

23 February 2023

The Australian Law Commission

RE: Submission on proposals to change the way Commonwealth anti-discrimination law applies to religious schools and other educational institutions.

The Association of Independent Schools of Western Australia Inc (AISWA) represents, supports, and advocates for the Independent school sector of WA. Currently, there are 162 full member AISWA Independent schools in Western Australia.

Of the membership, approximately 75% have a religious affiliation, many established by virtue of their religious foundations. Data in 2021 indicates that the following faith-based schools were the largest representation of our membership: Anglican 30.5%, Baptist 14.8%, Christian 12.2%, Uniting Church 11.1%, Islamic 6.3%.

Independent schools are not-for-profit institutions founded by groups in the community. All our Independent schools are registered with the WA Department of Education and required to comply with WA and Federal education legislation and regulation. Independent schools are primarily accountable to their parent and school communities, built upon the choice of parents to enrol their child at a particular school. In addition, about 16 per cent of Independent schools in WA operate within approved system authorities. These include the Anglican, Christian, Seventh Day Adventist, and Lutheran systems.

In 2021, enrolments in WA Independent schools grew by 4.2 per cent educating over 72,000 students and employing almost 19 per cent of all teachers in the whole of WA secondary school sector. This continues several years of enrolment growth, indicating an increasing appetite for families to choose an education pathway within the Independent school sector.

As the representative of the WA Independent schools, AISWA provides this letter to express the apprehension and concern of a significant number of our member schools regarding the proposals to change the way Commonwealth anti-discrimination law applies to religious schools and other educational institutions.

AISWA maintains a fundamental position that every child deserves access to high-quality education, regardless of their background or beliefs. Independent education in Western Australia currently provides families with choice in education and the ability to choose a school that aligns with their personal and cultural preferences, values, beliefs, and educational goals.

Religious schools have long been permitted by law to maintain and promote their religious ethos and values, which are fundamental to the education they provide to their students and the families who choose to attend. AISWA contends that any change to the anti-discrimination law should also ensure that religious schools still have the ability to provide education and employ staff within an environment that aligns with their religious beliefs and values.



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AISWA absolutely understand the need for protection against discrimination and fully supports the notion that all students and staff should feel safe and included in their education and work environment.

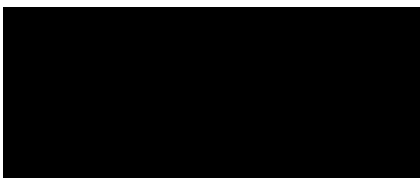
However, those protections need to be balanced against the long-established operational latitude that Independent schools currently have, to maintain their autonomy to develop their operation and practices in line with the values and mission of the school and their commitment to parents, whilst still adhering to various legislation and regulations.

AISWA understands from its faith-based members that some of the reform changes proposed may have significant impact upon the community in which the parents have chosen to send their child and to which they agree to the terms and conditions of the school. Hence, the concerns of these faith-based member schools are real and may be seriously impacted if the General Propositions and Technical Proposals put forward by the Commission are proceeded upon.

As a separate issue, AISWA also expresses its concern about the timing of the Consultation Paper and the very tight window afforded for feedback. We do not believe this represents a fair and reasonable approach. A majority of the key 'stakeholders' in relation to changes to the Commonwealth anti-discrimination law are school leadership groups, who were afforded very little time during the incredibly busy commencement of the 2023 academic year to make submissions by 24 February 2023.

AISWA appreciates the complexity of the work the Australian Law Reform Commission has undertaken and the sensitive nature of the Inquiry. AISWA looks forward to the final report and recommendations.

Yours sincerely



Chris Massey
Executive Director

