Treasurer Josh Frydenberg MP

c/- prebudgetsubs@treasury.gov.au

Monday 28 January 2019

Dear Treasurer

**Please Abolish the National School Chaplaincy Program**

Thank you for the opportunity to provide a submission ahead of the upcoming 2019-20 Commonwealth Budget.

In this submission I will make the case for what should be the easiest Budget decision of them all – to save $247 million over four years by abolishing the National School Chaplaincy Program.

There are multiple reasons why this entirely unjustified program should be axed, with most stemming from the requirement that any person who acts as a school chaplain must be religious. This requirement is completely inappropriate in a contemporary society.

In theory, these positions are supposed to be about improving student welfare. In practice, they are about promoting Christian theology, including in supposedly secular public schools.

As the *Guardian Australia* <https://www.theguardian.com/australia-news/2018/may/09/school-chaplain-programs-247m-budget-extension-rejected-by-teachers-union> reported, in 2015 the Education Department revealed that of 2,336 chaplains funded by the Commonwealth Government, 2,312 (or 99%) were Christian, with the negligible remainder split between Islam (13), Judaism (eight) and one each from Bahai, Buddhism and Aboriginal traditional religions.

As a program it has already been found to be unconstitutional on multiple occasions (thanks to the ongoing efforts of the courageous Ron Williams). Successive Commonwealth Governments have responded by resorting to increasingly intricate arrangements to circumvent these findings.

Indeed, on a prima facie reading, the program is clearly in breach of section 116 of the Constitution, which provides that:

*‘Commonwealth not to legislate in respect of religion*

*The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.’*

The only reason the program has not been found unlawful because of section 116 is because the money to fund it is now funnelled through grants to state and territory governments.

Instead of engaging in this intellectual dishonesty, the Commonwealth Government should instead honour the spirit of the Constitution. As Treasurer, you should acknowledge that the National School Chaplaincy Program imposes a religious test on positions that are paid for with taxpayers’ monies – and consequently abolish it.

The religious requirement for chaplaincy positions presents another legal problem, and that is it is potentially in breach of state and territory anti-discrimination and equal opportunity laws,[[1]](#endnote-1) because it actively discriminates against people with different religions, or who have no religion.

This is currently being tested in the Victorian Civil and Administrative Tribunal, with a complaint against Access Ministries by a person who was barred from applying for a position with them because she was not Christian <https://www.theguardian.com/australia-news/2018/jun/14/school-chaplains-legal-challenge-argues-program-is-discriminatory> . As noted in that complaint:

*‘The discrimination is not reasonably necessary for Access Ministries to comply with the doctrines, beliefs or principles of the religion associated with Access Ministries, because the work of a school chaplain takes place in a non-religious context and workplace, namely a government school, with a student population made up of students with a variety of religious affiliations and with no religious affiliation.’*

Hopefully, that challenge is successful. Even if it fails, it is likely that the lawfulness of the National School Chaplaincy Program will come under fresh scrutiny as the Commonwealth Government establishes a new Religious Discrimination Act, as part of its response to the Ruddock Religious Freedom Review. <https://www.theguardian.com/law/2018/dec/14/discrimination-bill-could-lead-to-challenges-to-school-chaplains-program>

It is impossible to argue the program does not discriminate on the basis of religious belief (or lack thereof), when such discrimination lies at its heart. There must be no special loopholes as part of any new Commonwealth Religious Discrimination Act merely to allow discrimination against non-Christians, agnostics and atheists alike to continue. Nor should there be taxpayer funding for this discrimination in the Commonwealth Budget.

A third reason why the National School Chaplaincy Program should be abolished is because of its internal contradiction, with people hired as school chaplains because they are religious then required not to ‘proselytise’ their beliefs as part of their role.

There have been multiple reports, over many years, of chaplains in public schools completely disregarding this prohibition.

