



The Association of Independent Schools of New South Wales Limited

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Julie O'Brien
Director, Legal Section
Human Rights and Equal Opportunity Commission
PO Box 5218
SYDNEY NSW 2000

Dear Ms O'Brien

I am writing regarding the application for Temporary Exemption made by Arden Anglican School in relation to advertising for gender specific enrolment.

The Association of Independent Schools of NSW (AISNSW) is the peak body representing independent schools in New South Wales. Arden Anglican School is a member of the Association. This submission made in support of the application for Temporary Exemption by Arden Anglican School is based on the facts as we understand them.

Arden Anglican School is a co-educational school, with students from pre-school to Year 12. The School is concerned that the current enrolment mix limits opportunities for male and female students. This view has been informed by feedback from parents and teaching staff that curricular and co-curricular opportunities have been limited by the predominance of female or male students in a given year group.

In seeking to address the imbalance between female and male enrolments in specific years, the School is aiming to provide a supportive and enriching environment for all students, regardless of sex. Importantly, the application is consistent with the objects of the Sex Discrimination Act, as set out on Section 3 of the Act. These objects are summarised in the Commission Guidelines as:

- Give effect to the object and spirit of the *Convention on the Elimination of All Forms of Discrimination against Women*;

- Eliminate, as far as possible, discrimination against persons on the ground of sex, marital status, pregnancy, potential pregnancy or family responsibilities, including discrimination involving sexual harassment; and
- Promote recognition and acceptance within the community of the principle of the equality of men and women.

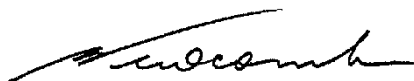
The School has identified limitations in its ability to provide students with opportunities to work with girls and boys in unbalanced cohorts, to the detriment of all students. In a co-educational environment, it is of benefit to the wellbeing of all students to have the opportunity to work and socialise with both boys and girls. In a school where there is a significant lack of balance, students may be missing out on opportunities to be exposed to diverse ways of thinking and working, particularly if a classroom is dominated by boys. In such a case, girls may be discouraged from participating fully in classroom and playground activities. The school believes this could occur in the current situation.

The School is also concerned that the disadvantages of an unbalanced cohort can be amplified over time if parents choose to withdraw their daughters to attend schools which provide more opportunities, or an environment which they perceive to be more suitable for females. I note that the current Year 7 cohort has 16 more male students than female, out of a total of 70 children. The Year 4 cohort has only 8 female students, out of a total of 30.

We note that schools in this situation may be prevented from providing equal access to sporting events and co-curricular activities for girls because a relatively smaller number of female students may not allow such activities to be offered. Some sports associations operate single-sex competitions, and female students attending Arden Anglican School would be disadvantaged if there were insufficient girls to field teams in these competitions. In other cases, demand for a given co-curricular activity may be gendered (such as dance) and female students may be disadvantaged in their choices of activity as compared to their male peers if there is insufficient demand to make such co-curricular activities viable.

The concerns raised by Arden Anglican School are not unique to that school although such concerns should be addressed on a case by case basis. The AISNSW welcomes the consideration of the Human Rights and Equal Opportunity Commission of this case.

Yours sincerely,



Dr Geoff Newcombe
Chief Executive