

THE CHURCH, THE STATE AND THE CLASSROOM: QUESTIONS POSED BY AN OVERLOOKED SECTOR IN AUSTRALIA'S EDUCATION MARKET

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With the National School Chaplaincy Program before the High Court in *Williams v Commonwealth*¹ and the Gonski Review² into funding of government and non-government schools reporting in late 2011, the issue of religion–state relations, and how they play out in schools, returned to Australian headlines. Religion–state questions in Australia are formally constrained, at the federal level, by section 116 of the Constitution.³ Australia's arrangements are regarded in the international religion–state literature as a model of minimalist regulation, and praised for avoiding the rigidities of more heavily regulated systems.⁴

However, Australia's minimal regulation brings its own problems, particularly in the area of recognition of rights of religious minorities.⁵ Furthermore, a minimalist system, lacking robust constitutional religion–state boundaries, is at the mercy of government vicissitude.⁶ Beyond strictly constitutional concerns, religion–state questions raise additional matters at the intersection of political philosophy, public policy and cultural policy. Australia lacks not only robust religion–state boundaries, but also a public vocabulary for talking about the issues. The result is that, since 1996, dramatic changes have occurred in our political, cultural and philosophical arrangements with respect to religion and schools, unsettling long-held assumptions about public and private

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1 (2011) HCA S307/2010 (pending).

2 David Gonski et al, 'Review of Funding for Schooling' (Report, Department of Education, Employment and Workplace Relations, forthcoming in 2011).

3 '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': *Australian Constitution* s 116.

4 See, eg, Veit Bader, 'Religious Diversity and Democratic Institutional Pluralism' (2003) 31 *Political Theory* 265, 271; Stephen V Monsma and Christopher J Soper, *The Challenge of Pluralism: Church and State in Five Democracies* (Rowman & Littlefield, 2nd ed, 2009) 93–124.

5 Marion Maddox, 'Indigenous Religion in Secular Australia' (Research Paper No 11, Parliamentary Library, Parliament of Australia, 1999–2000) 16; Marion Maddox, *For God and Country: Religious Dynamics in Australian Federal Politics* (Commonwealth of Australia, 2001) 245–77.

6 Marion Maddox, *God Under Howard: The Rise of the Religious Right in Australian Politics* (Allen & Unwin, 2005); Marion Maddox, 'An Argument for More, Not Less, Religion in Australian Politics' (2009) 22 *Australian Religion Studies Review* 345, 359–61.

schools, and childrens' right to an education which is (at least in principle) 'free, compulsory and secular'.⁷

This article deals with an aspect which has so far received little attention: the category of schools which two other Australian scholars of religious education have called 'themelic'.⁸ Themelic schools have been substantial beneficiaries of post-1996 funding and policy changes. Many such schools profess, and teach, potentially controversial positions about the relationship between church and state and about Christian citizens' position in relation to secular law. Yet they receive a substantial proportion – in many cases, the majority – of their funds from the state.

I THEMELIC AND OTHER RELIGIOUS SCHOOLS IN AUSTRALIA

Modern Australian governments began funding non-government schools in 1963. Under Liberal Prime Minister Robert Menzies, the first such funding went to Catholic secondary schools, and has been widely interpreted as a first step towards weakening the traditional close association of Catholic voters with the Australian Labor Party. Critics maintained that such funding contravened section 116 of the *Australian Constitution*, amounting to a law 'for establishing a religion'. This argument was laid to rest by the High Court in *Attorney-General (Vic); Ex rel Black v Commonwealth of Australia* (1981) 146 CLR 559 in a 6:1 decision (Murphy J dissenting).

The Whitlam Labor government (1972–5) established the Schools Commission to consider levels of funding to schools and universities, with federal government aid to be allocated on the basis of need. A sixfold increase to the federal education budget under the Whitlam Government meant no sector could claim to have been robbed for another's benefit. The Liberal government under Prime Minister Malcolm Fraser (1975–83) retained the Schools Commission and the needs principle, though within a tighter budget that shifted spending priority from government towards non-government schools.⁹

In 1985, the federal Labor government under Prime Minister Bob Hawke introduced the New Schools Policy, which restricted non-government organisations' capacity to open schools, because prospective new schools had to satisfy criteria including minimum enrolment numbers, viability and potential impact on existing schools in the area. The policy was revoked in 1996 by incoming Prime Minister John Howard and his Education Minister David Kemp,

7 Peter Meadmore, "'Free, Compulsory and Secular'?: The Re-invention of Australian Public Education' (2001) 16 *Journal of Educational Policy* 113.

8 Robert Long, *The Development of Themelic Schools in Australia* (PhD Thesis, University of Western Sydney, 1996) 13; James B Twelves, *Putting Them in the Hands of God: A Successful Christian School in Australia* (PhD Thesis, University of Melbourne, 2005) 87.

9 Ian R Wilkinson et al, *A History of State Aid to Non-Government Schools in Australia* (Educational Transformations, 2006) 78–9.

encouraging a proliferation of new, small, independent schools. In addition, funding caps were lifted.

The move's effects were dramatic. In the decade of the New Schools Policy, the numbers of both government and non-government schools in Australia remained fairly constant;¹⁰ but in the five years after its abolition, 180 state schools closed and 128 new non-government schools opened.¹¹ Twelve years after the New Schools Policy's abolition, Australia had 255 fewer public schools and 187 more non-government schools than the last year of the policy's operation.¹² By 2008, almost 40 per cent of Australian secondary students attended non-government schools,¹³ and even more in senior secondary. In 2009, Australia had 9529 schools, of which 6802 were public and 2727 were private.¹⁴ Of the latter, 23 were Jewish;¹⁵ 23 were Muslim;¹⁶ 125 were in the Montessori or Steiner/Waldorf traditions;¹⁷ and a handful were non-religious vocational schools in specialist fields such as the performing arts. In all, over 90 per cent were religious,¹⁸ the overwhelming majority Christian.

