

Submission to the Inquiry

on

Exceptions and Exemptions

in the

Victorian

Equal Opportunity Act

From Salt Shakers

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Submission

Salt Shakers is a Christian organisation that equips Christians about a Biblical worldview and monitors legislation and society standards.

Salt Shakers is concerned about any proposed removal of exceptions that are in the Equal Opportunity Act.

We do not believe that many of the anti-discrimination laws are valid and do not support this method of trying to change people's behaviour. Education and encouragement are much better methods.

In addition, the amount of control placed over individuals and companies by restrictive discrimination laws is regrettable and removes freedoms from our society.

However, we recognise that the Equal Opportunity Act is in existence. Given that, we contend that exceptions are necessary in order for organisations, religions, companies and individuals to operate.

Recommendation:

Exceptions are needed in many areas. We recommend that the exceptions currently found in the Equal Opportunity Act be retained.

Religious exceptions

As a Christian organisation, we are concerned in particular about the religious exceptions in the Equal Opportunity Act.

Since the discrimination laws are in existence, we believe it would be intolerable to remove the exceptions Section 75, 76 and 77 which apply to religion.

Freedom of religion is a vital component of our society. Removal of these exceptions would impose an undue burden on religious organisations.

Section 75

75. Religious bodies

- (1) Nothing in Part 3 applies to—
 - (a) the ordination or appointment of priests, ministers of religion or members of a religious order;
 - (b) the training or education of people seeking ordination or appointment as priests, ministers of religion or members of a religious order;
 - (c) the selection or appointment of people to perform functions in relation to, or otherwise participate in, any religious observance or practice.
- (2) Nothing in Part 3 applies to anything done by a body established for religious purposes that—
 - (a) conforms with the doctrines of the religion; or
 - (b) is necessary to avoid injury to the religious sensitivities of people of the religion.
- (3) Without limiting the generality of its application, sub-section (2) includes anything done in relation to the employment of people in any educational institution under the direction, control or administration of a body established for religious purposes.

Churches must be able to maintain choice over they ordain or who they employ as minsters. A church cannot be forced to employ people whose beliefs – on the actual doctrine taught by the church – or actions are opposed to church doctrine. The most obvious example here is that of homosexual ordination. Many churches have a firm commitment that homosexuality is wrong according to the Bible and thus could not employ a homosexual.

Equally this might apply to the employment of a prostitute or the baptism/membership of those living in adultery.

Point 3, which highlights the fact that the employment of anyone by the church is covered by the exception, must be retained. The meeting of doctrinal conditions and the ‘religious sensitivities’ of people of the religion, are essential. Hence a woman living in a de facto relationship when that is not allowed by the church, should not have to be employed as a receptionist.

The fact that this exception covers all religious bodies, not just churches, is vital. This must be retained in the Act.

Section 76 – Schools

76. Religious schools

- (1) This section applies to a person or body (other than a body established for religious purposes) that—
 - (a) establishes an educational institution to be conducted in accordance with religious beliefs or principles; or
 - (b) directs, controls or administers an educational institution conducted in accordance with religious beliefs or principles.
- (2) Nothing in Part 3 applies to anything done by a person or body to which this section applies in the course of establishing, directing, controlling or administering the educational institution (including the employment of people in the institution) that is in accordance with the relevant religious beliefs or principles.

Again, it is vital that a religious school, whether Christian or anything else, be allowed to operate according to its principles.

The employment of teachers, the teaching of religious education and the setting of behavioural standards are also important aspects that need to be considered.

Again, this exception relating to employment must continue to cover all people employed by the institution, including non-teaching staff such as gardeners.

The position adopted by Queensland, where schools could not refuse to employ people living in a homosexual or de facto relationship so long as they only did it outside school hours, would be untenable.

One cannot separate such behavioural conditions in a religious setting since this flows over into all of life.

Section 76 – Religious beliefs

77. Religious beliefs or principles

Nothing in Part 3 applies to discrimination by a person against another person if the discrimination is necessary for the first person to comply with the person's genuine religious beliefs or principles.

It is important, in a democracy, that individuals be allowed to act according to their conscience. Regarding religious beliefs, one ought to be able to act according to religious principles without the state acting to limit that.

A person should be able to belong or not belong to groups, or choose not to have particular persons stay in their B&B which is also their private home, without being guilty under the law.

Our democratic freedoms of speech and religious are essential to society's well-being. It is vital that they be maintained.

Exemptions

The exemptions system in the Act is also needed as certain groups may want to be able to not follow restrictive discrimination laws.

Some exemptions have been granted under this system – female gyms, etc.

Unfortunately some situations exist where the Tribunal has not granted an exemption where the organisation could rightly have expected to be given one.

In one case, a church set up an incorporated body to run welfare assistance for the church. The church was still running/supervising the body and the pastor was the chairman.

In applying for an exemption to be able to advertise to employ Christians, the request was refused. The Tribunal decision even noted it could be good for someone of ANOTHER religion to offer the counselling/help.

This is an unacceptable situation. Either the exemption system needs some work to ensure this doesn't happen or the definition of a religious body, as defined in section 75, need to be expanded so no exemption would need to be sought.

Recommendations

1. We recommend that all the exceptions currently in the Equal Opportunity Act be retained.
2. We urge the Justice Department to recommend that the religious exceptions, as found in Sections, 75, 76 and 77 be retained.