

Submission to:
Australian Law Reform Commission
Religious Educational Institutions and Anti-Discrimination Laws

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This submission is made as a current working Principal within the private, independent Christian school sector. Professionally, I have over 30 years' experience in both the government and private education sector. Formerly, I was an employee of the West Australian *Department of Education & Training*, where I served as a teacher, Deputy Principal and Principal, including service in remote, country and urban settings. Since 2009, I have been employed in the private Christian school sector, where I currently serve as Principal of HillSide Christian College. I am concerned by any change to current Anti-Discrimination legislation because any potential changes in law would have a devastating effect on the vision, mission and culture of Christian schools, including HillSide Christian College. The proposed reforms are radical and would devastate the learning community in this school and many other faith-based schools.

I assert that current exemptions in Anti-Discrimination law for faith-based schools like HillSide Christian College are critical to the effective operation of these organisations. Therefore, in relation to the question of removal of exemptions, it is vital that exemptions in current Anti-Discrimination laws for religious institutions, including faith-based schools, be fully retained. Not only should they be retained, but moreover religious rights and practices should be respected and protected on an equal level (with other competing rights) rather than just being viewed as an exemption. There should also be no attempt to refine or reduce the scope of current exemptions because this would undermine the current culture and climate of religious schools like HillSide Christian College and hundreds of others.

Many organisations, including political parties, have the right to employ staff that promote and adhere to their values and policies. These organisations also enjoy freedom of speech, employment of their own staff and the ability to control enrolment and/or membership without fear of prosecution. Christian schools should be afforded the same rights, as these rights are integral to operations and purpose of Christian organisations like HillSide Christian College and hundreds other faith-based schools. Undermining the structure and purpose of schools established for religious purposes has great potential to negatively impact the viability and successful operation of these organisations on a large scale. Current Federal Anti-Discrimination laws are workable for Western Australian private, religious schools but any changes would be severely disruptive and potentially devastating.

Process Complaint

I have previously submitted to various State and Federal level committees in respect legislative changes that might affect schools, particularly faith-based schools. I make submissions so that government bureaucrats and politicians have some level of feedback and voice from actual practitioners. ALRC's proposed law changes will directly affect actual people in actual schools and organisations. These changes are directed squarely at our communities and our lives.

Making submissions affords some level of agency for faith-based schools. However, I found this Consultation Paper to be religiously insensitive and ill-informed about faith-based schools. The proposals recommended are radical to say the least, but moreover the proposals steamroll any previous process, dialogue and/or respect for religious rights. This Consultation Paper comes at the end of a long journey for faith-based schools, which have been buffeted like a political football over the last several years at a State and Federal level. Faith-based schools and organisations were led to believe that some recognition of religious rights would be meaningfully written into legislation but what has transpired is actually an abject "gutting" of faith-based schools that would go to the very core of their being. Religious bodies have been calling on government to inculcate religious rights into legislation but what the ALRC proposes is the contrary. The proposals and propositions would strip away any

realistic sense of agency and afford other cultural sub-groups precedent and power to the detriment of religious groups and schools.

Frankly, I was perplexed at how such a biased document could be constructed and presented to the public. In my view, it is a parochial document, skewed to secular worldviews, and just plain insensitive to the religious sensibilities, which literally affects millions of people in Australia (and worldwide). In my assessment, the document lacks nuance in respect to the value of religion in people's lives, takes little (or no) consideration of any previous dialogue on these matters nor any work that has already been made by many Parliamentary Committees and, importantly, the Expert Panel on Religious Freedom. In my view, the ALRC's Consultation Paper and associated survey is unethical because it should be unbiased.

The fact that the Consultation Paper was released on 27th January, 2023 at the start of a school year, leaving the public less than a month to digest the full contents of this mammoth document seems to form part of the bias involved here. How would one expect to make a meaningful response in this timeframe? It is perplexing to think how the ALRC expects an everyday citizen or humble school or group to make a reasoned response in light of such a voluminous document which has potential for deep-reaching impact and damage? For lawyers and bureaucrats, in this space, it is everyday work but for school leaders, boards, staff and parents, this is complex; the timeframe is also untenable and given the issues involved, very unreasonable. The process is extremely unfair and rushed.

The start of a school year is the busiest and most challenging time in terms of focus. Given that the overwhelming intent of the proposed laws is aimed at schools, one might think that someone with some educational acumen might have voiced their concerns about timeframe and timing. Schools have been blind-sided and hijacked by this process. It is perplexing as to why the ALRC has chosen to open the public consultation window at this time and allowed such a short period to make submissions. Two months (if not more) would have been a more reasonable timeframe; less than a month is (simply) wrong. The ALRC should have had more respect for schools, parents and the general public.

