

**A submission to the Australian Law Reform Commission inquiry related to
Religious Educational Institutions and Anti-Discrimination Laws
13th February 2023**

The proposed changes to remove exemptions for religious schools regarding sexual identification and situation subverts the necessary character of a democratic community. A democratic community respects difference, freedom of speech and the rights of its members to maintain their views. It implies that sexual identification and situation is a superior constellation of values to that constellation of values that constitute a religious belief structure.

In the case of schooling, there is already a variety of options available to parents, children and staff. Any members of any of these groups have the freedom to choose any school option that suits their situation and values. Already, parents and teachers choose to realise their preferences by participation in schools that suit their particular world views and interests. Their perspectives include religion, emphasis of specialist interests such as music or sport, or outstanding academic capacity and specialist schools exist to serve all of these groups.

In many cases, communities of parents have made considerable sacrifices in order to provide what they consider to be appropriate schooling opportunities for their children. The establishment of schools for Jewish, Muslim, Hindu, Buddhist or Christian families reflect this commitment. Parents who see value in the constellations of belief and practice that attend these schools appreciate their appropriateness for the formation of their children in supporting their services.

Likewise, teaching staff who identify with these constellations of values, despite having ample opportunities to work in other schools where those values do not dominate, currently have the freedom to choose to work in these specialist educational situations. In some cases these teachers are willing to suffer income and other constraints in order to work in these institutions.

Those persons, either parents, children, or teachers, who find discomfort with the sexual ethics of any specialist schools currently have the freedom to patronise schools where the ethic is more accommodating. Considering the dominance of the public school system, this does not constitute a genuine constraint on their choices. Alternatively, they could embark on the same project that gave rise to the specialist schools and set up their own schools where their particular values are given prominence.

Consequently, there is no need for legislation that forces these emerging sexual ethics on school communities that for various reasons cannot share them. Moreover, in the interest of durable diversity, such incursions should be legislated against.

In addition, if those who consider their sexual self-identity puts them in a special class that warrants specific fostering in the community, then they should be encouraged to pursue exactly the same path as those other groups who have felt similarly, and who have established their own specialist schools. These have successfully met the needs most recently of the emerging Islamic community, but also other specific religious groups, such as the Brethren, the Seventh Day Adventists, and earlier the Anglicans and Catholics, amongst others. It has also given rise to alternative approaches to education itself such as the Steiner schools, which themselves partly hinge on philosophical foundations that are not necessarily compatible with particular religions. It would therefore be a very healthy sign for the larger community and perhaps provide a robust opportunity to observe the durability of these emerging constellations of sexual values

in the formation the future generations if communities dedicated to alternative sexual ethics set up their own schools.

In sum, then, a durable pluralistic society needs opportunities for the rich array of diverse views that comprise it to be able to flourish unfettered. This objective has given rise to the emergence of these alternative perspectives on sexuality that are now anticipating the use of the same antidiscrimination legislation to allow them to colonise educational institutions formerly devoted to incompatible value systems. This constitutes a novel form of discrimination that should be rejected as vigorously as the former discrimination was rejected.