Media coverage of religious schools' funding has largely focussed on the proportion of public money going to elite and well-endowed private schools that charge high fees, sometimes over \$20 000 per student per year, while also receiving government subsidies of up to \$5000 per student per year, in addition to capital expenditure and other government grants. The fastest post-1996 growth, however, was in the sector that Buckingham called 'fundamentalist' Christian schools,¹⁹ and Etherington characterised as 'affordable, local, faith-based schools', whose growth produced 'the emergence of what has become known as the Christian School sector'.²⁰

10 Ibid 130.

11 Australian Bureau of Statistics, *Schools: Australia 4221.0* (2001) 7.

12 Early Childhood Development and Youth Affairs, 'National Report on Schooling in Australia 2008, Additional Statistics on Australian Schooling' (2008) Ministerial Council for Education, 4 <http://cms.curriculum.edu.au/anr2008/pdfs/anr2008_Statistics_16-8-10.pdf>.

13 Ibid 5.

14 Australian Bureau of Statistics, *Schools: Australia 4221.0* (2009) 8.

15 Jewish Australia, *Jewish Schools in Australia* <<http://www.jewishaustralia.com/schools.htm#SCHOOLS>>.

16 Muslim Directory, *Islamic Education and Schools* (2011) <http://www.muslimdirectory.com.au/directory/Islamic_Schools_Education/>.

17 Steiner Schools in Australia, *Alphabetical List* (2011) <<http://steiner-australia.org/alphabet.html>>; Montessori Australia, *Montessori Schools in Australia* (2011) <<http://www.montessori.org.au/schools/listing.lasso>>.

18 Jennifer Buckingham, 'The Rise of Religious Schools' (Policy Monograph 111, Centre of Independent Studies, 2010) 27.

19 Ibid 5.

20 Matthew Etherington, 'Is Christian Schooling Really at Loggerheads with the Ideas of Diversity and Tolerance? A Rejoinder' (2008) 35(2) *Education Research and Perspectives* 112, 112.

II THEMELIC SCHOOLS

Asked about his government's redirection of taxpayer funds to non-government schools, Prime Minister John Howard told the House of Representatives:

Under this government about 300 non-government schools which charge on average less than \$2000 [per student per year] in fees have been established You are not talking here about King's, Abbotsleigh or Riverview; you are talking here about schools for the battlers who want a bit of choice ... I have been to many of them and they are on the outskirts of the cities of this country.²¹

His answer reflects the widespread perception that schools at the low-fee, Protestant end of the spectrum lack much in the way of defining religious 'brand' characteristics, beyond not being part of the Catholic or elite independent systems. The cluster of low-fee, non-denominational schools is likely to be regarded by many parents in much the way as it was characterised by Howard – as the outer-suburban, less glamorous relatives of the elite independent schools, available to 'battlers who want a bit of choice', but cannot afford the real thing.

The newly-expanded sector comprises mainly non-denominational Christian – almost invariably, Protestant evangelical, often Calvinist – schools. They charge comparatively low fees and boast less glamorous infrastructure than the elite schools, whose indoor swimming pools, shooting ranges and state-of-the-art recording studios have so far dominated the public debate. Offering 'Christian values' rather than a privileged education, such schools generally receive a much bigger proportion of their funding from government than do the elite private schools. Indeed, as I shall show below, some receive over 80 per cent of their non-capital costs from government, with less than 20 per cent of annual income deriving from direct fees.

While gaining little public recognition as a distinct group or 'brand', in the way of Catholic systemic and elite independent schools, these mainly non-denominational schools have a strong internal sense of collective identity going back half a century. They refer to themselves as 'Bible-based', 'Christ-centred', or simply 'Christian', reflecting a view that the Catholic and elite Protestant schools are not really entitled to such terms.²² Some educationalists adopt the term 'themelic' (from the New Testament Greek *themelios*, meaning foundation) to distinguish this group by its self-identified 'foundation' in Christ.²³ I will continue this practice, despite some discomfort, since it draws attention to this group's longstanding self-differentiation from other at least equally 'Christian' schools.

An important and little-remarked feature of themelic schools is their attitudes to the relationship between Christian citizens and government, and the responsibilities of Christians, and Christian institutions, including schools, under

21 Commonwealth, *Parliamentary Debates*, House of Representatives, 12 August 2004, 32943–4 (John Howard).

22 Long, above n 8, 98–9.

23 See, eg, Long, above n 8; Twelves, above n 8.

secular law. Particularly in the light of the significant state support such schools enjoy, the issue of how such schools understand their relationship to the state, and what they teach their students about their responsibilities as citizens, deserves more attention than has it has so far received.