United Nations' Treaties and Integrity

The ALRC, in my view, makes an obtuse rendering of United Nations' (UN) treaties to justify its proposals and propositions. The *Universal Declaration on Human Rights (UDHR)* and *International Covenant on Political and Civil Rights (ICCPR)* represent the seminal UN documents from which all others must be seen to correlate and subordinate themselves. Rather than wade through all references throughout the Consultation Paper, I believe the main arguments against the ALRC's proposals centre on the rendering of these two seminal documents. In addition to this, the concept of "Limitation of Rights" (Clauses 24-26, p.11-12) seems to be obtusely interpreted as some sort of *carte blanche* to "limit" normal, mainstream traditional faiths including Christianity, which is the world largest single religion. The ALRC's Paper goes on to examine "Managing the Intersection of Rights" (Clauses 27-28, p.12), which is confusing because on the one hand "limitation" is being used to justify the curtailing of religious practice but on the other hand the Special Rapporteur actually states that one human right should not "destroy" another right. There can be no doubt these proposals and propositions will damage religious rights. The reasons for this include:

1. The Rapporteur cites the *UDHR* (Article 30) and *ICCPR* (article 5) in reference to UN Human Rights. The conundrum here is that, for example, sexual orientation and gender identity are not Articles or sub-articles of either the *UDHR* or *ICCPR*. These concepts are not even identifiable terms or words within the content of the UN documents themselves and moreover these concepts were not "human rights" *per se*, at the time of inauguration. A simple search of both UN documents will find no reference of (even) the concept of gender fluidity or the compulsion for a State to recognise homosexual relationships. These were not even legitimate concepts when the document was ratified. Therefore, one might ask, how can "religion" which is explicitly articulated in both the *UNDR* (Articles 2, particularly 18) and *ICCPR* (Articles 2, 4, 24, 27, particularly 18 and 27), constitute a contravention of other "human rights" when these did not exist in International treaties? Even if *ICCPR* Article 18 (3) were extended to include "freedoms" of others, it is a very "long bow" to suggest that the intention of the documents was to flagrantly compromise the beliefs and practices of all major world religions.

Therefore, what all this suggests is that Australia should make an honest attempt to align philosophically, and in practice, with UN treaties to which it is a signatory. The idea of “fundamental freedom” must be seen within the very intention of UN Human Rights’. Human Rights were well understood at the time of the documents’ inception and so were the traditional teachings of the Christian Church, and to unethically extend the parameters to include social engineering is contrary to the intent and context of the UN documents.

2. When citing the UN’s UDHR and ICCPR it is important to support the intent and context of the documents themselves. For instance, in its Preamble, the UDHR was formulated because “... contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind...” (Preamble). It is not therefore justifiable that the ALRC extrapolates that mainstream major world religions are “barbarous” in themselves. Are faith-based schools being “barbarous” in going about their historical and normal business? Has anything changed in terms of faith-based school’s religious practice since Australia signed these seminal UN documents? Even the inference of “harm”, like the term “barbarous”, in relation to faith-based schools is offensive and repudiated.

It is, therefore, important that the concept of “harm”, and the philosophic interpretation of the UDHR, should be used in a circumspect manner in light of the historic context that has inspired the document. The backdrop of WWII, and the genocide of the Jewish people, was this context. While based primarily on race, the persecution of Jewish people still had an inextricable connection to Judaism itself. For the Jewish people, their identity was fused to their religion, which exacerbated the heartless targeting of their culture, religion and (the people) themselves. It is this level of barbarity that led to the UDHR’s formulation, and the ICCPR extended on from this platform. It is ironic that the practice of Jewish schools in Australia, like our own Christian school, will be subjugated by these proposed laws. It is beggars’ belief that Australia would insinuate any “harm” resultant from mainstream faiths like Judaism and Christianity, whose adherents are simply living out millennia-old tenets faith. In terms of faith-based schools, this legislation will place them under the control of the State, and this is unethical and frightening for religious people.

3. The *UDHR* and *ICCPR* are written in plain English. This is done for good reason because these treaties belong to the people of all nations. People can all aspire to ethical standards through these treaties, but people also have the ability to keep governments accountable to these universal principles. Personally, when I have met with some politicians, they have known little about these seminal documents and I was in the position of sharing and explaining the effect of these on schools and people of faith. Ironically, it is politicians who decide the fate of citizens. In terms of faith-based schools, in reading the Consultation Paper, there is little nuance in respect to true the meaning of faith to people, nor a real acknowledgement of the culture clash that is occurring. There is no “win” for religions in the proposals, only “loss”.

We are seeing this play out right now in the context of this consultation process and the subsequent machinations of government. The beauty of the UN documents is that we can teach them to children, they are fair-minded and they are comprehensible. Implementing the philosophies and complexities into a system of law is not easy or simple but we must strive to keep the basics relatively clear. A primary issue I have is that the ALRC is manoeuvring the intent and normal understanding of the documents. In the New Testament, a similar thing occurs when the teachers of the Law (the Pharisees) layered and hyper-analysed the Scriptures. They were subject to Jesus’ rebuke for twisting the Scriptures and burdening the people. Likewise, I see this pattern here.

