community values. It would be disheartening if CSA let this issue of discrimination against the LGBTIQ community be a blight that defines the Christian schooling legacy in Australia.

I am encouraged and in full support of the Anglican Church of Australia (Public Affairs Commission), in their recent Senate Submission (January 2019 Submission 16), whereby they recognise sexual orientation and gender identity as inherent matters and not grounds for discrimination in religious schools, balancing this with religious rights and missional alignment. Specifically the Anglican Church PAC, ‘support the removal of the exemptions in s37(1)(d) and s38 of the SDA in relation to discrimination against students and staff of schools or tertiary educational institutions run by faith-based institutions on the grounds of the protected SDA attributes, especially any discrimination that may result in exclusion, expulsion, dismissal, bullying or other penalties against students or general staff’. The Anglican Church of Australia (Public Affairs Commission), wisely recognise the importance of religious freedom whilst holding that religious freedom does not stand on its own as an absolute right.

We support the need for missional alignment in religious schools, including employing people of faith. However, the current CSA faith statements and policies demonstrate a very narrow and specific view on sexuality, which is not shared by a significant number of Christians and neither is it a central tenant of the Christian faith. The Anglican Church of Australia Submission allows for a framework that recognises ‘it *should also be permissible and reasonable for faith-based educational institutions, like other organisations, to require staff to uphold the ethos and mission of the organisation*’. They further endorse, ‘*retaining reference to the doctrines of the religion or creed to avoid staff members, including the school leadership, imposing their own arbitrary subjective religious views*’. The evidence suggests that CSA schools seems to lack consistency in applying standards, with an intense focus on ‘homosexuality’. For instance, divorce also goes against ‘marriage between one man and one woman for life’ and yet there is no issue with divorcees being employed at CSA schools. A diversity of theologies, faith expressions and family situations do currently coexist peacefully within CSA school communities without undermining the core faith tenants – why not the position on same-sex relationships?

As individuals we hold the right to hold a religious conviction but given the impact on people lives and the funding by the government, we have a corresponding moral and spiritual obligation to wrestle with the issue personally. Let us all develop our understanding not in abstract theological or legal theory, but as if it was our

child or close friend struggling with their sexual identity at a Christian School. Our best intentions can still cause damage. We expect our CSA educators to be informed on the issue, and the government to provide meaningful policy and legal framework.

A challenge for CSA's transparency to it's community

I would challenge CSA and all its member schools, who currently advocate for sexual discrimination, to better understand, engage and communicate with their school community in a more sensitive and transparent manner around LGBTIQ matters. Secondly, I encourage religious schools, as places of learning, to truly wrestle with biblical interpretations that inform the policy and practice, rather than adopt an interpretation shaped by the prevailing voices of conservative power, that neglects the social and historical context of the biblical world.

In a recent incident, where a large Christian school had a media report of it's firing of a staff member on grounds of homosexuality, the school sent a letter to its parents advocating for its supportive pastoral response to the issue, however was silent on its actual belief and various policy position. The College holds itself out as an interdenominational, open enrolment school. However, this same school, of which I was committee npard member had and continued to retain its numerous policies its active discrimination of LGBTQI. These policies are not visible to the parents of the school and the school's position is not disclosed in its enrolment pack nor its website referencing key policies. I can only assume that the College is astute enough to understand its reputational and business impacts, if they were truly transparent in their LGBTQI position.

Mark Spencer, CSA Executive Officer (National Policy), says parents were "flocking" to Christian schools because they "want that sort of values-based education for their students". CSA often proposes that sexual discrimination is needed as an 'inherent requirement' of the school's faith expression, and reflective of the religious sensitives of their community. But CSA schools, as open enrolment schools, fail to give legitimate voice to the wide variety of views on the issue. We support the Anglican Church of Australia (Public Affairs Commission) Senate Submission which calls for greater transparency: "*the requirements for policies and transparency about doctrines of the religion under which the institution is conducted will help parents, students and staff to make an **informed choice** about their association with the school*".

With transparency and dialogue as underlying values, I would strongly advocate the ARLC to consider how religious schools and their leadership could engage more with the school community surrounding this issue:

- I. Meaningfully inform the public, parents and prospective parents and staff, on the school's position and related policies, as recommended in the Ruddock Religious Freedom Review.
- II. Conduct an anonymous survey of staff, students and parents on their position regarding LGBTIQ if the religious convictions and sensitives of its community is claimed as a inherent test.
- III. Create a positive and affirming culture for all LGBTIQ within the school community, including specific policies for sexual harassment. Always seek to protect and care for people above theological positions which vary.
- IV. Encourage current and prospective board members, staff and students to hold and publicly advocate for differing positions on sexuality without fear of reprisal or selection bias.
- V. Consider a core, rather than a highly prescriptive, belief and lifestyle statement for employees to encourage a more diverse Christian culture whilst maintaining missional alignment.
- VI. Remove references to employment conditions and hiring policies that single out people based on their sexuality or gender identity.

Conclusion

From a faith and community perspective, the example of Jesus should be a shining light to Christian schools that when we exclude any person because of their identity, we are all poorer, as we have lost a unique richness of that person and their gifts from our community. Our humanity is bound up in the other. **The strength of our religious belief within a democratic society and especially a government funded religious school, should be humble and compassionate enough to live with diversity of thought and lifestyle, protecting the minorities.**

May the examples highlighted in this letter demonstrate the extent of systemic sexual discrimination in CSA schools and other religious schools. I call on the Australian Government and the wider community to condemn sexual discrimination in religious schools. It is real and wrong, dehumanising, and hopefully in time it will be illegal and not be government funded.

Regards,

David Patterson 