III CHURCH AND STATE IN THEMELIC OUTLOOK

The Association of Christian Parent Controlled Schools was established in Tasmania in 1954, and the wider movement tends to trace its origins from then. Today, the themelic movement includes the umbrella organisations Christian Schools Australia ('CSA'), with 133 schools and 46 000 students,²⁴ and Australian Association of Christian Schools ('AACS'), with 'approximately 100 schools' and 33 000 students.²⁵ AACS itself contains a smaller grouping, Christian Education National ('CEN'), previously Christian Parent Controlled Schools, covering 'well over 80 schools of approximately 23 000 students'.²⁶ The movement also includes numerous unaffiliated schools and smaller associations. Add in the families who reflect similar values through homeschooling or distance education, and the numbers swell even further. Although my main focus here is on non-denominational schools, the wider low-fee, evangelical Christian school movement also includes Lutheran Education Australia, with 36 485 students in 85 schools,²⁷ Adventist Schools Australia, whose 48 schools teach some 11 000 students,²⁸ a group of low-fee Anglican schools (distinct from the older, elite Anglican schools such as Cranbrook, Kings and Kambala) which has developed recently, particularly in the outer suburbs of Sydney, and smaller groupings such as the 2600-strong Exclusive Brethren network of schools.²⁹

The earliest themelic schools in Australia originated in the branch of the Protestant tradition associated with the Dutch Reformation, built on the theology

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- 24 Stephen O'Doherty, *My School Data Shows Contribution of Christian Schools* (4 March 2011) Christian Schools Australia <<http://csa.edu.au/briefings/national/481-myschool-data-shows-contribution-of-christian-schools>>.
- 25 AACS, *Formation and History* (2010) <http://www.aacs.net.au/about_Formation.asp>. The AACS list of member schools at shows 91 schools, many of them multi-campus and K-12: AACS, *Member Schools* <<http://www.aacs.net.au/schools.asp>>. Enrolment numbers at individual AACS and CSA schools, as retrieved from MySchool, range from under twenty to close to two thousand.
- 26 CEN, *Who Are We?* (2011) <<http://www.cen.edu.au/whoarewe.aspx>>. A CEN promotional video launching the name change from Christian Parent Controlled Schools in 2009 information video embedded in the site claims 85 member schools. The member list as of May 2011 shows 62 schools: CEN, *Schools* <<http://www.cen.edu.au/SchoolList.aspx>>.
- 27 Lutheran Education Australia, *An Introduction to Lutheran Education Australia* (2010) <<http://www.lutheran.edu.au/tools/getFile.aspx?tbl=tblContentItem&id=56>>.
- 28 Adventist Schools Australia, *Our Mission* (2011) <<http://asa.adventistconnect.org/about-us>>.
- 29 Exclusive Brethren numbers aggregated from MySchool data for the multi-campus state networks, includes the following schools: M E T School (NSW), Woodthorpe (WA), Melrose Park (SA), Glenvale (Tas) and Agnew (Qld). For discussion of the Exclusive Brethren schools' unusual funding arrangements under the federal government's Socio-Economic Status model, see Michael Bachelard, *Behind the Exclusive Brethren* (Scribe, 2008) 228.

of sixteenth century Swiss reformer John Calvin. After the Second World War, the Dutch migrants brought political and educational ideas whose more recent influences included, above all, the legacy of Abraham Kuyper (1837–1920), theologian, journalist, political philosopher and, between 1901 and 1905, Prime Minister of the Netherlands. Kuyper's neo-Calvinism emphasised sharp 'antitheses' between God and the world, Christian and non-Christian and, consequently, church and state.³⁰ An advocate of church–state separation, he led a schismatic movement which was eventually expelled from the established Dutch Reformed Church, becoming the Reformed Church in the Netherlands.

His ideas live, for example, in the manifesto of Parkes Christian School, an AACS member whose website declares: 'Each local community of believers is competent under Christ as Head of the Church to order its life without interference from any authority whether civil or ecclesiastical.'³¹ The subgroup of AACS member schools, CEN, is committed to schools in which 'Christian parents [have] a determinative and ongoing involvement in setting the direction for the school which, under God, educates their children'.³² Many member schools require teachers and enrolling families to subscribe to an Educational Creed which declares (with minor variations of wording) that a Christian school 'is not in subjection to church, state or any other societal structure but to Christ alone who only rules as King over all'.³³

A long-running question in church–state debates is, of course, what counts as 'interference'. Historically, church institutions have often rejected state funding as the thin end of the state control wedge. That was not Kuyper's view. On the contrary, he devoted much of his political career to campaigning for state support for religious schools and universities.³⁴ He argued that a liberal secular system should be available for those who wanted it, but that the government should also fund alternatives, not only in the Reformed tradition, but also for Catholics and for socialists. His proposal grew into what became the Dutch tradition of *verzuiling* (pillarisation), where not just education but virtually all social institutions are divided according to religious or ideological 'pillars'.³⁵ Informed

30 Abraham Kuyper, 'Common Grace' in James Bratt (ed), *Abraham Kuyper: A Centennial Reader* (Wm B Eerdman, 1998) 165, 193–4.

31 Parkes Christian School, *Statement of Faith* (2009) <www.parkeschristianschool.com.au/our-school/statement-of-faith.html>.

32 CEN, *Core Values* (2011) <<http://www.cen.edu.au/Corevalues.aspx>>.

33 Representative examples can be found at Covenant Christian School Ltd, *Memorandum and Articles of Association* <www.covenant.nsw.edu.au/LiteratureRetrieve.aspx?ID=41243>; Illawara Christian School, *Educational Creed* (2010) <<http://www.ics.nsw.edu.au/html/educationalcreed.html>>; Launceston Christian School, *Educational Purpose Statement* <<http://www.lcs.tas.edu.au/the-school/lcs-educational-purpose-statement>>; Wagga Christian College, *Educational Creed* <<http://www.waggachristian.nsw.edu.au/LinkClick.aspx?fileticket=WOQc9UdX%2Bww%3D&tabid=38>>.

34 James Bratt, 'Abraham Kuyper: His World and His Work' in James Bratt (ed), *Abraham Kuyper: A Centennial Reader* (Wm B Eerdman, 1998) 1, 12.

35 Abraham Kuyper, 'The Blurring of the Boundaries' in James Bratt (ed), *Abraham Kuyper: A Centennial Reader* (Wm B Eerdman, 1998) 363, 363.

by the Kuyperian tradition, the themelic schools movement has shown no fears of state funding.