The ALRC’s role is to put forward reasoned and accurate analysis of UN documents. The Preambles of the *UDHR* and the *ICCPR* both pick up on the ideas of tolerance, justice, peace and freedom for all. There is no rendering of “sex” as “gender”, there is the use of “man” and “woman”, and people should not be “compelled” in respect to their own rights. One human right should not usurp another right in general. The idea of free speech, freedom of association and the “natural family” are easily identifiable in the Preambles and Articles, whereas the ALRC’s Paper does not reflect these values and principles as understood in the context of UN Human Rights.

The inference here is that the intentions of these international obligations is not being honoured by the ALRC's interpretation. Religious rights are usurped by the rights of sub-groups. For instance, LGBTQ "rights" triumph over the religious rights. Religion will be fundamentally re-defined by these proposals and this is not the intention of UN Human Rights frameworks.

4. The concepts of "harm" to others, and "freedom" or "equality" of individuals, are manipulated proposals that cite hyperbole rather than reality, and seek to redistribute power. These techniques are ideological wrongs. For example, our school has been premised on its Christian framework since its inception in 1977. This includes "discriminating" in favour of adherents and being selective in staffing and enrolment. We are not a "closed" school but represent an intentional Christian community with clear religious objectives. We have gone about our business without marked Federal government interference or persecution. HillSide Christian College is excelling when measured by any metric available and our school community is at peace and cohesive. The ALRC seeks to destroy and it does this in an unjustifiable manner, based on egalitarian concepts that are not applied to our own community of faith.

The idea that our community does "harm" or lacks "equality" is refuted because pluralism invokes belief in a "live and let live" type framework. For instance, there can be both Muslim and Christian schools, each in their own space or, indeed, any different sub-group can co-exist together. Secular government schools provide a generic, free and egalitarian system to all citizens as well. Faith-based schools are not targeting people of other faiths, nor any person who does not hold their beliefs. They are only seeking to exist with integrity themselves and asking for their own safe spaces in which to operate; this has been the case since the time of colonisation for private schools.

There is proactive disempowering of faith-based schools which is being orchestrated under the guise of "harm" minimisation. How can someone "harm" another, when the other is able to make other choices for themselves? Our school is not the only faith-based school nor the only available schooling option. How can our organisation be harming another, when it is they who seek to come into our

religious space? Harm is about those that either physically harm or have intention to harm another in a grievous way. Faith-based schools have no intention to harm, no more than a householder, who has a right to privacy in his own home, denies “equality” to another that seeks to enter the house. Would the ALRC suggest that any person should have control over another person’s asset? Imagine a person walking up to another and demanding their “right” to take another’s possession due to a misguided “equality” or that it might cause “harm”. Not getting exactly what you want is not “harm” nor is it a failure to show “equality”. The whole system of law revolves around individual and group spaces, which should not affect the property or domain of another. Faith-based schools need to be able to exercise high levels of sovereignty over their private spaces and beliefs.

There is clear logic here. Faith-based schools are being accused of “harm” when the actual truth is that other groups will be allowed to cause “harm” to faith-based schools. It is not faith-based schools that are encroaching on others, rather the reverse is true. Religious rights are the *human rights* that are at stake. Forced “association” is the pretext here. This is the absolute crux of the issue at hand. This represents persecution of faith-based schools and people, because they are being “compelled” to associate with and, then by lack of control, accede their values and beliefs. Religion is centred on values and beliefs, and these foundations will be sacrificed under the ALRC’s proposals.

Clash of Worldviews and Incompatibility

Faith-based schools are extensions of the home. Parents and their schools partner together in the education of a child. For a parent of faith, they choose a school that correlates with their own values and beliefs. For a parent to entrust their child to a faith-based school, there is a sense of *loco parentis* because trust and partnership are at the centre of this choice. Parents trust the religious school to instil the values and teach agreed religious tenets. This is usually the basis of school enrolment agreements pertaining to faith-based schools, and there is also usually a clearly communicated statement of faith involved. In the case of HillSide Christian College, there is an inextricable link between the practice of faith and the faith-based school itself because there are religious objects and tenets at the heart of the relationship and intention. In respect to removing exemptions for Anti-Discrimination Law,

religious schools will be able not operate and meet their religious objects because of the impact of these proposed Anti-Discrimination laws. Therefore, parents will be uncertain of the ability for schools to provide an authentic community of faith for their child. Likewise, the school itself will not be able to operate with integrity and its very core mission and practice will be re-defined according to government social and religious engineering.

Unfortunately, one of the sad parts about the ALRC's *Consultation Paper* is that it is an underdeveloped analysis of religious belief and how tenets of faith might realistically be applied to schools like ours. For instance, Clause 60 (p.24) states that a school would not be able to require a staff member to sign a statement of belief which articulates that homosexuality is a sin. This would be antithetical rendering of the religion itself because the religion cannot be truly expressed with integrity by that member of staff. In this case, how could an employee, who does not align with the religious beliefs of the organisation, ever represent the true nature of the religion with integrity? Almost every example cited in the document not only undermines faith-based schools like ours but also makes schools different and non-authentic.

