



Religious Educational Institutions and Anti-Discrimination Laws  
Australian Law Reform Commission  
PO Box 12953  
George Street Post Shop  
Queensland 4003  
*Sent via email - [antidiscriminationlaw@alrc.gov.au](mailto:antidiscriminationlaw@alrc.gov.au)*

**RE: CATHOLIC EDUCATION CANBERRA GOULBURN SUBMISSION TO ALRC  
INQUIRY INTO SEX DISCRIMINATION ACT**

**Introduction**

I am pleased to provide a submission on this important matter on behalf of Catholic Education, Archdiocese of Canberra & Goulburn (CECG).

Catholic schools have provided education in the Archdiocese of Canberra and Goulburn for more than 160 years, educating hundreds of thousands of students during that time. Today, CECG educates over 22,000 students in 56 schools and eight early learning centres across the ACT and much of southern NSW, covering a geographical area of 88,000 square km. CECG employs more than 3,000 staff.

We educate students from preschool through primary and secondary school in urban, suburban, rural, regional and remote areas. We offer both co-educational and single-sex schools. Over 20% of our students are identified as having additional needs against the Nationally Consistent Collection of Data for Students with Disability collection. We have a great diversity of cultural backgrounds among our student cohort, including a large and growing number of students who identify as indigenous.

We are open to students of all faiths and no faith whose families seek a Catholic education as part of a school community that is Christ-centred and embraces the Catholic faith. Our school communities strive to model a Catholic ethos based on Catholic teaching. This includes notions of social justice, equality, the dignity and worth of every human person, the need to care for our environment, to be welcoming to the stranger and the downtrodden, as well as the Christian teaching on the distinctiveness and equality of the sexes and the important place of marriage and family. We believe the richness of this teaching and what it has to offer the world is a key part of why so many families choose our schools for their children.

Our schools are home to a rich diversity of opinions and vigorous and open debate across various issues, including the teachings referenced above. We ask that students, their families and staff, whether Catholic or not, accept and embrace the Catholic ethos of their schools and contribute to the sense of community that flows from this. Staff across the school community must seek to model the faith we profess and not in any way undermine the teaching of that faith.

We take a pastoral approach to all associated with our schools, including those who struggle with particular teachings of the Catholic Church.

### **The Discussion Paper**

This submission supports and is intended to complement the submission of the National Catholic Education Commission.

The Discussion Paper (the Paper) released by the Australian Law Reform Commission (ALRC) on 27 January 2023 would undermine faith-based education (including Catholic education), freedom of religion and parental rights. The Paper ignores the fundamental human right expressed in the International Covenant on Civil and Political Rights (to which Australia is a signatory) that Parents have the right:

*“to ensure the religious and moral education of their children in conformity with their own convictions.”*

The relevance of this international human right was well articulated by the former Special Rapporteur on Freedom of Religion or belief when he described the special position of religious schools because of their connection to this fundamental human right:

*The situation of religious instruction in private schools warrants a distinct assessment. The reason is that private schools, depending on their particular rationale and curriculum, might accommodate the more specific educational interests or needs of parents and children, including in questions of religion or belief. Indeed, many private schools have a specific denominational profile which can make them particularly attractive to adherents of the respective denomination, but frequently also for parents and children of other religious or belief orientation. In this sense, private schools constitute a part of the institutionalized diversity within a modern pluralistic society<sup>1</sup>.*

If the Australian Government and ultimately the Australian Parliament were to adopt all or even many of the recommendations contained in the Paper, the ability of Catholic education to nurture a Catholic ethos in Catholic schools, the reason many parents choose a Catholic education for their children, would be significantly undermined. The ‘institutionalised diversity’ described above would be substantially diluted and perhaps eliminated. It would severely impact the ability of Catholic schools to continue to build communities of faith and on our ability to teach the faith authentically.

We agree with the National Catholic Education Commission that if adopted, the proposed reforms would be a major blow to authentic faith-based education in Australia.

We also endorse the statements in the letter signed by Bishop Michael Stead on behalf of faith leaders, including, Archbishop of Sydney Anthony Fisher OP, about the Discussion Paper when they write:

*“We are doubtful that the ALRC process can reach any balanced outcomes, as contemplated by the terms of reference, by starting with these proposals.”*

### **Recommendation**

In light of this, we believe that simply tinkering with the Paper or making only a few changes will not be sufficient.

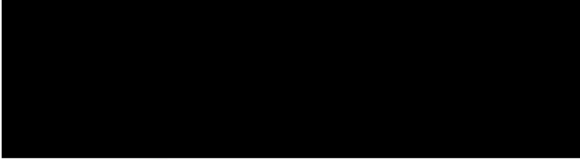
We recommend that the ALRC start again, this time with a genuine and wide-ranging consultation process with all affected stakeholders, particularly a wide variety of faith-based education providers. Only a wholesale re-think can salvage the process and ensure that the end result is not a fundamental undermining of faith-based education.

A useful starting point for discussion is the recommended approach by the former President of the ALRC, Justice Sarah Derrington, in 2019. This proposal, while not perfect, proceeded from the starting point that religious schools play an important role in the life of the nation and that their religious ethos needs to be protected. This built on the work of the Expert Panel on Religious Freedom, which had over 15,000 submissions, and examined the same international human rights law as the ALRC yet provided recommendations that would have largely protected the right of religious schools to continue to operate according to their beliefs.

It is disappointing that rather than build on this work, the ALRC, in its Paper, has chosen to pursue a path that significantly departs from it. If implemented, it would be highly detrimental to faith-based education.

We urge the ALRC to respond in good faith to the significant concerns expressed across the faith-based education sector and develop a much more carefully considered, balanced set of recommendations for consideration by the Government and the Parliament.

Yours sincerely



Ross Fox  
**DIRECTOR**  
24 February 2023

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<sup>1</sup> Heiner Bielefeldt, *Report of the Special Rapporteur on freedom of religion or belief*, UN Doc A/HRC/16/53 (15 December 2010) [54]