

News

Churches in clash with state

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Religious groups fight plans to end faith-based discrimination

A CONTROVERSIAL review of Victoria's Equal Opportunity Act is threatening to become a political headache for the Brumby Government, with many churches, religious leaders, parents and private schools vowing to defend discrimination based on faith.

The parliamentary review, covering all areas of discrimination - including whether private men's clubs can continue to exclude women - has sparked widespread alarm among religious Victorians, from the Catholic Archbishop of Melbourne to Islamic, Christian and Jewish schools, and faith-based hospitals and aged-care centres.

At stake, these groups say, is their religious freedom to discriminate within churches, schools and church-run welfare services.

Under the 53 exceptions and exemptions to the Equal Opportunity Act, a religious organisation can insist on staff sharing its belief. A Christian private school, for example, can legally discriminate by refusing a Muslim a job as a teacher, receptionist or cleaner.

Attorney-General Rob Hulls is under pressure to make reforms after the Law Institute of Victoria, community legal advocates and the Victorian Equal Opportunity and Human Rights Commission recommended narrowing religious groups' discrimination rights.

They say existing exemptions are too broad and allow widespread discrimination, particularly against people such as gay teachers in religious schools, and female teachers and staff members who become pregnant out of wedlock.

The parliamentary committee's options paper floats a controversial change that would make it more difficult for religious groups and schools to discriminate against people for "non-core" roles - those not directly relating to worship or the teaching of faith, such as pastors and religious education teachers.

But religious groups are fiercely rejecting the idea of core and non-core roles. Neil Benfell, principal of Warrnambool's King's College Christian school, said all his staff had to have a Christian faith.

"Our school's receptionist looks after the sick bay and prays with the children to give them comfort," he said. "Our receptionist is the first line of publicity and is often asked what the school is about."

The bulk of the 1000 public submissions opposing the review received by the parliament's Scrutiny of Acts and Regulations Committee relate to the religious exemptions. On Friday, the Australian Christian Lobby began a campaign against the review with a website called Make a Stand.

One of the nation's leading discrimination law experts, Professor Margaret Thornton, supports the review. "I think that if private schools receive money from the state, as they do, they should be subject to the law of the land, they should not be able to claim all these exemptions," she said.

The Law Institute of Victoria's Dominique Saunders said: "Unless there is a direct link to the observance or teaching of religion, there should be no exception in the laws to discriminate, for example, against a gay maths teacher. I don't think that is acceptable."

Rob Ward, the Victorian director of the Australian Christian Lobby, dismissed the example of a teacher being sacked in a Christian school for having a child out of wedlock. That person, he said, would be offered "pastoral care and support". But, he said: "If someone says, 'I worship Satan, but I am a pretty good maths teacher, can I come and teach your Christian kids maths?' Well, probably not."

The parliamentary review committee will hold public hearings in August and report in October or early November. The Government decided the review was necessary to harmonise the act with the new Charter of Human Rights and Responsibilities.

The Sunday Age understands that although Mr Hulls is keen to eradicate systemic discrimination in Victoria, Labor strategists are wary of another clash with conservative religious groups after a bruising few years battling with them over abortion and IVF laws.

Last Wednesday, in a pastoral letter to the state's Catholics, Victoria's bishops said the review could have a profound effect on the church's schools - which employ 21,000 teachers - welfare services and hospitals.

Bishop Les Tomlinson, Vicar General of the Catholic Archdiocese of Melbourne, told The Sunday Age that in Catholic schools, "we can legally ask staff to demonstrate a lifestyle that is consistent with Catholic belief".

Mr Hulls said he understood arguments for and against a whole range of exceptions, including the religious exceptions. But the Attorney-General said he was yet to be convinced why men-only clubs should have the right to exclude women.

But any change to the law regarding men's clubs would also apply to women's clubs, something Melbourne's Alexandra Club and the Lyceum Club do not want.

"We support all private clubs remaining as they are," Lyceum Club president Annie James said. "We are a privately owned club on private land. This is like the

Government telling us what to do in our own homes. We must be entitled to freedom of association."

Also likely to be changed is section 21 of the act, which allows a business owner in Victoria with five or fewer employees to reject potential employees based on any attribute, including pregnancy, gender identity, religious and political beliefs or impairment. Some small business groups are lobbying to retain this section, but the Victorian Employers' Chamber of Commerce and Industry agrees with employment.

How to discriminate in Victoria

- 1. A small business owner employing no more than five people may reject a potential employee on grounds including breastfeeding, gender identity, impairment, industrial activity, employment activity, marital status, parental or carer status, physical features, political belief, pregnancy, race, religious belief or sexual orientation.
- 2. Based on their gender, a person may be excluded from competing in a sporting activity if strength, stamina or physique of players is relevant.
- 3. A religious group or school can reject a person for a job - such as a cleaner - based on that person having different religious beliefs.
- 4. A school can refuse a student accommodation based on the person's religious beliefs, sex, race, age or disability.
- 5. Employers can discriminate against a person who changes his or her gender identity and does not give adequate notice.

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