Consider a converse example. If the reverse were in effect, and I applied, as a Christian, to *Equality Australia* for a job, would I fulfill their vision and mission while holding contrary beliefs and views in respect to LGBTIQ+ people? For instance, if I personally believed that a gay lifestyle is sinful and that gender is not fluid, would this not be a "red flag" for employment there and realistically make my employment untenable for their organisation? Would it be workable or right for Equality Australia to employ me? If I were not to sign their "10 Point Plan for LGBTIQ+ Equality" as a refusal of my commitment to their values and "tenets", I really could not be employed by their organisation? In summary, there is no logical or realistic way for a person holding contrary views to an organisation to be employed or made a member of that organisation. For people of faith this carries far more gravity than applying for a job with a business or general organisation. For a person of faith their religion is not just an organisation, nor did their religion constitute itself in 2017 like *Equality Australia*. For a person of faith their eternal purpose and afterlife is inextricably linked to their religious beliefs.

If you deconstruct religious belief, you deconstruct the religion itself. Let us make no bones about this. These proposed Anti-Discrimination Laws are squarely aimed at reducing the influence of religion and to emasculate it. Practically, for our school and other faith-based schools, this would lead to mayhem. You can't have both; either the religion is defined by adherents of the faith, or it is not the religion itself.

In the case of our school, HillSide Christian College, subscribing to the beliefs and tenets of the Christian faith is non-negotiable. There is no practical way to move forward on this and no way our school can move from this proviso. The examples cited throughout the Consultation Paper are unworkable and persecuting to people of faith. The truth is that contrary worldviews and practices are the antithesis of schools like ours.

It seems that there is only pluralism for some in this new legal model. A dichotomy of rights and power has begun to emerge in this country, with people of faith rapidly becoming "second class citizens" and their faith community of no consequence.

HillSide Christian College – A Community of Faith

Background and History of My School (HillSide Christian College)

HillSide Christian College is a Church-based school offering Christian education to students aged between 4 and 18 years, across Kindergarten to Year 12. The College is situated in Forrestfield, which is an established suburb 15 kilometres from Perth. The socio-economic status is low to medium, therefore the families our school serves, make significant sacrifices to enable their children to undertake a private, Christian education. Parents actively choose the College despite there being many local government schools in the area. The College's student population has been consistently growing as a result of parental choice.

The College was inaugurated in 1977, and started in response to the need articulated by parents from HillSide Church for a school that was distinctly Christian: that is, distinctly different from the state-school system. Since inception, the objects of incorporation have always included religious objects and practices which are inculcated into its educational framework. The College was established due to the

vision of Pastor Fred Anderson. He developed the school through prayer, hard work and strong partnerships with parents who had similar Christian convictions. Despite limited, or no, government assistance, the College has built capital infrastructure and programmes from the "ground up". This remarkable growth was achieved through a corporate shared desire to provide quality education within the context of the Christian worldview. Many parents sacrificed their personal assets and income to establish the College. The selfless giving of many parents, staff and students has been instrumental in the growth and operation of the College. HillSide continues to operate as a result of the sacrifices made by the parent body, Church and other stakeholders.

The College forms part of the larger HillSide Campus, which includes Walridge Country Estate, Tabor College, a Café, HillSide Church, and HillSide Christian College. Walridge Country Estate provides over 55's accommodation with approximately 140 homes. In addition to the Church, there is a Café on site which is leased to a local business, and Tabor College, which provides tertiary education and training. More recently, the HillSide organisation established *HillSide Church Community Outreach (HCCO)*, which offers food packs to the needy. HCCO has over 230 local families in its care and operates its food services twice weekly.

The HillSide Campus is integral to the life of the local area, and is a very significant operator of facilities and services, employing a large contingent of staff, and providing goods and services to the campus community and others in the local community. The Church has been operating since 1936, and is therefore closely connected with community and invested in its future. The College, and HillSide organisation, *has developed to this point because it has been able to select its own staff, who share common religious values and belief.* Without this ability the organisation would be markedly diminished and would not have enjoyed the success it has had to this point. Shared religious values, beliefs and practices orientates HillSide's stakeholders, who see their input and work as more meaningful, productive and vocational in nature.

Current Demographics, Enrolment and the Right of Parental Choice

The current enrolment of the HillSide Christian College is 428 students. In 2024, the enrolment is projected to rise to approximately 480. Enrolment demand is exceeding capacity presently; there has never been more intense enquiries and applications for enrolment than at this point in time. The College also expects further future enrolment growth due to new building development and general population growth in the Foothills' area. *The College has increased its enrolments due to the choice and support of parents who enrol their children.* All parents applying for enrolment do so of their own volition, proactively selecting HillSide as their school of choice. Enrolment is offered, not guaranteed, through application based on contractual agreement.

