

AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT SCHOOLS

Press Release 720

WHAT PRICE RELIGIOUS LIBERTY?

SIKH BOY SIDHAK WINS CASE AGAINST CHRISTIAN SCHOOL.

In 1979-1981 Christian schools in Australia made an historical choice. They chose Caesar's coin before Christ. They chose to fight for their State Aid – billions of dollars and ever rising - against those who attempted to save religious liberty in Section 116 of our Constitution. The churches and their schools won a Pyrrhic victory. A potentially strong, Bill of Rights religious liberty clause was read down and out of our Constitution.

But the issues of religious liberty, - freedom of and from religion, never went away. In Victoria, the Jewish community lobbied for Discrimination Acts and others supported the ideas – and used them, sometimes for good, sometimes for ill. Issues of religious conscience became associated with discrimination on the basis of race and sexual inclination in the various State legislatures of Australia.

Most religious groups felt protected by exemption clauses. Until now.

On the basis of taxpayer funding, Christian schools have multiplied and entered the education market with considerable enthusiasm. They have felt secure in discriminating against children for a variety of reasons, trusting in what they took to be strong exemption clauses.

But in a recent case, a Christian school at Melton has been found to have unlawfully discriminated against a five-year-old boy when it banned him from wearing a traditional Sikh patka, a child's version of a turban. On 19 September in a win for Melbourne father Sagardeep Singh Arora and his son Sidhak, the Victorian Civil and Administrative Tribunal ruled that Melton Christian School breached the Equal Opportunity Act.

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"It is not reasonable to accept enrolment applications from students from non-Christian faiths only on condition that they do not look like they practise a non-Christian religion," VCAT member Julie Grainger said.

But while this case appeared to be a school uniform case, make no mistake. The Sikh father and his co-religionists regarded it as a religious freedom issue.

The Fairfax Press tell us that

Mr Aroraargued that the school discriminated against his son, by not allowing him to wear the patka and have uncut hair – essential parts of his religion.

Mr Arora said he was "very pleased" with the decision and his son still wanted to attend the school "because his cousins went there".

"We are very pleased that religious freedom... is alive in Victoria," he said in a statement also signed by United Sikhs, Victorian Sikh Gurduaras Council, Sikh Interfaith Council of Victoria and the Supreme Sikh Council of Australia.

DOGS consider that this is a fairly aggressive religious liberty case, and note that the case for the Christian college has been considerably weakened by their dependence on State Aid. And if they have an ‘open enrolment policy’ as they claim, - although they charge fees- at what point could this school which is *Christ-centered* and promotes *Christian values which are uncompromisingly established*, become a captured school? Or, more to the point, at what point should it become a public school and be done with it.

They also note that the Sikh father has been misled concerning the quality of the education his son would receive at this school. And if he was concerned about respect for his son’s religious headgear, he should have investigated his local public school rather than force his way into a Christian institution. He might have discovered that his bank balance would be healthier and his child better educated.

The MYSCHOOL website provides the following information.

Although the P-12 school has an ICSEA value of 1042 it enrolls mainly middle class aspirational parents : 22% of students from the top quartile; 33% and 31% from the upper and lower middle quartile; and 15% from the bottom quartile. The school’s NAPLAN results are far from spectacular – on the contrary, they appear to be below average in some areas.

In 2016 the school charged \$3,655 per student but received \$10,179 per student in taxpayer funding. In the period 2009 to 2015 however, this school took out new school loans of \$3,075,000. In the same period however, the Australia government gave this school \$4,028,200 in capital grants. So, up front, the taxpayer is substantially paying for this educational enterprise. Perhaps it should be genuinely opened to all children and taken over. And then there would be no need for religious discrimination cases in VCAT.

On a completely practical level, this is a highly leveraged enterprise for the insecure members of middle class Melton who are not yet suffering from too much mortgage stress. But it is heavily dependent on public funding and could be run more efficiently by the public system.

And if this were a public school, there would never have been a question of discrimination against any child, Sikh or Calathumpian!

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