30 September 2019

Submission to the Attorney-General’s Department: Enquiry into religious exemption in Anti-Discrimination Legislation

Dear Members of the Attorney-General’s Department,

I write as Head of a large independent Kindergarten to Year 12 Anglican School with 1320 students and concurrently Head of a Kindergarten to Year 6 all Indigenous school of 32 students. These schools do not wish to discriminate or be seen to desire to discriminate on any grounds which are illegal. Our enrolment policy is open, with the exception that our Indigenous school, Gawura, exists specifically for Aboriginal and Islander children. It is however of fundamental importance to our mission and core values, that we are able to select staff who embody and manifest an integrated approach to Christian education. We believe that to maintain that through exemptions which at law allow us to in effect discriminate, is unhelpfully negative, potentially pejorative, and widely misunderstood. We would prefer to see our capacity to employ staff who actively contribute to our model of Christian education, to be enshrined in positive legislation which codifies freedom of religion, in concert with other freedoms enjoyed by Australians (such as freedom of association).

This issue is critical to our schools as they seek to undertake an immersive model of Christian education. This is best illustrated by an extract from the prefix to our employment contract for our larger school, as follows:

St Andrew’s Cathedral School is an Anglican school of the Sydney Diocese, which upholds and seeks to articulate and manifest biblical doctrines as understood within the Diocese, as promulgated and approved by the Archbishop and Synod. Our expectation and indeed requirement is that all staff will manifest a lifestyle in keeping with the doctrinal and ethical position of the Diocese. Furthermore, the school expects and requires that all staff will contribute to the Christian formation of students. For teaching staff, this will include a willingness and capacity to critique syllabus documents and textbooks from the position of a Christian world view, and to relate their subject matter to the major themes of the Bible within the range of the biblical narrative of Creation, Fall, Redemption and Consummation. Teaching staff will be required to seek to devise and implement distinctive Christian pedagogy within their subject area or areas. Support and administrative staff, as well as teaching staff, are expected to manifest Christian grace in their dealings with students, parents and members of the community. As the school seeks to
be authentic in its Christian ministry, it is anticipated that all staff will be members of a Christian congregation, which will provide Christian teaching and nurture, within a church of their chosen denomination.

Adherence to these terms forms part of the employment contract and acceptance of an employment offer at St Andrew’s Cathedral School implies both acceptance of these terms and conditions and a willingness and presumed capacity to implement them.

It is therefore of fundamental importance to our two schools that not just our chaplaincy staff, but indeed all of our staff are able to contribute to the Christian formation of our students. This requires staff whose faith cannot be privatised, because it is key to their identity. For the sake of clarity, this would include staff who identify as heterosexual and staff who identify as homosexual, with the expectation on each that they live consistently with a Christian ethic.

Indeed, without the capacity to select our staff according to the fundamental ethos of our school, we would assert we are in a situation where a Christian school, and Christian people who govern and manage it, would in fact be victims of discrimination, in that they would not be able to live out their faith in their broad lives and mission.

St Andrew’s Cathedral School and St Andrew’s Cathedral Gawura School also support the right of Islamic schools, Jewish schools, and those of other or no faith, to appoint staff consistent with their own ethos and belief system. Similarly, we support the right of political parties to employ those whose belief systems conform with that party’s beliefs, a situation we believe is analogous to our position.

Thank you for considering this submission.

Yours faithfully,

Dr John Collier
Head of School
St Andrew’s Cathedral School