Parents choose HillSide for a variety of reasons. However, the primary reason for choosing the school is based on: *“Christian school values that align with my own”* (57%, single highest reason submitted in most recent CSA parent survey). In response to the question: *“practices that families think should be the most important at your school”*, nine out of ten top responses were overtly Christian (Christian studies, etc.). An overwhelming majority of respondents (80%) listed *“teaching of traditional Christian values and beliefs”* as a vitally important aspect related to why they personally selected HillSide as their school of choice. In summary, Christian values and the inherent Christian nature of the school community are paramount to the school culture. Without Christian distinctiveness, our school would cease to retain its integrity and character. This distinctiveness is inherently linked to the employment of Christian staff and to the values of parents who enrol their children.

There is an increasing trend for practising Christian families to choose HillSide rather than the state system because these families do not subscribe to the philosophical direction of that system, nor do they feel the state system is inclusive of Christians. (Reasons would include the absence of any religious instruction in state schools, and values which do not align with those of many Christian parents). Active, practising Christian parents form the majority of parents in the school community. The vast majority of the student body also subscribes to the Christian faith, whether they come from a Christian home or not.

The College has a selective enrolment process that is not necessarily based on being a Christian, although this is encouraged and welcomed. Enrolment, and the services provided, is based on prospective families desiring a holistic Christian education for their child/ren and agreeing to participate fully in the College, including actively participating in any religious activities, and a willingness to support the College's beliefs and values. All enrolment expectations and College practices and policies are clearly enunciated, agreed to, and communicated at enrolment. In essence, parents and guardians "sign on" (to this effect) and put their "money where their mouths are". The College represents like-mindedness of purpose and this is demonstrated through tangible undertakings and support (financial, temporal, etc.).

Even those parents who do not identify as Christian, cite that the main reasons for enrolment as that of moral values and Christian distinctives. Parents want an environment that aligns with their own values and these families support the College. Anecdotally, having personally enrolled hundreds of students at HillSide, the common theme of values and morals is predominant. *In actuality, the employment of all staff, teaching and non-teaching, is the vehicle by which the school is able to create and sustain this Christian environment, and therefore provide the values and morals so desired by the school community.*

It is vitally important to understand that HillSide Christian College, like many independent Christian schools, is based on choice and partnership. Enrolment and provision of services is a "two-way street", established by mutual consent. The notion of "private" is a key concept because enrolment and employment are based on this "two-way" belief and acceptance of the mission of the College.

Vision, Mission and Operation

The College's vision and mission is to provide positive transformation, in our school, in Jesus' name. The College's intent is to continue its Christian ministry, and to show integrity to its original purpose and values. Its core beliefs and practices centre on education using the Christian worldview. That is, the College is overtly Christian and curriculum is planned, implemented and developed through the "prism" of evangelical, Biblical understandings. All students enrolled are accepted on this

principle and understanding, and this has been the practice since inception over 46 years ago.

Therefore, the College provides Christian education, which is (essentially) a service provided by staff. This should not be understood as only “chalk and talk” delivered by a teacher. Christian education is holistic based on the Christian meta-narrative. Modern schooling does not just involve a teacher, rather involves support and ancillary staff. It takes a multi-levelled, cohesive team to run a successful school. Schools are active and complex networks of people with layers of expectation and responsibility. Staff provide services to a myriad of stakeholders, but their primary function is to provide education to children and to support their families on the journey. It is important to understand that reductionist views of teachers (or staff) that views a Mathematics’ teacher as teaching only Maths is puerile. Teaching, and indeed any role in a school, is multi-faceted and deals with complexity such a pastoral care, spiritual development, community building, etc. Staff is not uni-dimension now; staff members are living examples to children and the community, interacting intensely with various stakeholders.

Christian schools therefore require a cohesive team that is able to deliver the strategic objectives of the organisation. However, in meeting religious objects and purpose, it is not just a matter of Christian subjects being taught, it is the cultural environment that is vital to the learning environment. Learning also does not just consist of the classroom or lie solely with teachers. Non-teaching staff is integral to student support and guidance. The following points summarise the importance and breadth in relation to meeting the Vision and Mission of the school:

- All employees are influential. Teachers plan from a Christian world-view and are role models to children. Likewise, non-teaching staff impart values and engage with students. For example, anyone who has ever witnessed the day-to-day school operations would not underestimate the importance of student services staff, who address a myriad of needs. Similarly, the impact of a teacher assistant on a child’s education is very obvious. Every engagement by staff members in the school is influential. For a Christian school, with a cultural focus on a Christian environment and associated support system, the vital

importance of every employee being aligned with the educational and religious objects and values of the organisation is paramount;

