



CATHOLIC SCHOOL PARENTS AUSTRALIA SUBMISSION

**Review by the Australian Law Reform Commission
into religious educational institutions and anti-
discrimination laws.**

24 February 2023

Catholic School Parents Australia submission to the Australian Law Reform Commission

Catholic School Parents Australia (CSPA) welcomes the opportunity to make a submission to the current review by the Australian Law Reform Commission (ALRC) into religious educational institutions and anti-discrimination laws.

CSPA's submission to the ALRC review should be considered with the submission of the National Catholic Education Commission (NCEC), which we strongly endorse.

About Catholic School Parents Australia

Catholic School Parents Australia is recognised as the peak, national body representing and advocating for the parents* of the 794,000 children and young people who attend the 1,759 Catholic schools across Australia. CSPA works in collaboration and consultation with the National Catholic Education Commission (NCEC) and is recognised by the Australian Catholic Bishops Conference through the Bishops Commission for Catholic Education.

Catholic School Parents Australia (CSPA) was formed in late 2013 by State and Territory Catholic school parent bodies. Members of CSPA now consist of:

- Catholic School Parents Archdiocese of Canberra & Goulburn.
- Council of Catholic School Parents NSW.
- Catholic School Parents Queensland.
- Catholic School Parents South Australia.
- Tasmanian Catholic Schools Parents Council.
- Catholic School Parents Victoria.
- Catholic School Parents Western Australia

Growing demand for faith-based schooling

The Catholic education sector is the largest faith-based schooling system in Australia, and the major provider of schooling outside of government. One in every five Australian students is educated in a Catholic school.

New census data from the Australian Bureau of Statistics (ABS) shows a record number of students in Catholic schools increasing from 766,088 students in 2017 to 785,396 (2021) and 793,729 in 2022.

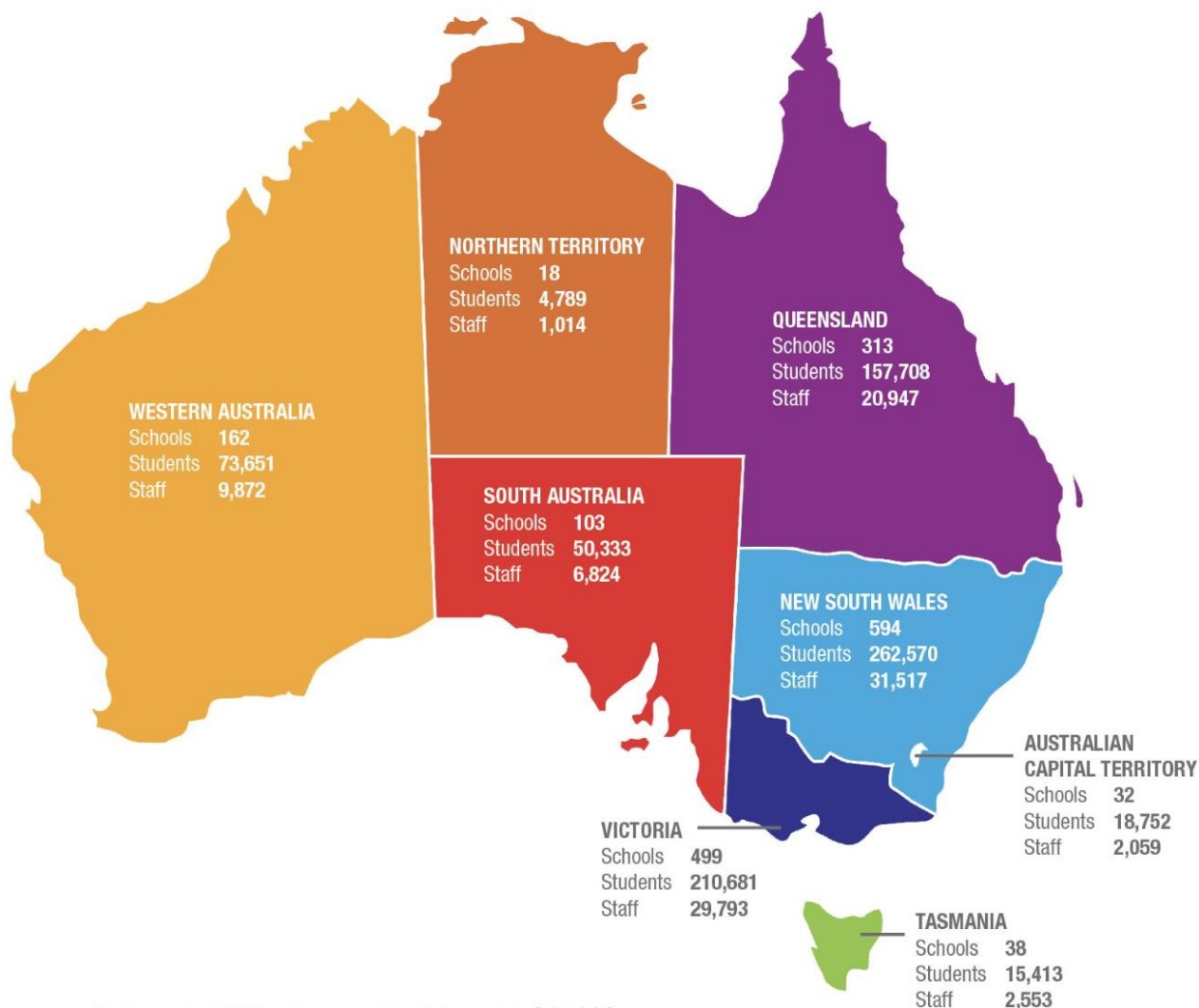
The map over the page shows the breakdown by state and territory of the number of Catholic schools in Australia in 2022, together with the headcount of students and staff.

