

Proposed reforms to discrimination legislation would make it impossible for Catholic schools to be Catholic

The National Catholic Education Commission (NCEC) is extremely disappointed with the proposed reforms outlined by the Australian Law Reform Commission (ALRC) in its current inquiry into religious educational institutions and anti-discrimination laws.

National Catholic Education Executive Director Jacinta Collins said if the reforms proposed in the ALRC consultation paper [*Religious Educational Institutions and Anti-Discrimination Law*](#) were to be adopted, it would be a major blow to authentic faith-based education in Australia.

“At the National Catholic Education Commission meeting today, our educational leaders across Australia were very concerned by the narrow approach taken in the ALRC paper.”

“The proposed reforms fail to provide real protections for religious schools to effectively operate and teach according to their religious beliefs and ethos,” Ms Collins said.

Ms Collins said the review has been limited to exemptions in the Sex Discrimination, Fair Work and other Acts and does not address the need for protections for religious rights in Australia.

“Changes to anti-discrimination laws must go hand-in-hand with proactive legislation to protect religious freedom.

“International law recognises protections to establish religious educational institutions and the right of parents to choose a school for their children that is in line with their religious values and beliefs.

“In a pluralist society, Catholic schools should be free to be Catholic,” Ms Collins said. “This means being able to build a community of faith within the school and parish, which is not limited to a narrow approach to preferencing the enrolment or employment of Catholic students or staff, or the teaching of religious education.

“It should allow for faith communities to give expression to their beliefs and to associate freely within the confines of the law and reasonable regulation without over-reach from the state,” she said.

Ms Collins said in operating in accordance with their religious beliefs, Catholic school communities do not discriminate, and are not seeking to discriminate, based on an individual’s personal attributes. However, it’s critical that staff are willing to support the mission and ethos of the school.

“Research over consecutive years into school choice shows that families continue to highly value their choice of a faith-based education,” Ms Collins said.

A recent survey showed broad community support for faith-based schools in Australia with 63% of the general population, 82% of Catholics and 79% of parents with children in Catholic schools agreeing that religious schools should be ‘entitled to require employees to act in their roles that uphold the ethos and values of that faith and the school should be free to favour hiring employees who share these values’. (*Utting Research, November 2021*)

Ms Collins said the Commission expressed some concern over the process to date and looks forward to the ALRC engaging with the Independent Expert Committee that Justice Rothman has re-established to advise the consultation.

“We will make a detailed submission on behalf of the Catholic education sector to the consultation process and will urge the large number of families who choose Catholic schools to also make their views known.

“This is an important tipping point for faith-based schools in Australia,” she said. “We need to find a fair and reasonable balance to ensure staff and students are not discriminated against on the basis of sex, sexual orientation, gender identity, marital or relationship status or pregnancy, while enabling faith-based educational institutions to continue to express their faith identity, ethos and values.”

Enquiries: Annette Loughlin-Smith, Public Affairs Advisor T: 0419 993 295