

Association of Heads of Independent Schools of Australia (AHISA)

Inquiry into the Religious Discrimination Bill 2021

Parliamentary Joint Committee on Human Rights public hearing 13 January 2022

OPENING STATEMENT

AHISA thanks the Joint Committee for its invitation to participate in its inquiry into the Religious Discrimination Bill 2021 through this public hearing as well as via a formal submission.

AHISA represents autonomous school leaders in the independent schools sector; that is, principals who are granted extensive autonomy by the school's board to lead and manage the instructional and operational life of the school. Autonomous school leaders are also responsible for building and maintaining school culture or ethos and, in many schools, lead the spiritual life of the school community.

AHISA's 450 members lead schools that collectively account for over 450,000 students, representing 70 per cent of Australia's independent sector enrolments and over 11 per cent of total Australian school enrolments. AHISA's members lead a collective workforce of over 44,000 teaching staff and some 28,700 support staff.

The vast majority of AHISA's 450 members lead schools that are either formally affiliated with a religion or denomination, or that describe themselves as having a religious albeit non-denominational or ecumenical ethos. While most members lead schools affiliated with Christian denominations, some members lead Islamic and Jewish schools.

AHISA is aware that there is a range of opinion among members and a wide range of expectation among school board members on what they deem to be the essential requirements for maintaining the religious character of a school and for providing students with an education and pastoral care that reflect that religious character.

Our members not only respect this diversity of opinion and practice, they value it, as does AHISA as an association. The high level of collegial exchange and collaboration among our members attest that diversity need not be the enemy of community cohesion.

It is a regard for Australia's social cohesion that informs AHISA's submission to the Joint Committee's inquiry.

The Religious Discrimination Bill has proved to be a point of social division. AHISA supports schools having the right to preference the hiring of staff members who align with and are willing to support a school's ethos, including the school's religious ethos. It is extremely difficult to run a school without that alignment and support, and almost impossible to achieve the best outcomes for students when staff members actively challenge or disrupt school culture. As debate on this Bill and its forerunners has shown, however, this form of preferencing in staff management is understood by or experienced by some as exclusion – even hurtful or damaging exclusion.

Given the conflicting legal opinion on the provisions of the Religious Discrimination Bill and their potential impact, AHISA recommends that passage of the Bill be delayed until it can be considered at the same time as other anti-discrimination legislation is reviewed.

At the same time, AHISA acknowledges the importance of progressing religious freedom in Australia. We therefore recommend that, as a matter of priority, establishment of the office of the Religious Discrimination Commissioner at the Australian Human Rights Commission be uncoupled from the Religious Discrimination Bill and introduced by an amendment to the *Australian Human Rights Commission Act 1986*.