

Submission on *Religious Educational Institutions and Anti-Discrimination Laws*

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Introduction

This submission addresses briefly matters raised in the *Consultation Paper* in relation to anti-discrimination laws and religious educational institutions. In this introduction I comment on the *Terms of Reference*. Then the submission will comment on the four propositions.

The three *Terms of Reference* begin with two negative statements and then the third is a positive. The two negative ones clearly state that religious educational institutions: 1. “must not discriminate against a student on the basis of sexual orientation, gender identity, marital or relationship status or pregnancy.” 2. “must not discriminate against a member of staff on the basis of sex, sexual orientation, gender identity, marital or relationship status or pregnancy.”

The third *Terms of Reference* then states that such institutions “can continue to build a community of faith by giving preference, in good faith to persons of the same religion...”.

These terms set out the bias behind the consultation paper.¹ Clearly sexual preference will override the beliefs and values of a religious educational institution. A community of a particular faith can not build such if all the members of the community do not support the beliefs and values of that community.

My concerns about this will be amplified as I respond to the four “substantive reform propositions”.

Proposition A

The proposition intends to stop the discrimination of students on the grounds of sexual preference, gender identity, marital or relationship status and pregnancy. This is wide reaching in scope.

While the intention here is to protect students from unnecessary discrimination and failing to respect the rights of students it is not as sound as it appears. The terms of reference referred to building a faith community. Can a coherent faith community be established if students are permitted to embrace life styles that contradict the beliefs and values of a faith community?

¹ No where in the paper is the bias of the writers and researchers acknowledged.

Why would a student or a family choose to enrol in, for example, a Christian school, if the essential beliefs and values of that school are not subscribed to? Students have many options when it comes to schooling and so this proposal is unnecessary. However, if a student after enrolment and spending some time as a member of that school community prefers to identify themselves as gay etc, then the school would respond in a manner consistent with its beliefs and values. The school would not necessarily terminate the enrolment of that student but would counsel them to respect the ethos of the school and not be a divisive presence. That would be an appropriate response in each of the scenarios presented in the proposal.

For 28 years I was the chair of the board of a Christian school and this was the approach taken by the administration of the school when faced with such cases.

The acceptance of this proposal as presented in fact would not allow a faith-based school to build a coherent community.

Proposition B

This proposition in relation to discrimination against staff on grounds of sex, sexual orientation, gender identity, marital or relationship status, or pregnancy is of serious concern to advocate for freedom of religion. This proposition is a direct infringement of the right of a religious educational institution to conduct itself in accordance with its beliefs and values.

All staff must be supportive of the ethos of the institution for it to function coherently and harmoniously. The Christian school that I was the chair of required this of its staff. This included property and maintenance persons. All the staff met together for meetings, prayer times and worship activities. If a staff member did not support the beliefs of the school it would have been difficult for them to participate in such and they would have been a divisive presence in the school community.

This proposition should be rejected totally.

Proposition C

The concerns raised in relation to *Proposition B* are now in focus with this proposition. A cursory reading may appear to support such a reform. That is, where staff are not involved in the teaching of religion or the practice of the religion such a requirement that they hold to the beliefs and values of the institution would appear to be unnecessary. However, as pointed out earlier, all staff are involved in the educational process in some measure of the institution. As well, the *Terms of Reference* asserted that religious educational institutions are able to build a community of faith by giving preference , in good faith, to persons of the same religion ... in the selection of staff."

This is cancelled totally if all staff are not required to support the beliefs and values of the institution.

This proposal should be rejected.

Proposition D

This purports to require that all staff respect the religious ethos of the educational institution. However, if a school, for example, is not permitted to discriminate when it hires staff then the following will occur. A staff member and possibly a number of staff members may be homosexual and/or in a same sex marriage. It is inconceivable that they would be supportive of the beliefs and values of a conservative religious institution. The ethos would contradict their chosen life style. Further, the proposition actually states that the institution “should not require employees to hide their own sex, sexual orientation, gender identity, marital or relationship status, or pregnancy.”

Clearly, a religious institution would be placed in a situation where its ethos would be challenged by staff members whose lifestyle contradicts the beliefs and values of the school. My involvement in Christian schooling forces me to declare that this proposition is totally impractical.

This proposition should be rejected.

General Considerations

The *Consultation Paper* outlines a number of principles which enabled the framing of the proposals. Principles 1-3 relate to human rights. However, in spite of the nice sounding words in this regard, the fact is that the rights of individuals and institutions to have their freedom of religion protected is in fact compromised. The proposals outlined in the paper mean that ***Freedom of Religion*** is subservient to sexual preferences.

Principle four refers to a pluralist and socially cohesive society. Again, the paper in no way points to such a reality. A pluralistic society is one in which people of different social classes, religions, races, sexual preferences etc, are together in a society but continue to have their different traditions and interests. And, those traditions and interests are protected, so that people may go about their lives without fear of prosecution.

The proposals in the *Consultation Paper* do not allow for a truly pluralistic society. As for the cohesive bit then again, that is a fallacy. Ideologies that are vastly different like conservative religious views and the LGBTQI+ position mean that there will not be any cohesion unless freedom of choice, freedom of conscience and freedom of

religion are protected. This paper actually promotes discrimination against people of faith.

Principle five asserts that students are the “centre of this inquiry.” That appears to be a sound principle but the reading of the paper does not support that. Three of the four proposals address staff matters and not those of the students. As well, I would propose that students are not at the centre of the inquiry but sexual preference is the overriding concern of the paper.

Sexual preference now trumps personal and religious belief. Why is that? On what basis is that a valid proposition?

Conclusion

The *Consultation Paper* sets out the Federal Labor Government’s ideology of promoting the LGBTQI+ agenda above all others. The paper is inherently flawed. And its recommendations should not be supported by a free democratic society.