- The Christian life is not compartmentalised, rather it is holistic. A conversation in the office can have the equal effect as that of a religious education lesson. People influence people, and it is only fair to expect that families choosing Christian education would have the benefit of employees that could deliver the educational and religious objects of the school. Staff members need to have the same beliefs and values to live out the mission of the school;
- Students consistently interact with both teaching and non-teaching staff. To amend current Anti-Discrimination exemptions only to those who teach “religious education” is not indicative of the holistic nature of HillSide. As mentioned previously, all staff has an impact on students and the school’s culture.
- Parents often confide in staff and seek advice. They are more likely to share with staff who have their Christian beliefs. Prayer is regularly requested of many different staff performing many different roles;
- Staff may be asked to lead Christian devotions, pray with students and give counsel if appropriate. It is not just teachers who provide pastoral care rather all staff may have this opportunity. Only staff employed within the College’s framework can perform this. How can a non-Christian pray with children or lead a Bible study if required? How could an atheist or person from a different religion undertake this? When the whole staff devotion occurs every week, how could we conduct this effectively with a contingent of non-aligned staff?
- Non-teaching staff take on mentoring roles frequently. Examples are pastoral care opportunities, work placements, conversations, mentoring, and general support involving conversation and interaction, role modelling and advice. Parents, the Church and the College Board expect that students will have mentoring with a person whom they spiritually align with and trust;
- The College’s *Strategic Plan* focuses on meeting its Vision and Mission. This includes priorities encompassing quality education, systematic curriculum delivery, community building and high levels of pastoral care. Only a fully committed staff, which subscribes to its Christian beliefs could be expected to deliver the breadth and depth of the goals.

It is this complex and team-orientated approach that works for Christian schools because their mission is fundamentally different to that of secular schools. While the Australian Curriculum and general pedagogy applies to both private and public sectors, the culture and climate of schools are marked different. I have worked in both sectors and the cultural dichotomy between the two sectors is marked.

Personal Comparison of Systems – What’s the Difference?

HillSide Christian College is a wonderful school. The best I have worked in. In general, the quality of the school environment, behaviour and staff professionalism well exceeds that of the government system based my experience. The ability to operate a success model like this lies in the Christian fabric of the school, where culture is formed around the person of Christ. The result of a Christ-focused school is a more harmonious and effective learning environment. It is an environment that is a sanctuary, where children can be children, and people can live out their faith freely.

As mentioned previously, I am an experienced Principal, having served in both the public and private systems. In fact, for the last 20 years I have worked in Forrestfield where I first served in a government school before then moving to HillSide Christian College. Having managed schools in both systems in the same area, I believe I can objectively and accurately compare the environments, performance and culture. In my analysis and opinion, I would summarise the key differences as:

- I have observed Christian education as providing a safer, better managed, more cohesive system of education generally;
- Christian teachers and staff perform better generally. Staff work harder and for less income than their state counterparts. There is more a sense of vocation, which has far more depth than what’s in an enterprise bargain agreement. In all systems I have worked with some outstanding operators but in Christian schooling I have observed better overall quality of professional practice;
- Students, when allowed to do so, want to learn about Christianity, and do become active Christians by choice through Christian education. Christian schools, like HillSide, have religious objects which are integral to operation. This is why all staff do need to be practising Christians as influencers of students, families and other staff in a Christian school;

- It is harder and more complex when operating and managing a Christian school at the business level. In government education, funding, infrastructure and general resourcing is more predictable and monolithic. Christian schools run more like “family businesses”, which equates to less complacency, higher skill sets, and greater good-will being needed and generated. Therefore, legislative impediments for private schools should be avoided;
- Independent Christian schooling is less monolithic. That is, one size does not fit all. Christian schools can adapt and change to meet circumstance much quicker and more effectively, as a consequence physical and financial resources are used more effectively. For this outcome, an aligned and cohesive staff is required;
- State education purports to be inclusive, but it is actually exclusive. That is, secular education extracts all religious belief from its curriculum, as required by the WA Education Act. Those who hold very deep religious convictions are expected to curtail or abandon their views, or be exposed to blatantly contrary materials or opinion. Any input and/or objections from Christian parents are only tacitly observed. This is why parents continue to choose to enrol at Christian schools. If faith-based schools are secularised Christian families will have nowhere to go except for home schooling options. This is grossly unfair;
- The strength of State education is that it provides an opportunity for every child to attend. Therefore, it is egalitarian, well-funded and available. However, it is naïve to think that it can be exactly that. Parents have a right to choice and religious conviction (UN Declaration of Human Rights), and to have their tax dollars directed to their own children’s education in a manner that reflects their desires, beliefs, and values. True egalitarianism is not threatened by choice and difference;
- True inclusive education would include the ability to study religious material because it is important to students, families and staff who choose to subscribe to Christian beliefs. During my time in State education, I could never understand why governments were threatened by religious belief. The formation of a Christian school is based on parents being forced to leave the state-system for moral and/or religious reasons. Independent schools exist

primarily because of the disenfranchisement of Christian parents, students, and staff. The enrolment trends show this clearly.