From 2011: <https://www.abc.net.au/news/2011-04-08/chaplains-accused-of-pushing-religion-in-schools/2625218>

*The United Christian Education Foundation is the chaplaincy provider at Ulladulla High School on the New South Wales South Coast.*

*A newsletter on its website reads: “There is much to be thankful for as we look back on another year of bringing the great news of Jesus to the precious young people at Ulladulla High School. The other week a Year 7 boy put up his hand and said, ‘I asked Jesus into my life the other day’.*

*“A Year 8 girl told me about the peace she now has since becoming a Christian,” the newsletter continues.*

*Proselytising is against the federal Education Department’s guidelines on chaplaincy, but some students at the Ulladulla school believe the chaplain is there to convert them.*

*“[It is] basically to make people become of his religion. That’s it really. To convert people to their religion,” said Max, a Year 8 student.*

*Nick, a maths teacher at the primary school nearby, was shocked when the chaplain came to his school and invited the children to pray.*

*“The chaplain was addressing the Year 6 children, a majority of those children would be going to the local high school and he did say that he was available for children there, and they can come to him and pray with him, or if not, he would pray for them,” he said.*

And from just last year: <https://www.smh.com.au/politics/federal/chaplains-told-to-promote-christian-theology-in-schools-20180913-p503nr.html>

*Generate Ministries, the largest provider of school chaplains in NSW, has begun offering a “faith building” course to students and told them their chaplain is one way of accessing the program.*

*The subject, called Veta Morpheous, is a certificate III course for HSC students developed by the Victorian-based Veta Youth which says the studies enable students to “really invest in your spiritual growth and to explore your faith with adult mentors” and “grow in your Christian life.”*

 *“It’s a space… to discover who you are in Christ, and to test your faith in real life,” Veta Youth says.*

*In a now-amended statement on its website Generate Ministries said: “The key to the program is the local ministry supervisor and the peer group supervisor… this is often the local minister, Chaplain.”*

*When contact about the possible breach, Generate Ministries said it only intended for chaplains funded under a separate NSW wellbeing program to offer the course. However that program also forbids chaplains from proselytising.*

There are countless other examples of chaplains engaged in proselytising behaviour. Perhaps just as concerning is what is *not* considered proselytising, and therefore deemed acceptable, with then-Education Minister Simon Birmingham telling Senate Estimates that proselytising is only ‘attempt[ing] to convert someone to a particular religion or belief’ and that quoting the Bible is not necessarily proselytising. <https://www.theguardian.com/australia-news/2018/jun/01/school-chaplains-secular-groups-say-review-is-proof-of-proselytising>

I am sure many parents with children attending public schools would be horrified by that distinction.

To some extent, it is difficult to blame chaplains for engaging in this behaviour. Telling them not to proselytise – when that activity forms such a central part of their identity, their ‘mission’ – is like telling News Corp columnists not to engage in culture wars. It is their *raison d’etre*, and they will continue to do so for as long as they draw breath (and expel hot air).

The fault instead lies with the Howard Liberal-National Government who first funded this program, and all subsequent Governments who have extended it, knowing that employing chaplains in schools will inevitably lead to proselytising to children, irrespective of what any guideline might say.

You will own your share of that blame if you do not abolish the National School Chaplaincy Program in your first Budget as Treasurer, expected in April 2019.

The fourth problem is a much more fundamental one, and that is, if the aim of the program is to promote student welfare, the National School Chaplaincy Program is a poorly-designed, and ineffective, approach.

It is an opt-in program, and even then the funding provided does not pay for a full-time position (with schools expected to fundraise to supplement the Government’s grant). Given the people hired must satisfy a religious test, it is also not open to all of the best-qualified people for the role,[[2]](#endnote-2) meaning some students will inevitably end up with second-rate support.

In short, it is a half-hearted attempt to address what is a genuine challenge.

If the Morrison Liberal-National Government was actually serious about student welfare, it would provide funding for school counsellors in all schools, and employ people based on their qualifications not their religious beliefs. If you are not prepared to do that, it is clear student welfare is not the primary focus of the program, and it must therefore be abolished.

My fifth and final concern is a much more personal one and that is, as a long-term advocate for the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, the National School Chaplaincy Program is inherently dangerous for LGBTI students.

