

I am a parent of children who have recently attended a religious school, and I am a former student and lecturer at a religious theological college.

It is entirely reasonable that religious communities should be able to establish and run educational institutions. No reasonable Australian would dispute this.

Those who are members of a given religious community who have founded or participated in that community's religious educational institution will understand that the institution is a part of, or an extension of, that religious community, or to put it another way, it is a community within a larger community.

I liken it to a cell organelle (e.g. a nucleus or mitochondria) within the larger unit of the cell (which represents the broader worshipping community).

It is critical that the ALRC members recognise that the same religious rules that apply to the broader religious community (the cell) apply to the subset of that community, the smaller academic/worshipping community (the organelle that dwells within the cell).

The ALRC Religious Educational Institutions and Anti-Discrimination Laws Consultation Paper proposes removing the current anti-discrimination law exceptions that apply to religious educational institutions, such that these institutions will no longer be able to discriminate between applicants for a position, or against an employee, on the basis of sexual orientation, gender identity, marital or relationship status, or pregnancy.

Where religious educational institutions (and the communities that gave them birth and sustain them) follow a religious rule upholding a particular sexual ethic forbidding certain sexual relationships and sanctioning others, the effect of the ALRC proposal may be to prevent that smaller academic/worshipping community from faithfully observing their religious rule. In other words, the proposed reforms may violate that community's right to practice their religion.

Not only so, but the ALRC proposal would contravene the inderogabile right of parents belonging to a broader religious community to raise, instruct and train their children according to the tenets and ethical constructs of their religion, in partnership with their religious community and its organelle, the religious community's school.

For by choosing to send their children to the religious community's educational institution, parents enter into a partnership with school staff such that teachers and other staff instruct their children on their behalf concerning the religious rule of the community - this instruction incorporating not only doctrine and ideas, but also the modelling of conformity to the religious rule in life.

If legislative reforms remove the religious educational institution's right to select, appoint and retain staff on the basis of conformity to the sexual ethic of the larger religious community, the parent can no longer depend on the teaching staff of their community's school to model and instruct the parents' (and the community's) rule, and their right to partner with the educational institutions of their religious community would be violated.

As a signatory to the International Covenant on Civil and Political Rights Australia is bound to uphold the right to freedom of religion of all people in the Commonwealth, and especially the inviolate right of parents to instruct their children according to their religion, both in terms of doctrine and its outworking in daily communal life. I therefore ask the ALRC to abandon the proposal to remove the current anti-discrimination law exceptions that apply to religious educational institutions, especially as they apply to staff selection, appointment and retention.