Success of Independent Private Schools and Parental Choice

The very nature of private religious schools like ours (similar to Catholic and other faith-based schools) is premised on parental choice, religious freedom, and Christian distinctiveness. Any removal of an exemption for schools, set up for religious purposes, would seriously diminish the ability to conduct the school's core business, including enrolments and employment of staff, who are aligned with the Vision and Mission of the organisation.

Having worked in both the State and Christian sector, I have concluded that the Christian sector is generally more successful and is a better model for education. I do not say this lightly because I do not doubt the effort applied to the government sector. I have personally managed schools in both sectors and have, therefore, seen the importance of employees, values, behaviour and pedagogy in relation to the quality of education. From my experience there is no compelling reason to undermine Christian schools, which are performing better than their state counterparts. In summary, please do not upset the "apple cart". Interfering with a successful education system or school has no logic or reason.

The indisputable success of independent schools, like HillSide Christian College, is evident in quantifiable data. Information is clear that there is a general Australia-wide trend, which demonstrates the huge benefit to the education sector in respect to the private sector. In terms of independent schools, 83% of all independent school have a religious basis. The following Australia-wide statistics (for 2022) can be used to support the case that faith-based schools, should be supported, not targeted:

- 667,259 students are enrolled in independent schools Australia-wide;
- \$5.5 billion in estimated recurrent savings to government;
- 56% funding for independent schools is from private sources (parents);
- 89% of capital projects on average are provided by parents and community;
- The independent sector grew 3.1% in the previous 12 month period;
- 89,979 employees in independent schools;

- 1,187 independent schools Australia-wide;
- Since 1970, the independent school educational market share has increase from 4.1% to 17% of all students attending school. Representing a 556,000 student enrolment increase.

The data cited above is cited directly from *Independent Schools Australia*, the peak body for the Australian independent sector. I would strongly recommend that the ALRC look closely at the positive patterns as these relate to schools like HillSide Christian College. Any legislative interference with the independent sector current operations would be detrimental and illogical based on the positive data analysis that is evident in relation to current practices. Please see the URL below which is the quote document:

<https://isa.edu.au/our-sector/about-independent-schools/>

Christian School Enrolment and Operational Issues

In practical and philosophical terms, one of the issues with persecuting legislation, or the lack of legal protection, is how it will affect the College on a day-to-day basis. This is often seen in who is allowed to enrol, who is to work at the College, and who is in control of the College (in actual fact). Currently, our school employs only Christian staff because it has an overtly Christian message and practice. Christianity is holistic not compartmentalised. Religion affects all domains of life. I would urge the government to enact strong protections over who is employed, who is enrolled and who has authority these matters in relation to faith-based schools. It needs to be understood that Christian schools need this control and have a genuine right to it. This is how the quality of education and religious freedom is maintained. Christian schools have been operating before State education existed in WA (and other states), and its precepts and practices are historic and well understood.

In terms of enrolment, the dilemma for HillSide Christian College is that it desires to offer “open” enrolment rather than a completely “closed” enrolment. It has been the College’s practice to use the selection process at enrolment to ensure support for the College, with a likely positive relationship occurring between the College and family. However, the difficulty has presented in respect to both anti-discrimination and equal

opportunity laws, because “open” enrolment school to make conscientious objections and decisions in line with its beliefs and values.

The reality is that the College, like other independent Christian schools, is legally compromised because it could (schools have been) be hauled before a commission or court, and then forced to abandon principles, and have decisions, which were based on religious beliefs, overturned. There have also been demonstrative cases before EO and Anti-Discrimination tribunals, which have been vexatious and caused immense stress on schools and individuals. If the College were to adopt a “closed” enrolment and restrict enrolment to only members of a particular Church group, this would afford the College a better legal ability to be at liberty from prosecution. It is not the College’s preference to do this, but schools like ours needs protection in legislation to continue their business model.

The whole question of Anti-Discrimination laws is complicated and confusing, because on one hand, the legislation purports to help the disenfranchised, but in essence creates other disenfranchised groups. If the proposed changes to Anti-Discrimination exemptions were to take effect, Christians schools would in breach of legislation if a staff member were denied employment based on values, or if the College directly teaches its beliefs. The trend of prosecutions involving schools, clergy and individuals is both worrying and creating discrimination in itself. Employment of staff, who hold the same religious belief, may also be curtailed, presenting difficulties in delivering the Christian curriculum and values of the College. It is naïve to think that only teachers engage with students and families; all staff do. Teachers do not just teach a subject, they teach people. They are also role models and members of a team. Organisation goals cannot be fully achieved with tacit or differing beliefs at play, particularly in respect to an organisation with religious objects. No staff member’s role exists in a “bubble” without effect on the culture and climate of the organisation. People influence people. We are dealing with faith-based schools where parents and stakeholders want specific influences.