This is not to say that all chaplains are homophobic, biphobic, transphobic or intersexphobic. I am sure there are many who are genuinely inclusive and respectful of all students irrespective of sexual orientation, gender identity or sex characteristics.

However, I am saying there have been too many examples, over too many years, of people employed under the National School Chaplaincy Program being harmful to young LGBTI people. In some cases, the organisations providing chaplains across different schools are themselves explicitly homophobic and transphobic.

For example, from 2014: <https://www.news.com.au/national/serious-concerns-raised-about-national-school-chaplaincy-program-as-government-reaffirms-commitment-to-initiative/news-story/24d4f7498375b892e583bb709620f01d>

*‘Citing a survey from gay rights organisation All Out, Senator [Lousie] Pratt said “students described chaplains helping them to ‘pray the gay away’ and advising them to sleep with a member of the opposite sex to ‘correct’ their same sex attraction”.’*

And this, from 2015: <https://www.smh.com.au/national/nsw/concern-over-chaplaincy-program-for-gay-and-lesbian-students-20150926-gjvniv.html>

*‘The school chaplaincy program in NSW is dominated by Generate Ministries, which lodged a submission to an Australian Human Rights Commission inquiry into religious freedom stating homosexuality is “a serious sin”.’*

How could any LGBT student attending a school with a Generate Ministries chaplain ever feel comfortable seeking support from their supposed school welfare officer when that person thinks they are intrinsically sinful?

Meanwhile, from last year: <https://www.theage.com.au/politics/victoria/victoria-urges-turnbull-to-help-states-crack-down-on-gay-conversion-20180316-p4z4o4.html>

*‘In one disturbing case, a transgender child was forced into seven sessions of chaplaincy counselling at her religious school – without her parents’ knowledge – in a bid to stop her from transitioning…*

*Canberra’s response [not to take action against gay conversion therapy] belies the fact that gay conversion ideology has been quietly pushed in schools as part of the federal government’s chaplaincy program.’*

There are plenty of other examples of the National School Chaplaincy Program being the source of homophobia and transphobia. This is shameful, but not nearly as shameful as the fact taxpayers’ money – money from people like me – is being used to inflict these harms on young LGBTI people.

It is your moral responsibility, as Treasurer, to cease funding for a program that, rather than improving student welfare, contributes to the mistreatment of some of the most vulnerable members of society.

\*\*\*\*\*\*\*\*\*\*

As I have outlined above, the only reason the National School Chaplaincy Program remains constitutional is because successive Commonwealth Governments have chosen to circumvent decisions of the High Court.

It is possible the program is unlawful under state and territory anti-discrimination laws, because it actively discriminates on the basis of religious belief, and it would likely fall foul of any new Commonwealth Religious Discrimination Act.

The National School Chaplaincy Program also suffers from an insurmountable internal contradiction, where people whose primary purpose is to proselytise are politely asked not to. It is unsurprising that many fail to obey this direction.

It is a poorly-designed, and ineffective, student welfare program; if Governments were actually serious about student welfare they would fund qualified counsellors in all schools. The National School Chaplaincy Program is also dangerous, and harmful, to lesbian, gay, bisexual, transgender and intersex students.

While these may sound like challenges, they also represent an opportunity for you, as Treasurer, to make perhaps the easiest saving of a quarter of a billion dollars that anyone could ever make. The only question is whether you are up to the task.

Thank you in advance for taking this submission into consideration.

Sincerely

Alastair Lawrie

cc Bill.Shorten.MP@aph.gov.au Chris.Bowen.MP@aph.gov.au

*Footnotes:*

1. In the states and territories where religious belief is a protected attribute, noting that New South Wales and South Australia currently do not prohibit religious discrimination in their anti-discrimination laws. [↑](#endnote-ref-1)
2. I am not suggesting that all people currently hired as chaplains do not have appropriate student welfare qualifications, but I am saying that, by excluding a large proportion of people because of their religious beliefs (or lack thereof) the talent pool of people hired must inevitably be significantly diminished. [↑](#endnote-ref-2)