Although themelic schools are officially referred to as ‘private’ or ‘non-government’, some actually receive a higher proportion of their recurrent funding from government sources than some so-called ‘public’ or ‘government’ schools do. For example, Bible Baptist Christian Academy at Mount Helena, Western Australia, according to the MySchool website, derives 86 per cent of recurrent funding from government sources, a higher proportion than some so-called government schools.³⁶ Yet so seriously does Bible Baptist Christian Academy take its commitment to ‘separation of Church and State’ that the principle appears as one of its Articles of Faith, alongside such matters as ‘the judgment, the reality of eternity in heaven or hell’.³⁷

In such schools’ understanding, church–state separation means that the schools are ready to receive government support, often at very substantial levels, but also to maintain a robust independence from government involvement in their curriculum, ethos or worldview. However, the significant levels of public funding which themelic schools receive represents a shift in funding priorities with potential ramifications not only for Australian education but also for religion–state relations, including when children educated in those schools grow up and take their places as citizens. This shift has so far occurred largely without public debate. The political ramifications, and the proportion of public funds devoted to promoting the shift, make it pertinent to turn our attention to how those funds are being spent.

IV SCIENCE

As Long points out, a driving motivation for the 1970s wave of such schools’ expansion was the controversy surrounding the Man: A Course of Study (‘MACOS’) social sciences curriculum then popular in public primary schools. Fundamentalist churches and parachurch organisations responded to what they saw as a ‘secular, humanist’ curriculum by establishing schools in which their children could be educated free from the evolutionary and moral relativist themes which disturbed conservative educators.³⁸

When such schools’ curricula become an issue of discussion, the first topic that comes to mind for many people, perhaps as a legacy of the MACOS controversy and no doubt also reflecting the high-profile ‘creation science’

36 For example, MySchool shows that the officially ‘public’ Sydney Boys High School and Sydney Girls High School each received only 80 per cent of their recurrent funding from State and federal government. For North Sydney Boys High School and North Sydney Girls High School, government sources accounted for 83 per cent of recurrent funding: Australian Curriculum, Assessment and Reporting Authority, MySchool <<http://www.myschool.edu.au/SchoolSearch.aspx>>.

37 Bible Baptist Church and Christian Academy, *Parent and Student Handbook 2011*, 6 <<http://biblebaptist.com.au/assets/files/PARENT%20&%20STUDENT%20HANDBOOK%202011.pdf>>.

38 R A Smith and J Knight, ‘MACOS in Queensland: The Politics of Educational Knowledge’ (1978) 22(3) *Australian Journal of Education* 225, 225-248.

debates in the United States, is the teaching of evolution. Creation science is the belief that God created the world in six days, as described in the book of Genesis, and that a literal interpretation of the biblical account of human origins can be verified from the scientific record.

Bible Baptist Christian Academy, which My School lists as having 31 students ranging from Year 1 to Year 11, includes among its statements of belief, 'Six creation days of twenty-four hours each'.³⁹ Instead of the standard Western Australian curriculum, Bible Baptist uses a comprehensive American schooling system called Accelerated Christian Education ('ACE'), distributed in Australia by Southern Cross Educational Enterprises, which foregrounds creation science.

Another Western Australian thematic school, Rehoboth College, with 472 students, uses the state curriculum, but a position paper on the College's website argues that substantial parts, including 'stories, reading assignments, music, movies and entertainment' should be taught 'not for the sake of imbibing, but for the sake of critiquing and warning', while *The Origin of Species* 'can and should be studied for the sake of understanding and refuting it, because the theory of evolution is so prevalent in our culture'.⁴⁰ Students need to learn about 'the scientifically ridiculous theory of ice ages and glacial epochs occurring every few thousand years' so that they can see through it, instead correctly 'attributing the earth's topography to the cataclysmic activity of a worldwide flood'.⁴¹ Rehoboth receives 69 per cent of its recurrent funding from government.⁴²

In 2010, a dispute erupted between the South Australian Non-Government Schools Registration Board and a group comprising AACS, CEN, CSA and Adventist Education, over the wording of a new policy on science teaching. The policy required: 'teaching of science as an empirical discipline, focusing on inquiry, hypothesis, investigation, experimentation, observation and evidential analysis', and added that the Board 'does not accept as satisfactory a science curriculum in a non-government school which is based on, espouses or reflects the literal interpretation of a religious text in its treatment of either creationism or intelligent design'.⁴³

The school associations responded with a joint letter accepting the description of the nature of science, but rejecting the Board's right to exclude religious interpretations, since, 'scientific inquiry will, for the person of faith,

39 Bible Baptist Church and Christian Academy, above n 37.

40 Norman de Jong, *Truth or Falsehood? The Essence of Christian Education* (2004) Association for Christian Education <http://www.rehoboth.wa.edu.au/images/stories/truth_or_falsehoodnorman_de_jong_formatted_090406.pdf>.

41 Ibid. The flood referred to is that in the story of Noah, described in Holy Bible, *Old Testament*, Genesis 6-9.

42 Australian Curriculum, Assessment and Reporting Authority, *MySchool* (2011) <<http://www.myschool.edu.au/SchoolSearch.aspx>>.