Faith-based non-government schools have seen enrolments increasing by 7.7 per cent from 2017-2022. Overall enrolments in faith-based schools increased from 1,211,242 in 2017 to 1,304,909 in 2022, according to the 2022 ABS Census data.

[*Parent includes natural, adopted or foster parents, guardians or caregivers of young people attending Catholic Schools.]

This shows the great importance that Australian families place on choosing a school that meets the needs of their child and which reflects their values and beliefs.

Australian Catholic schools in 2022



Map is based on 2022 Non-Government Schools Census data. School data includes main campus only. Student and staff numbers are headcount.

The above map shows the breakdown by state and territory of the number of Catholic schools in Australia in 2022, together with the headcount of students and staff. (Based on 2022 Non-Government Schools Census data).

The rights of parents as primary educators

Parents are first and foremost, the primary educators of their children and, as such, parents' rights to have their children and young people taught in a school according to their values and beliefs is fundamental.

This right, along with the right to hold and express religious beliefs and establish religious schools, is recognised in international law. This includes Article 18 of the International Covenant on Civil and Political Rights that has been ratified by Australia.

Despite assurances from consecutive parliaments however, there is still no Religious Freedom Legislation in Australia to protect these fundamental rights.

The proposed reforms outlined in the Australian Law reform Commission (ALRC) Consultation Paper threatens the ability of an educational institution to effectively operate and teach religious values and beliefs, and to form an authentic community of faith.

As stated in past commentary by the NCEC, Catholic schools do not discriminate, or seek to discriminate, against individuals based on their personal attributes. However, the religious rights of individuals and families who enrol their children in Catholic schools also need to be equally considered in balancing legislation for protected rights.

The reforms proposed in the ALRC Consultation Paper fail to do that and without proactive religious protections, the freedom to teach children in accordance with faith and beliefs will be seriously harmed.

What is a Community of Faith?

The ALRC proposes a very narrow understanding of faith and the teaching of faith. The proposal seeks to limit the requirement of staff upholding the ethos of a religious school to those who teach religious education as a formal curriculum subject. It also limits the ability of the school to require teachers to teach the faith unless the teacher also has the right to state their own 'objective' viewpoint. The theological understanding of a 'community of faith' is explained in detail in the NCEC submission.

At the heart of Catholic teaching is the 'witness' of the faithful to live their lives according to gospel teachings in word and action. The witness of parents, teachers, students and other role models is often the most powerful expression of faith to our children and young people.

If we are true to our pluralist ideals as a nation, we must allow our citizens to respectfully hold, express and live according to a range of views including religious views.

This is why the issue of choice is so critical to the Australian education system. Choice is an important part of a family's decision when selecting the right school for their child. Whether about philosophical beliefs or pedagogical practices, debates have been prevalent in Australian education for decades in terms of what to teach, how to teach and even who should teach. These debates around choice will continue, because there is no one ideology or pedagogy that is all encompassing or true for everyone. Diversity is an important principle for our society.

