
MEDIA RELEASE

30 May 2024 – For Immediate Release

Listen to Justice Rothman – Schools Need a Positive Right

Christian schools are calling on the Albanese Government to ensure certainty and clarity for faith-based schools by establishing a positive right to religious freedom as recommended by Justice Stephen Rothman.

In a speech to a Christian schools conference earlier today, Dr Mark Fowler quoted extensively from a recent speech by Justice Stephen Rothman, where he outlined his preferred approach to resolving issues of conflict between various human rights. As Dr Fowler indicated (emphasis added):

“Justice Rothman’s views are unequivocal. The conflict between successive ALRC Commissioners that I referred to before has been resolved. The judicial expert appointed to conduct the review of the current exemptions for religious schools by the current government, having consulted the relevant bodies and surveyed the relevant law, has concluded that **religious schools should be given a ‘positive right to preference staff** which would be available in respect of attributes under the Sex Discrimination Act and in respect of both staff and students. To that extent the conflict between successive Commissioners is addressed; **Justice Rothman’s predecessor Justice Derrington reached the same conclusion** in the draft reform model she released in 2019.”

The views of two eminent jurists, who have extensively considered these issues, should guide the Government in finalising the long overdue religious discrimination legislation package.

Detailed proposals put to the Government by faith-based groups reflect these views and provide a clear basis for legislative drafting and the introduction of bills to Parliament for public consideration and discussion.

Christian schools are calling on the Government to learn from the shortcomings of the previous Parliament and introduce legislation well in advance of any looming Federal election.

ENDS

Comments attributed to Vanessa Cheng, Executive Officer, Australian Association of Christian Schools –

“Justice Rothman’s views are common sense. Schools want to focus on education, not litigation, we need a positive right to protect fundamental freedoms.”

Comments attributed to Alistair Macpherson, Executive Director, Public Policy and Advocacy Associated Christian Schools –

“International law is clear, leading legal figures have been clear, the Government needs to act without delay.”

Comments attributed to Mark Spencer, Director of Public Policy, Christian Schools Australia –

“The last Parliament failed to provide protections for people of faith, this Parliament, and this Government, needs to rectify these failings and provide clarity and certainty for people of faith and faith-based schools.”

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About the Associations:

Australian Association of Christian Schools (AACS) represents over a hundred independent Christian schools in every state and territory across Australia, ranging from very small to large; urban to regional, rural and remote. The majority of member schools are non-denominational with a protestant heritage and are governed by parent associations with over 44,000 students enrolled from a wide variety of socio-economic, cultural and religious backgrounds.

Associated Christian Schools (ACS) represents over 45 independent Christian Schools throughout Queensland. With over 30,000 students attending member schools, this represents approximately 20% of the independent school students in Queensland. Whilst each of our member schools are independently governed, they choose to collaborate together through ACS, for the purpose of delivering high quality Christian education for the common good.

Christian Schools Australia (CSA) is the largest association of Christian schools in the country and has member schools educating over 86,000 students and employing more than 13,500 staff at more than 200 locations across Australia. CSA member schools provide caring and compassionate education within an authentic Christian learning community.