43 Quoted in Malcolm Brown, 'Christian Schools Angry Over Ban on Teaching Creationism', *Sydney Morning Herald* (online), 3 March 2010 <<http://www.smh.com.au/national/education/christian-schools-angry-over-ban-on-teaching-creationism-20100302-pgjb.html>>. The board subsequently amended its policy, removing the references to what may not be taught: Christian Schools Australia, 'Controversial Policy Amended' (Press Release, 1 July 2010) <<http://csa.edu.au/briefings/118-sa/319-controversial-policy-amended>>.

include a sense of wonderment about what the Creator did and how He did it'.⁴⁴ The associations declared themselves 'happy' to be held to the description of science as an empirical discipline, but objected to the Board's attempt 'to determine what cannot be taught within a non-government school or how materials will be taught'.⁴⁵

The implications of the creation science controversy for public policy have been well-rehearsed in other forums.⁴⁶ From the point of view of religion–state relations with respect to schools, the most fundamental question concerns the investment of public funds in teaching a view which is accepted as 'science' only within the very limited circle of a particular religious community, and which does not prepare students to participate in the scientific endeavour outside it.

V DISCRIMINATION

Like other religious organisations, Christian schools enjoy certain exemptions from federal and, to varying degrees, state anti-discrimination laws.⁴⁷ The extent to which Christian schools exercise this entitlement, however, varies considerably.⁴⁸ Practice in Catholic schools varies from diocese to diocese, and also at times between the parochial and independent schools. The elite Protestant Independent schools similarly vary according to denominational affiliation and, even in schools affiliated to conservative denominations, according to the degree of intensity with which the school adheres to the denomination's practice.⁴⁹

The contested nature of such exemptions is illustrated by a recent mooted change to Victoria's arrangements. The Victorian Parliament's *Equal Opportunity Act 2010* ('*Equal Opportunity Act*'), passed by the Brumby Labor Government, would, from August 2011, have required religious organisations wanting to discriminate – for example on sex or gender grounds – to meet a so-called 'inherent requirements' test. If, for example, a religious school wanted to sack an employee – say, the gardener, receptionist or physics teacher – for being

44 Joint Letter from Daryl Murdoch et al to Dr Dale Wasley (19 April 2010) <http://csa.edu.au/hidden-docman/doc_view/66-joint-letter-to-ngsr>.

45 Ibid.

46 See, eg, Ronald L Numbers, *The Creationists: From Scientific Creationism to Intelligent Design* (Harvard University Press, 2006).

47 For a discussion of various state and federal exemptions, see Australian Human Rights Commission, 'Addressing Sexual Orientation and Sex and/or Gender Identity Discrimination' (Consultation Report, Australian Human Rights Commission, 2011) 33–4.

48 It should be noted that not all schools use, or welcome, such exemptions. In schools affiliated to religious traditions in which gay, lesbian and divorced people serve at all levels of religious life, they are likely similarly to serve at all levels of school life, as teachers, principals and chaplains. Several religious schools, including Methodist Ladies College and King David School, have joined the Victorian government's anti-homophobia Safe Schools Coalition of 'gay-friendly' schools: Farah Tomazin, 'Gay Times, Bad Times', *The Age* (online), 8 February 2011 <<http://www.theage.com.au/lifestyle/wellbeing/gay-times-bad-times-20110207-1ak6b.html>>.

49 John Bednall, *Leading Religiosity in Anglican and Uniting Church Independent Schools: A Phenomenological Exploration* (PhD Thesis, University of Notre Dame Australia, 2006) 397–9.

gay, it would first have had to show how the employee's sexuality was relevant to the work. However, incoming Liberal Premier Ted Baillieu promised, during the 2010 election campaign, to weaken the *Equal Opportunity Act*, and his Attorney-General, Robert Clark, prepared amendments to remove the inherent requirements test, which he called 'a far-reaching attack on ... freedom of religion and belief'. Removing it would 'restore tolerance and a sense of the fair go'⁵⁰ – that is, a 'fair go' for discrimination.

Among the Victorian *Equal Opportunity Act's* loudest critic was the Australian Christian Lobby, which defended religious schools' right to 'expel any openly gay child', though confident such a school would always 'do that in the most loving way that it could for the child ... to reduce absolutely any negative effects'.⁵¹ In such logic, born of sublime self-certainty, religious freedom encompasses freedom to correct others' religious and moral errors. If my religion is true, and it obliges me to correct others, anything that interferes with that obligation is unconscionable. In other words, I need freedom, but you don't.

New South Wales' last serious examination of religious freedom was in 1984, when the Anti-Discrimination Board produced a 565 page report, *Discrimination and Religious Conviction*,⁵² prepared by Dr Juliet Sheen. Considered so groundbreaking that it was distributed to all the delegates at that year's UN Human Rights Centre's Geneva Seminar, it nevertheless failed to persuade the New South Wales government, which at the time decided against specific protections of religious freedom.

In 2005, the New South Wales Upper House tried again, with the Anti-Discrimination Amendment (Religious Tolerance) Bill.⁵³ It was demolished, 23 votes to 5. Confirming that faith can overcome logic, the Anglican news service called the defeat a vote for religious freedom.⁵⁴ Nor should members of minority religions expect much from the Commonwealth. In *Adelaide Company of Jehovah's Witnesses Inc v Commonwealth*, Justice Latham argued that 'the religion of the majority ... can look after itself,' while the Constitution needs to 'protect the religion (or absence of religion) of minorities, and, in particular, unpopular minorities'; yet he still decided that, in the case in question, the Commonwealth's interests over-rode those of the minority.⁵⁵

50 Melissa Fyfe, 'Religious Groups to Regain Bias Rights', *Sunday Age* (online), 13 February 2011 <<http://www.theage.com.au/victoria/religious-groups-to-regain-bias-rights-20110212-lardw.html>>.

51 David Marr, "'Appalling" Law Lets Schools Expel Gay Students' *Sydney Morning Herald* (online), 12 February 2011 <<http://www.smh.com.au/national/education/appalling-law-lets-schools-expel-gay-students-20110211-1aqk2.html>>.

