

**Australian Law Reform Commission - Religious Educational Institutions and Anti-Discrimination Laws: Consultation Paper (January 2023)**

**Submission by Mr Joe Alvaro**

I write this submission as a Catholic with family members who have in the past been educated, or are currently being educated, in Catholic schools. I am also a Catholic educator who teaches in a Catholic secondary school in NSW.

I am very concerned that the proposed changes would remove or severely restrict the ability of Catholic schools to prioritise the employment of staff and enrolment of students from our faith background and to operate and teach in accordance with our Catholic ethos.

Catholic schools are important to me because they reflect my beliefs and values and the values and Christian character I want instilled in children so they lead happy, peaceful and satisfying lives in relationship with God. The opportunity to teach according to my faith is important to me and through Catholic schools I can live out my faith in my work (without Christian persecution) and model and share my faith to students and families in my workplace.

Catholic schools have many positive aspects. Students are exposed to Christian values and form healthy relationships, amongst what is a caring culture and environment, including positive lifestyle examples given by staff. Moral teaching, character-building, emphasis on developing a well-rounded person along with academic excellence, teaching about faith-based issues, prayer and Christian culture are all positive aspects of Catholic education I have experienced.

Many people in the general population, Catholics and Catholic school parents are very supportive of religious schools requiring employees to act in their roles in a way that upholds the ethos and values of the school and that a religious school should be free to favour hiring employees who share these values.

For over 200 years, millions of students have been educated at Catholic schools. Families and staff highly value the Catholic ethos, education and pastoral care of their school communities.

As the largest provider of faith-based schooling in Australia, the continued growth of Catholic school enrolments show the great importance Catholic school families place on choosing a school that meets the needs of their child and reflects their values and beliefs.

As the first and foremost educators of their children, the right of parents to choose a school based on their religious beliefs is recognised in international human rights law, including Article 18 of the International Covenant on Civil and Political Rights, which Australia has signed. It should not be the government's role to restrict the right of parents to choose a school for their children that is aligned to their religious beliefs and values. A parent's right to choose a school that reflects their values and beliefs must be protected and respected.

It is very concerning that there is currently no Religious Freedom Legislation in Australia to uphold the rights of parents to ensure the religious and moral education of their children. Religious freedom needs the same protection as other rights in Australia.

The ability of faith-based schools to operate, employ and teach according to their faith needs to be consistent in every state and territory to meet the needs of all Australian students.

### **Importance of a “community of faith” within a religious school**

The creation of a community of faith in Catholic schools goes beyond the teaching of religious education. A community of faith permeates the whole school, all day and during every day of the school year. For example, a community of faith supports students in their spiritual and moral development, it benefits mental and emotional health, provides longer-term happiness and fosters a contribution to society. Catholic teachers pray with students during all lessons, not just religious education lessons. Catholic teachers teach about God and His love and values during all lessons, not just religious education lessons.

Having the opportunity to create a community of faith underpins everything that a Catholic school is there to do. One of the important roles that Catholic school staff have is to exemplify an authentic Catholic faith community, as followers of Jesus Christ, living in service to God and His people. This should be reflected in the lessons, relationships and actions of staff. If a Catholic school is not free to create an authentic community of faith, then it is not able to be an authentic Catholic school and just becomes a secular school, providing parents, staff and students with no choice.

People who share a common system of beliefs also share a desire to encourage one another to grow in their own and each other's lived expression of their beliefs. It is the right of people in a democracy to have the choice to send their children to a school that teaches, exemplifies, models and encourages the life-long pursuit of their family's faith-based teaching so that there is a seamless congruence between their child's life at school, home and “community of faith” to best prepare them for a secular world.

While the ALRC's terms of reference states that faith-based schools “could continue to build a community of faith”, the proposed changes to the exceptions make this impossible in their current form. In order to operate and teach according to their ethos and build a community of faith, Catholic schools need to be able to serve the needs of Catholic families first, to employ staff who support their ethos and to ensure they can teach from a Catholic perspective.

Other organisations use similar guidelines to select people to fill positions to create a community that matches their values. For example, unions employ people who agree with the ethos of a union and its values. Political parties employ people who share the political views of the party. Some counselling organisations employ people with lived experience of certain life events.

### **Right for a school to operate according to its faith and beliefs**

For a Catholic school to operate authentically, their faith and beliefs must be reflected in the lessons as well as the behaviour of the school. This includes beliefs concerning gender and sexuality. Traditional, orthodox and historical Christian beliefs in these areas have been held and respected for centuries and they continue to be held by millions of Christians and people of other faiths here in Australia, and indeed globally. It is not discrimination for a Catholic

school to expect Catholic staff to reflect the Biblical standards and Catholic Church teachings.

### **An important question and a concerning answer for school choice in Australia**

Question: If a faith-based school cannot preference the employment of staff based on their religion except with very limited provisions, cannot ask them to support the ethos of the school and cannot ask them to teach the faith parents expect to be taught and pray with students, again without prohibitive conditions, then what are parents left with?

Answer: A secular school.

### **Conclusion**

I am seeking freedom of religious belief and expression in a society that aspires to accept diversity and give every individual a fair go. This is crucial to ensure faith-based schools are able to keep teaching their faith, as Catholic schools have done for over 200 years.

The ALRC proposals are a big threat to religious schools in Australia. If the proposals by the Commission are made into law, they would jeopardise the ability of Catholics to run Catholic schools as Catholic. Catholic schools would have very little say in who they hire, losing their ability to prefer teachers who are Catholic with a relationship with God and who actively live out their Catholic faith. Catholics would lose their ability to ensure their schools are communities of faith, partnering with parents to form children in the faith.

- This submission emailed to Australia Law Reform Commission via [antidiscriminationlaw@alrc.gov.au](mailto:antidiscriminationlaw@alrc.gov.au) on 24 February 2023.