



AUSTRALIAN
ASSOCIATION
OF CHRISTIAN
SCHOOLS



Associated Christian Schools
Christian education for the common good



CHRISTIAN
SCHOOLS
Australia

A 'Positive Right' for Religious Educational Institutions

“ ... religious education institutions, despite the provisions of the Sex Discrimination Act or any other discrimination legislation, or any law, written or unwritten, Commonwealth or State, should be able to discriminate in favour of, or preference, on the basis of the person’s adherence to or belief in the genuinely held religion, beliefs or tenets of the religious education institution.”

Justice Stephen Rothman

Notre Dame University School of Law Annual Religious Liberty Conference, 12 April 2024

Our Christian faith is at the very heart of our schools. It’s what makes our schools different. It’s the reason why parents choose to send their children to Christian schools. It’s simply common sense that Christian schools (and other religious education institutions) should be able to give preference to people who share their religious beliefs when it comes to employing staff.

Justice Rothman, who led the recent Australian Law Reform Commission (ALRC) inquiry into religious educational institutions agrees that the law should be amended to include a ‘positive right’, as indicated above. This echoes the views of the previous ALRC President, Justice Derrington, when she was considering this issue.

Religious leaders have worked hard to put forward an agreed set of reasonable, balanced and comprehensive legislative proposals for the Albanese Government that capture this positive right in a way that:

- is consistent with international law,
- allows the Government to meet its election commitments, and
- protects communities of faith.

These precisely crafted amendments would allow a religious educational institution to:

- act in good faith in accordance with its beliefs in relation to conduct that threatens to undermine its religious character and ethos,
- protect its ability to teach in accordance with its beliefs, and
- require staff to adhere to and conduct themselves in accordance with the beliefs of the religious educational institution.

We are calling on the Government and the Opposition to come together to work in a bipartisan manner and adopt these proposals and provide clarity and certainty for parents, schools and students across Australia.

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