52 Anti-Discrimination Board (NSW), *Discrimination and Religious Conviction: A report of the Anti-Discrimination Board in Accordance with Section 119 (a) of the Anti-Discrimination Act 1977* (1984).

53 Anti-Discrimination Amendment (Religious Tolerance) Bill 2005 (NSW).

54 Jeremy Halcrow, 'NSW Votes for Religious Freedom', *Sydney Anglicans* (online), 2 March 2006, <http://www.sydneyanglicans.net/news/stories/nsw_votes_for_religious_freedom/>.

55 *Adelaide Company of Jehovah's Witnesses v Commonwealth* (1943) 67 CLR 116, 124 [4] ('*Jehovah's Witnesses Case*').

Recent debates about religious exemptions from anti-discrimination law have seen some thematic schools' organisations become vigorous activists. Two Australian Human Rights Commission ('AHRC') reports received submissions from CSA, arguing that the biggest threat to religious freedom comes from the state, in the form of anti-discrimination and anti-vilification laws⁵⁶ and arguing for a continuation of Christian schools' exemption under the *Sex Discrimination Act 1984* (Cth).⁵⁷ The AACS also made a submission to the AHRC's inquiry into religious freedom. It challenged the idea of pluralism as a positive value⁵⁸ and warned that political correctness would leave Australian majority groups at the mercy of minorities.⁵⁹

The theme of freedom runs strongly through thematic schools' discourse, and through the strands of Calvinist, other evangelical and Pentecostal theology from which they have grown. 'Freedom' in these contexts, however, does not always carry its everyday meaning. It carries its conventionally confusing sense of meaning 'my freedom to correct you (even, if necessary, at the expense of your freedom)', because it also often needs to be understood along with 'dominion'.

VI DOMINION

Some thematic schools are built upon theological foundations which carry quite specific prescriptions about Christians' place in secular and multi-faith societies, and about Christian citizens' rights and responsibilities in relation to secular law. A recent development out of the neo-Calvinist tradition is the movement known as dominion theology. In the book of Genesis, God tells the first human couple to have 'dominion' over the earth and all its non-human inhabitants. Since at least the 1970s, mainline Christian churches have become increasingly wary of theologies of human dominion, which they regarded as having provided a justifying ideology for capitalism's environmental damage.⁶⁰ Among more conservative Calvinist, other evangelical and Pentecostal thinkers, by contrast, dominion was making a comeback, with both an overt anthropocentric meaning with respect to the non-human environment and an additional political meaning.⁶¹

56 CSA, Submission No 1685 to Australian Human Rights Commission, *Freedom of Religion and Belief in 21st Century Australia*, February 2009, 7, quoted in Gary Bouma et al, Australian Human Rights Commission, *Freedom of Religion and Belief in 21st Century Australia* (2011), 56.

57 CSA, Comment No 24 to Australian Human Rights Commission, *Addressing Sexual Orientation and Sex and/or Gender Identity Discrimination*, 22 October 2010, 2, quoted in Australian Human Rights Commission, *Addressing Sexual Orientation*, above n 47, 34.

58 AACS, Submission No 1602 to Australian Human Rights Commission, *Freedom of Religion and Belief in 21st Century Australia*, 7, quoted in Bouma et al, above n 56, 24.

59 AACS, above n 58, 11 quoted in Bouma et al, above n 56, 54.

60 The classic essay which triggered much of this debate is by historian Lynn White Jr, 'The Historical Roots of Our Ecological Crisis' (1967) 155 *Science* 1203.

61 Sarah Diamond, *Roads to Dominion: Right-wing Movements and Political Power in the United States* (The Guilford Press, 1995) 246-249.

In the late twentieth century, some theologians of the Calvinist far right began to theorise that, although humans' dominion was lost in the Fall, it is restored once Christians make an act of repentance and accept forgiveness through Jesus' atoning death; and that that act restores to Christians the right to rule, not only over non-human nature, but also, according to the movement's more determined advocates, over non-Christians. A clear expression is by United States Presbyterian pastor and activist George Grant:

Christians have an obligation, a mandate, a commission, a holy responsibility to reclaim the land for Jesus Christ – to have dominion in civil structures, just as in every other aspect of life and godliness. But it is dominion we are after. Not just a voice. It is dominion we are after. Not just influence. It is dominion we are after. Not just equal time. It is dominion we are after. World conquest. That's what Christ has commissioned us to accomplish ... And we must never settle for anything less ... Thus, Christian politics has as its primary intent the conquest of the land – of men, families, institutions, bureaucracies, courts, and governments for the Kingdom of Christ.⁶²

Arguably, not everyone who uses dominionist language intends such literal political content. Of those who do expect a real and literal rule by Christians over everyone else, some anticipate it as part of Jesus' thousand-year reign at the end of time, rather than in present political structures. Further research is needed to establish the extent to which the use of dominionist language in Australian thematic schools denotes a specific political program rather than a figurative or long-deferred apocalyptic aspiration. It is likely that, within a single movement or community, different members ascribe more or less literal force to the same terms. Nevertheless, the prevalence of dominionist language among thematic schools, the fact that at least some of its users openly and explicitly adopt it as part of a this-worldly political program and the minimal attention it has so far attracted, warrant that exploration.

