



PRESIDENT: Rev Sharon Hollis

GENERAL SECRETARY: Colleen Geyer

Response to the question on Notice from Joint Parliamentary Committee on Human Rights

Inquiry into the Religious Discrimination Bill and other related bills

Uniting Church in Australia – Assembly

In response to the question on notice offer the following response. We want to reiterate our position that we believe this bill should not be enacted in its current form. While we support the right not to be discriminated against on the basis of religion, we do not believe this legislation is the best way to enact this right and that this right needs to sit alongside other rights.

We broadly support the recommendations of the Australian Human Rights Commission and Australian Law Council for improving the legislation offers the following specific recommendations.

Recommendation 1:

We believe that the range of organisations covered by religious exceptions under the Bill, as included in the definition of religious body (section 5, and subsequently sections 7, 8 and 9) should be narrowed, and replaced with ‘a body established for a religious purpose’.

Recommendation 2:

We believe the definition of discrimination should be tightened. We suggest:

‘A religious body does not discriminate against a person under this Act by engaging, in good faith, in conduct that conforms to the doctrines, tenets or beliefs of that religion or is necessary to avoid injury to the religious susceptibilities of adherents of that religion.’

Recommendation 3:

In regard to employment exemptions, we believe that employers should only be allowed to discriminate:

‘only where it is a genuine occupational requirement that a person be of a particular religion in order to perform their role in the organisation effectively and to maintain the integrity and existence of the religious body.’

Recommendation 4:

With regard to clause 9 relating to educational institutions, we support the suggested amendment of the AHRC with one addition:

‘That, the following exemptions for religious educational institutions apply:

- (a) religious educational institutions be permitted to give preference, in good faith, to persons of the same religion as the educational institution when making decisions about who should be offered employment, where doing so relates to the inherent requirements of the roles and to maintain the integrity and existence of the religious body.

- (b) religious educational institutions not otherwise be permitted to discriminate on the ground of religious belief or activity in employment in any of the ways described in clause 19 of the Bill (including the terms and conditions of employment or decisions about the termination of employment)
- (c) religious educational institutions be permitted to give preference, in good faith, to persons of the same religion as the educational institution when making decisions about a person's application for admission as a student, except where there is no alternative educational institution available
- (d) religious educational institutions otherwise not be permitted to discriminate on the ground of religious belief or activity in education in any of the ways described in clause 24 of the Bill (including the terms and conditions of admission or decisions about expulsion)
- (e) if a religious educational institution proposes to engage in conduct described in (a) or (c), this may only be done in accordance with a publicly available written policy that:
 - (i) outlines the institution's position in relation to particular religious beliefs or activities
 - (ii) explains how the position is or will be enforced by the religious body
 - (iii) is consistently applied.

Recommendation 5:

We believe Clause 12 relating to Statement of Belief should be removed.

Recommendation 6:

We believe Clause 16 should be amended to apply to individuals and not bodies corporate.

Recommendation 7:

We recommend that clause 40 dealing with exemptions from religious discrimination relating to accommodation and facilities for religious camps and conference sites, be removed from the Bill.

Recommendation 8:

We recommend that the AHRC's funding should be substantially increased across the board, to address longer term budget declines and to ensure that it is well positioned to perform its national leadership role on human rights effectively and independently into the future.



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