

Religious Freedom Legislation Consultation with Australian Law Reform Commission.

Catholic Secondary Principals Australia (CaSPA) Response

Key Points

- No discrimination should occur as Catholic schools will always be compassionate to staff and students.
- Inclusion should be for all students.
- Reference to Victoria's Child Safe Standards should occur in the legislation.
- There should not be any legislative "out" for religious schools.
- Enrolments Forms may need to have more than 2 options for gender identity.
- There can be issues related to staff who are transitioning and in a same sex relationship. These issues will need to be addressed with compassion and care.
- There are discordant policies and laws across Australia, Catholic Dioceses and Catholic Education. Clarity and uniformity of law will be needed.
- New law should not weaponise things against faith beliefs.
- Requirement to support the Catholic Ethos should still be used in recruitment.
- Does the Church need to change some of its discriminatory policies?

Key Principles

- The proposed Federal Anti-Discrimination reflects a national commitment to universal human rights and represents the fundamental Australian value of a 'fair go'. Departures and overbroad exemptions will jeopardise both.
- Discrimination per se is antithetical to the Christian faith.
- Discrimination which results in exclusion from a Christian community (e.g. a Catholic school) is morally repugnant.
- Exemptions from Anti-Discrimination must be clearly prescribed. The mere presence of LGBTQI+ students or staff, trans students and staff who transition while enrolled or on staff or same sex married staff in schools should not of itself be cause to have recourse Anti-Discrimination exemption provisions.
- Any claim for exemption under Anti-Discrimination under the 'maintaining the religious ethos' provision must be explicit in how the claimed issue impacts or would impact on maintaining the religious ethos of the school.

General Comments

The laws are needed so that consistency happens - Principals are motivated in Catholic schools by their commitment to inclusion and being a moral compass and that they are supported in this inclusion by the Catholic Church.

Clearly there are issues across the country between Catholic Dioceses and the States and Territories. Laws need to keep people to the intended standard.

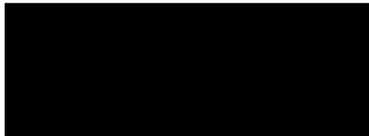
In terms of staff in Catholic schools, the law needs to safeguard them so they do not have to live covert lives, and have opportunities denied.

In regard to students, there is the example of NSSAB in Queensland where all non-Government schools had to abide by law and rules. The Citipoint school case was an example where deregistration could have happened if there was discrimination on enrolment.

CaSPA believes that religion does not have right to discriminate and that the Catholic Church after Royal Commission into Sexual Abuse was very aware of child safeguarding. The Catholic Church is an institution which discriminates against women. Therefore, it is important to ensure anti-discrimination laws protected individuals although the Catholic Church was very inclusion focused as are Catholic School Secondary Principals.

Proactive approaches are needed instead of reactive or deficit models. There are complex cases of Principal decision making focused on the best outcomes for students despite pressures from different quarters. There also challenges in single sex schools which need to be considered.

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Acknowledgement of Country

CaSPA acknowledges the traditional owners of country throughout Australia and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.