A number of CEN schools' prospectuses announce that they train students to 'rule' and 'have dominion over the earth.'⁶³ Covenant Christian School Belrose in New South Wales teaches its students that 'their rightful place in God's world' is 'to CURE the world. CURE is an acronym in which R stands for 'Rule in a stewardly way that reflects our status of being co-heirs with Christ, and our special calling to have dominion over the earth in a loving, careful manner'.⁶⁴ Covenant's 800 trainee rulers receive half of their recurrent funding from government, 45 per cent from fees and the remainder from other sources.⁶⁵

Parkes Christian School in New South Wales is an affiliate of Christian Schools Australia and aspires to be a place where its 132 students:

62 George Grant, *The Changing of the Guard: Biblical Principles for Political Action* (Dominion Press, 1987), 50–1.

63 See, eg. Devonport Christian School, *Providing Quality Education in a Christian Environment* <www.dcs.tas.edu.au/forms/InformationBooklet.pdf>; Grace Christian School, *Annual Report 2009* (2009) <www.grace.wa.edu.au/download/Annual_Report_2009.pdf>.

64 Covenant Christian School Association, *Our Uniqueness* (2010) <<http://www.covenant.nsw.edu.au/uniqueness.html>>.

65 See Australian Curriculum, Assessment and Reporting Authority, *MySchool* (2011) <<http://www.myschool.edu.au/SchoolSearch.aspx>>.

are trained to be not primarily good citizens of Australia (though we hope they will be) but soldiers of the King, who go out into the world equipped physically, mentally, spiritually and socially to do battle for their Lord in a world which rejects His laws and dominion.⁶⁶

Seventy-eight per cent of Parkes' soldiers' training is funded from the public purse.⁶⁷

Much less reliant on government support, and serving a higher socio-economic bracket, is Oxford Falls Grammar School on Sydney's Northern Beaches. Ranking 99th in My School's Index of Socio-Economic Advantage for 2011, Oxford Falls derives 38 per cent of its recurrent funding from government sources.⁶⁸ The school, which has 972 students K–12, is attached to Oxford Falls Christian City Church ('CCC' or '3C'), the 3500-strong founding congregation of the 3C International chain of over 200 affiliated churches. Oxford Falls CCC's Senior Pastor, Phil Pringle, sits on the school's board. The language of Christian dominion is much less prominent in Oxford Falls Grammar's documents than at Parkes Christian School, but is readily heard in its parent church.

3C International eventually had to register as a denomination in NSW so that its pastors could be registered to perform marriages; but on my visits to the Oxford Falls congregation, leaders regularly stressed that 'it is not a denomination in the sense of having a democratic or representative structure.' Instead, its Senior Pastor Phil Pringle is 'free to lead'. The CCC International website early on declared, 'We believe in apostolic leadership ... We have little faith in committees, and leaderless democratic church government'. The website later rephrased the claim: 'Our churches are governed by a local board/executive led by "call" and vision rather than democratic principles.'⁶⁹

Like many mega-church pastors, Pringle is a prolific author. His book, *You the Leader*,⁷⁰ bears a dust-jacket endorsement by one of America's most prolific and influential dominion theologians, C Peter Wagner: 'Phil Pringle is an apostolic leader par excellence'. Wagner does not bestow such praise lightly: he is the founder of a movement called the 'New Apostolic Reformation', which holds that the fivefold ministry of apostles, prophets, evangelists, teachers and pastors, mentioned in *Ephesians* 4:11, has been reinstated in the modern church, with far-reaching consequences, apostles being its 'highest' level.⁷¹ Apostles' task is to enact God's instructions, relayed by prophets, so that evangelical Christians can 'take dominion' in whatever sphere of life God has given them

66 Parkes Christian School, *Information Handbook for Parents and Students* (2010) <www.parkeschristianschool.com.au/LiteratureRetrieve.aspx?ID=66309>. (Accessed 31 March 2011; link subsequently removed. A copy remains on file with the author).

67 See Australian Curriculum, Assessment and Reporting Authority, *MySchool* (2011) <<http://www.myschool.edu.au/SchoolSearch.aspx>>.

68 Ibid.

69 C3 Church, *Who We Are* (2010) <<http://www.c3iglobal.org/WHOWEARE/HOWWEOPERATE/tabid/67/Default.aspx>>. (This was accessed on 31 March 2011, but the hyperlink was subsequently removed. A copy remains on file with the author.)

70 Phil Pringle, *You the Leader* (Whitaker House, 2005).

71 C Peter Wagner, *Apostles Today: Biblical Government for Biblical Power* (Regal Books, 2006) 38.

apostolic authority, until all seven ‘spheres’ or ‘molders’ of culture are under divine rule: family; religion; education; media; arts and entertainment; business; and government.⁷² In each sphere:

our responsibility for taking dominion amounts to an invasion of territory that Satan has held for a long time ... Satan has succeeded in maintaining control ... because he has established a government in each one. And it takes a government to overthrow a government ... Each of the seven molders needs apostolic government if the forces of darkness are to be pushed back.⁷³

Wagner’s book, *Dominion! How Kingdom Action Can Change the World*, uses chapter headings such as ‘This means war!’ and ‘Money answers everything’ to argue that such apostolic leaders should make war on ‘evil spirits’ including ‘Eastern religions, Satanism, Freemasonry ... and the like’⁷⁴ and transform whole nations through Christian private enterprise, including by buying third-world countries.⁷⁵ Further research is needed to determine to what extent Oxford Falls’, and its mentor’s, preference for religious authority over democracy carries through to its school’s curriculum, and how that sits with such key learning areas as the New South Wales curriculum’s civics and citizenship component.

VII CONCLUSION

Many more examples could be drawn, but the issue is sufficiently clear: government policy over recent decades appears, *prima facie*, to have actively fostered the growth of new Christian schools whose science teaching, in many cases, contradicts scientific consensus; whose umbrella organisations insist on the schools’ right to discriminate against staff and students on the basis of their religious beliefs, sexual orientation, marital status and other factors; and whose charters, policy documents and statements of faith proclaim the superiority of divine law and schools’ right to operate independently of ‘subjection’ to the state which supports them.

