

## Opinion

# The legal threat to Christian schools



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**W**hat happens when equal rights between men and women are so widely accepted mainstream Australia hardly thinks about it? Surely it is time to acknowledge that anti-discrimination statutes have done their job?

Not according to the Victorian Government. It harbours the view that discrimination has got sophisticated – so hard to find under current law – that we must widen the law to catch more of it.

Its Attorney-General has his sights set on men-only clubs (apparently it is OK to have female-only clubs and it is OK for men-only rules at gay venues). The Government has also put religion on notice it will come under closer scrutiny.

I am actually more worried about indiscriminate behaviour: things like the indiscriminate bashing of innocent people on city streets. Putting an end to that would be a real advance for their human rights. But it's also hard, so let's get back to some easier targets.

At present, discrimination statutes don't apply to religious bodies and their schools on the grounds of freedom of religion. So a parliamentary committee has recommended options to extend the power of the state over the province of religion. One proposed change is to restrict the freedom of religious schools to choose their employees on the basis of their religious faith.

The churches want to continue current practice. But a host of community organisations want to change it. The Federation of Community Legal Services told the parliamentary review the current law should change, saying: "To allow religious organisations a broad exemption for conscience

encourages prejudice."

Think about the moral vanity of that statement. According to these lawyers, a religious conscience leads to prejudice. How did the church arouse public conscience over slavery? How did Florence become a haven for the arts and letters to flourish? How did civilisation develop over the past couple of millennia without the Community Legal Services to guide it?

A leading discrimination law expert, Professor Margaret Thornton, wants to narrow the exemption for religious freedom of schools on the grounds that: "If private schools receive money from the state they should be subject to the law of the land." Of course they should be.

The question is whether the law should require them to employ people who are indifferent or hostile to their religion in their schools. At present it doesn't. Changing that law will affect not only the schools who employ the staff.

Parents who send their children to a Christian school have a reasonable expectation this means the child will get a Christian education. How could the school fulfil its obligation to the parents if it is required by law to employ non-Christian or anti-Christian teachers to provide it? If the law demands this, you might as well close down the concept of a Christian school – which may be what some of the critics intend.

The provisions applying to religion have been operating for more 30 years with no great community outrage. So why is a parliamentary committee reviewing them now? Because, we are told, they have to be assessed for compliance against the 2006 Charter of Human Rights and Responsibilities. This charter was introduced with the promise

it would amplify rights and freedoms.

There is something so predictable about this. The human rights industry begins with grand promises and ends up intervening in non-problems. We are led to believe that the purpose of such charters is to stop arbitrary arrests, guarantee a free press and guard against dictatorship. In practice, what does it do? It complicates the life of religious schools and open lawsuits against the churches.

Another inquiry has been set up by the Federal Government to look at promoting human rights. It is looking at a statutory charter of rights. No one will tell you the purpose of such a Commonwealth charter will be to curtail religious conscience or practice. But it will work out the same way.

The crusading lawyers will use any new federal charter against those institutions to which they are hostile. They will have sympathetic ears in the equal opportunity commissions. After all, experience in the human rights industry will be a qualification for appointment to those bodies.

The churches and Christian schools will be in the firing line. As the community legal services make clear – their view is that religious conscience encourages prejudice. Once the churches and religious conscience are out of the way, lawyers will have a clear run. Lawsuits will be used to decide the great moral questions of the age.

You can see what's in it for the lawyers. But don't think it is a step forward for liberty.

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