If I, for instance, as a Principal, refuse to grant an enrolment because I deem the values of an applicant to be in conflict with the school’s religious position, there is a

distinct likelihood that the school, or myself personally, would be challenged or charged with discrimination. This can involve overturning the decision, fining the school or me, or criminal conviction for refusal to comply based on conscientious objection. Likewise, if the College dismisses an employee, who fails to uphold the moral precepts of our College, there may be Federal interference and intervention through legislation.

My view is that unless religious freedom, including staffing and enrolments, is actively protected through legislation, then use of discrimination laws will enable persecution of Christians and, indeed, other religious groups. It will also change the fabric and the religious practice of the College. Current anti-discrimination laws seem very paradoxical and self-conflicting because religious practice is being deconstructed and reformed into a State-based and defined "religion". In my view, the government has no right or mandate to define religion. Nor does the government have a right to define what the religion actuality is, which is the intent of the proposed legislation.

A Christian school should have the right to teach its tenets, employ the staff it deems necessary to deliver its missions and to control its enrolments. This should be legislated clearly because freedom of association, freedom of religion and conscientious objection have been inculcated into the principles of both the Australian Constitution, UN treaties and also Australian society generally.

In my view, there is a dangerous trend of the State over-stepping its mark. I would ask the following questions in order to clarify the issues:

- What right does the State think it has to reduce religious freedom, or even interfere with it?
- Are anti-discrimination laws going to be allowed to be used consistently as "weapons"? There seems to be an underlying philosophy of aggressive deconstruction of religious rights, with a social engineering agenda at play in the use of the legislation;
- If these Anti-Discrimination laws come into effect, how will there be adequate protections for schools in the enrolment process, practising explicit religious teaching and normal Christian operations?

- Will the State prosecute or persecute schools which refuse, on the basis of conscientious objection, to comply with directives or laws? If I refuse to teach or promote non-Christian values, what will happen then? What is the consequence likely to be? Will I be a criminal for upholding my conscientious beliefs which are based on traditional Biblical tenets.

Summary

I believe that the ALRC can use this review process to recommend legislation that will truly protect true religious freedom in legislation. By maintaining current Anti-Discrimination exemptions in law for faith-based schools, rather than proceeding with new proposals or propositions that will harm faith communities, the ALRC will truly facilitate societal fraternity where faith-based groups, can co-exist, complement, and live alongside other faiths and sub-groups. Inclusivity and pluralism are not so much about the absence of “discrimination”, but rather the respect and tolerance for each other to be able to “choose” on an equal level and to maintain our own safe spaces.

It is important that laws do not encroach upon the civil liberties of private groups and individuals. The law system is complex enough without citizens being further burdened by encroachment on their private lives and arrangements. Christian schools operate through mutual, open and voluntary association. There is no compulsion to enrol, support or work at a Christian school. In fact, there are more than 1000 schools in WA, with government, private and home-schooling options available to the public. A family can always attend a State school free of charge with no belief or religious requirement associated with enrolment; they can also attend a range of private, faith-based schools that might correlate with their own beliefs and values. I would urge the ALRC to recommend that Anti-Discrimination exemptions for religious schools remain status quo in order to uphold principles of democracy and the rights of religious groups. Parental choice is at the centre of Christian schooling.

There also has to be some wisdom to realise that because a person or group is in disagreement with another, it is not the role of the State to “micro-manage” interpersonal affairs, the right of decision-making, or values’ formation. This amounts to an amplification of the function of government. A problem has emerged because

the government is not policing itself but is policing its citizens who are in faith-based communities and schools. Our society needs to be very reticent in “blurring” the lines between secular and sacred. Formulating legislation to empower religious bodies to operate freely is more desirable than causing havoc to them with these proposed changes.

I commend the above arguments to the ALRC. My summary of the submission lies in protecting religious liberty in respect to enrolment and staffing decisions for faith-based schools, with particular reference to HillSide Christian College. My school is a very high-quality school, and I believe it can be easily demonstrated that positive outcomes and school culture are evident in its practice. Our College, and school community, needs to be protected and empowered to perform its function, which is providing Christian education for families that are enrolled.

HillSide Christian College is a wonderful school. The best I have worked in. This lies in the Christian fabric of the school where culture is formed around the person of Christ. The result of a Christ-focused school is a more harmonious and effective learning environment. It is an environment that is a sanctuary, where children can be children, and people can live out their faith without persecution, bullying or reference to any authority in regard to religious conviction. Christian educators are mindful that they need to be responsible citizens, and that their faith is exactly that which makes them better citizens.

The right for the College to define its religious practice needs to be supported. There are over 1000 schools in Western Australia, therefore should any person not agree with our position. Independent schools form a significant percentage of the total schools in Australia, therefore our religious rights should be proactively enshrined genuinely and fairly in legislation to ensure their existence and exercise of faith. These proposed changes would be a blow to all faith-based schools, including my own.



Mr. Stephen Lamont B.A. (Prim.), M.Ed.

Principal

24th February, 2023