Perhaps, as AACS’s website suggests, government support for such niche schools is all part of ‘preparing children to live in a diverse, multicultural Australia’, since ‘one of the largest cultural groupings within that diversity is the Christian culture.’⁷⁶ On the other hand, the argument that ‘one of the largest cultural groupings’ needs special protection immediately calls to mind Justice Latham’s caution in the *Jehovah’s Witnesses Case* that ‘the religion of the majority ... can look after itself,’ while special provisions are only needed to

72 C Peter Wagner, *Dominion! How Kingdom Action Can Change the World* (Chosen Books, 2008) 144.

73 Ibid 149-151.

74 Ibid 127.

75 Ibid 183.

76 AACS, *New Government Settled In* <<http://www.aacs.net.au/>>.

‘protect the religion (or absence of religion) of minorities, and, in particular, unpopular minorities’.⁷⁷

The debates surrounding MySchool and the Gonski Review have drawn attention to some of the many pressing issues surrounding school funding equity and issues of state versus private education. Australians are unused to examining public issues from a religion–state relations angle: but current education-related controversies make such examination imperative. To the matters addressed in this article, we could add the series of debates that erupted in New South Wales and Victoria in 2009–11 about the teaching of Special Religious Education (‘SRE’)/Special Religious Instruction (‘SRI’), or what used to be known as ‘school scripture’. New South Wales removed some of the heat from the issue by introducing secular ethics classes as an alternative to SRE, and taught on the same basis, by parent volunteers.

The SRI controversy in Victoria, meanwhile, only became hotter during 2011, as parents objected to their children being compelled to take part in Christian religion classes unless specifically exempted. Education Minister Martin Dixon not only refused to review the ‘opt-out’ system, but provided \$200 000 to the Christian evangelical organisation ACCESS Ministries, which provides 96 per cent of the instruction,⁷⁸ and, according to a 2008 speech by ACCESS Ministries CEO, Reverend Dr Evonne Paddison, understands its role in public schools as ‘a God-given open door’ to ‘make disciples’ by introducing students to Jesus, without whom they are ‘lost’.⁷⁹ Queensland schools have a similar provision for visiting volunteers to offer weekly religious instruction, but, in case that is not enough, classroom teachers can (and some do) also offer Bible lessons as part of the regular curriculum, with an Education Department prescribed set of readings for each primary school year level.

All such programs dwindle, however, compared to the federal government’s National School Chaplaincy Program, spending more than \$429 million between 2007 and 2014 to place chaplains, 98 per cent of whom are Christian, in Australian schools. In 2010, 70 per cent of these chaplains worked in government schools, leading a Queensland father to challenge the program’s legality in *Williams v Commonwealth*. Those who work in state schools are overwhelmingly supplied by evangelical organisations which subscribe to the narrow and exclusive end of Protestant theology, prone to dominionist overtones and inclined to the belief that, in Paddison’s words, students who do not encounter Jesus are ‘lost’. That is not to say that the many dedicated individual chaplains who work in the multifaith environment of state schools hold such attitudes; but, at the very least, their employing organisations’ stances must at times make their work more difficult.

77 *Jehovah’s Witness Case* (1943) 67 CLR 116, 124 [4].

78 Jewel Topsfield, ‘State to Increase Funds for Christian Classes’, *The Age* (online), 8 April 2011 <www.theage.com.au/victoria/state-to-increase-funds-for-christian-classes-20110407-1d698.html>.

79 Evonne Paddison (Speech at the Evangelical Fellowship in the Anglican Communion Conference, Melbourne, July 2008) <<http://religionsinschool.com/wp-content/uploads/2011/05/PaddisonConf08.mp3>>.

Indeed, some of the fiercest criticism of the attempted fundamentalist takeover of public discourse has come from practising Christians. Anglican priest and sociologist Reverend Professor Gary Bouma decried ACCESS Ministries' SRE curriculum as 'crap' and 'just appalling';⁸⁰ fellow Anglican the Honorable Michael Kirby warned that: 'One just has to look around at the ignorance and prejudice concerning homosexuals and women to see what damage can be done by some narrow religious instruction';⁸¹ and the chaplain of 'Melbourne's most prestigious Anglican school', Melbourne Grammar, contrasted his own school's teaching of 'philosophy and religious studies' favourably with ACCESS, whose leaders he criticised as 'a certain kind of evangelical Christian who believes they have the truth and a serious duty to tell everyone else'.⁸² Such voices are a reminder of something not often apparent in the debate that has taken place so far: that, despite themelic schools', their representative bodies', and some other prominent lobby groups' attempts to own the title 'Christian', they in fact represent only one narrow segment of the followers of Jesus Christ, who also include representatives of longstanding progressive traditions with a conscientious openness to other beliefs.

The current transfer of public funds to religious schools and state and private school chaplains marks a major change in public policy, with potentially far-reaching effects on Australia's political and social fabric. It has passed, so far, with little attention to its specifically religious, along with political and constitutional, ramifications. A change of such dimensions deserves, at the least, a thorough and informed public discussion.

80 Michael Bachelard, 'Priest Slams Religion Curriculum as Appalling' *The Age* (online) 3 April 2011 <<http://www.theage.com.au/victoria/priest-slams-religion-curriculum-as-appalling-20110402-1cslid.html#ixzz1OfhuOLJR>>.

81 Ibid.

82 Jewel Topsfield, 'Chaplain Joins Religion Row', *The Age* (online), May 20 2011 <<http://www.theage.com.au/national/education/chaplain-joins-religion-row-20110519-1ev07.html>>.