Catholic schools as inclusive communities

As an organisation that represents and advocates for the interests and concerns of Catholic school parents, CSPA understands that Catholic school families expect Catholic schools to be inclusive communities. Catholic education has been highly respected in Australia as demonstrated by the millions of families who have opted for Catholic schools over the past 200 years.

Over most of this time, many parents and lay people have played a key role in assisting religious orders to establish Catholic schools to teach children the basics and provide religious instruction – an education that has empowered many generations out of a life of poverty. Now, as the major provider of schooling outside government, with the largest proportion of faith-based schools, Catholic education continues to contribute greatly to the social, economic and moral fabric of our country.

An impressive list of Catholic school alumni have benefitted from a valued faith-based schooling, which has helped many to contribute to a rich and diverse understanding of faith, humanity and life. Catholic education is focused, not just on academic subjects, but on theology, philosophy, ethics and faith. This is not exclusive to faith-based schools, but it is enriched by a community of faith that practices, expresses and models a lived faith, not just the teaching of religion.

In our experience, Catholic school communities have been welcoming of difference for more than two centuries in Australia. Catholic schools don't ask for all students or families to be Catholic – although it's important that families who are of the faith have some priority around enrolling in our schools.

Catholic schools do welcome families from other faith backgrounds, this includes those with no faith background. All families and students though are asked to support the ethos of the school community. It would be the same respect that political parties, business organisations, community groups or other associations would ask of their members – otherwise why be part of them?

First and foremost, all Catholic school members are asked to respect the dignity of each other member of the community. In our experience, Catholic schools do respond pastorally to the individual needs of students irrespective of their personal circumstances. This focus on wellbeing and pastoral care is a key reason why many parents continue to look to Catholic schools as their first choice for the education of their children and young people.

Every Catholic school is expected to place the human dignity of every student at the centre of their approach to teaching and wellbeing. This is what Catholic schools have been doing for more than two centuries and are expected to continue doing.

Staff in Catholic schools

Staff in Catholic schools are entrusted by parents and carers, to not only teach the legislated curriculum, but also to teach according to the values and beliefs, and to uphold the ethos of, the faith-based school in which they work.

The ALRC's proposal seeks to limit or remove current exceptions (exemptions) in anti-discrimination law that allow Catholic schools to preference the employment of staff based on their religious beliefs. It also proposes limits on the ability of the school to require teachers to teach the faith unless the teacher also has the right to state their own 'objective' viewpoint.

A recent survey on school perceptions showed 63% of the general population, 82% of Catholics and 79% of Catholic school parents believe religious schools should be 'entitled to require employees to act in their roles that uphold the ethos and

values of that faith' and the school should be free to favour hiring employees who share these values (Utting, 2021).

The removal of these exceptions – which have been in place since 1984 – without proactive legislation to protect religious freedom, severely impinges on the right parents have for their children to be taught in accordance with their religious beliefs. The ALRC's proposal is a serious over-reach by the state into individual autonomy and family choice when it comes to education in Australia.

Respect for families and faith communities

Catholic School Parents Australia requests that any changes to anti-discrimination law affecting religious educational institutions respect the rights of parents. In conclusion, CSPA notes:

- Catholic education is highly valued and respected in Australia as evidenced by the millions of students educated in Catholic schools over the past 200 years.
- A parent's right to choose a school that reflects their values and beliefs must continue to be protected and respected.
- The creation of an authentic community of faith in Catholic schools goes beyond the teaching of religious education. Catholic schools focus on a holistic education of the whole child – socially, emotionally, spiritually, physically, academically and culturally.
- Catholic schools and other educational institutions should be free to teach within their Catholic ethos - faith and values.
- There should be consistency across every state and territory for faith-based schools to be able to operate, employ and teach according to their faith to meet the needs of all Australian students.
- Changes to current anti-discrimination laws must go hand-in-hand with the introduction of laws to protect religious freedom - which needs the same protection as other rights in Australia.
- Catholic schools should be supported through appropriate government funding such that the burden of school fees placed upon parents does not become excessive. Catholic school parents are Australian taxpayers who, through the payment of school fees, significantly reduce the cost of Catholic education for government.

Thank you for this opportunity to present our submission and we look forward to our views being expressed in the recommendations of the ALRC review.

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