

SUBMISSION

TO | Attorney General's Department
Legislative Services

By email: LLPSubmissions@sa.gov.au

**TOPIC | Bill to Reform Religious Exceptions
in Equal Opportunity Act 1984**

From | Uniting Communities Inc

Not for Profit Community Service Organisation

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Section 1. Background and context

About Uniting Communities

Uniting Communities is an inclusive not-for-profit organisation working alongside more than 30,000 South Australians each year as they strive for bright futures and great lives. We value diversity and are committed to providing respectful, accessible services to all.

Uniting Communities seeks to reduce inequality and improve wellbeing for all who are striving to overcome disadvantage – individuals, their families and communities – so that they can realise their potential and live the best lives they can. We do this in a way that is non-judgemental, generous and supportive; that embrace diversity; and that values and promotes fairness, justice and the benefits of strong communities.

Our service delivery, advocacy and community building activities are central to achieving this and are reasons for our decision to make comment about the draft exposure bill.

Our purpose and values

Build compassionate communities and great lives.

People are at the heart of all we do. We will work alongside South Australians as they strive for a bright future and great lives, supporting them to overcome adversity and disadvantage. We will do this in a way that is non-judgemental, generous and supportive; that embraces diversity; and that values and promotes fairness, justice and the benefits of strong communities.

Courage

We stand up for what we believe in; try new things; get uncomfortable; take risks; challenge beliefs and behaviours; and take responsibility for our own behaviours and outcomes

Accountability

We are honest in all of our interactions; take responsibility for our actions and impact; apply rigour in our processes, practices and standards; and take initiative.

Respect

We are open and non-judgemental; listen to others; seek to understand; embrace differences and individuality; preserve dignity; and are present.

Growth

We embrace new ideas and innovation; look for and engage in opportunities; value and invest in learning; fail successfully; and focus on contribution and continuous improvement.

Teamwork

We go beyond collaboration, sacrificing for others and working across boundaries; fostering trust; sharing knowledge and skills; striving for and celebrating collective success; and being kind and respectful.

History

Uniting Communities has grown out of the Central Methodist Mission that was established in the Adelaide central business district in 1901, as a Mission of the Methodist Maughan church. We are separately incorporated and accountable to the Synod of the Uniting Church in South Australia and as such are formed by a Christian heritage.

We offer more than 90 services to support the needs of both individuals and our community, across a range of areas. These include mental health and counselling; residential aged care and support for independent living; housing crisis and emergency support; disability services; services for Aboriginal and Torres Strait Island people; financial and legal; drug and alcohol counselling; family relationships; and respite and carer support.

Of particular relevance to this process and issues of discrimination are services that we provide to people with mental health needs, people from indigenous communities, people from non-Anglo cultural background, people from LGBTIQ communities as well as some young people.

These services include:

- **Mental Health Services**
Uniting Communities offers a range of counselling services to support mental health. We work with people through challenges related to alcohol and other drugs, domestic and family violence, and sexual abuse or sexual assault, as well as peer support for people who identify as LGBTIQ.
- **Aboriginal Community Connect**
Aboriginal Community Connect provides 'one-stop' support for people needing help with multiple issues. As well as treatments to address substance misuse, the service offers support for problems associated with social isolation; poverty and disadvantage; housing; the effects of other trauma; and physical and mental health
- **Bfriend**
Bfriend provides support services to people who identify as LGBTIQ
- **Lifeline**
Our Lifeline Adelaide service is available 24/7 to answer calls from people in crisis, while Standby can support those who have been bereaved by suicide.

Through provision of services and close contact with many people seeking services every day, we are acutely aware of the sometimes catastrophic consequences of discrimination particularly chronic discrimination including harassment, bullying, name-calling, exclusion from services reduced opportunities to participate in society.

It is vital that all involved with debates about discrimination understand the consequences, particularly for people who are in some way vulnerable, of discrimination in its many forms. For example through our Lifeline telephone counselling service we regularly hear from

callers who are considering suicide, citing bullying harassment and discrimination is a major factor in their suicidal ideation.

We also observe that overwhelmingly the people who want to discriminate do so from a position of inadequate understanding about the situation of the people against whom they want to discriminate. We also suggest that personal insecurity is another factor in driving the behaviour of people who choose to discriminate, particularly through bullying and other “put down” behaviours.

Uniting Communities welcomes the opportunity to provide some comments on this Bill to Reform Religious Exceptions recognising that there are elements of it that have been the subject of intense public and political debate over recent years.

Background

Part of the useful background and context for this is the review into religious freedom in Australia that was announced in November 2017 by Prime Minister Turnbull. This review made 20 recommendations. We wish to highlight the following statement of principle from the explanatory note released with this exposure draft

- *5. All Australians, regardless of their religious belief or activity, should be able to participate fully in our society. All people are entitled not to be discriminated against on the basis of their religious belief or activities in public life, and are entitled to the equal and effective protection of the law.*

We consider this statement to be central to the debates behind this and subsequent and related legislation. To put this statement another way, for Uniting Communities, the intent is to protect people from discrimination, not create a license to discriminate.

Section 2. Implications for Uniting Communities

As a major employer and service provider in South Australia, there is a suite of existing legislation and arrangements that we are required to uphold to guide our approach to employment of staff, engagement of volunteers and enable us to assist a diversity of clients and their communities. Current legislation that is relevant to us as Uniting Church community service provider includes:

Summary of Discrimination Law¹

The law relating to discrimination in South Australia is a mixture of Commonwealth and State law.

¹ <https://lawhandbook.sa.gov.au/ch17s01.php> Legal Service Commission for SA Law Handbook

Legislation:

The following Acts apply in South Australia

- Equal Opportunity Act 1984 (SA)
- Public Interest Disclosure Act 2018 (SA)
- Racial Vilification Act 1996 (SA)
- Australian Human Rights Commission Act 1986 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Age Discrimination Act 2004 (Cth)
- Fair Work Act 2009 (Cth)

Discrimination law exists to enable everyone to take part equally in public life, regardless of irrelevant personal characteristics. Discrimination law regulates public life, not private life, so, for example, it covers what happens at work, in education or in the supply of goods and services. It does not affect how people conduct their private lives, for instance, who they choose to have as friends. The law says that certain personal characteristics, such as one's race or age, must be disregarded in public life situations, such as in selecting people for jobs. A person experiences discrimination if a personal characteristic is taken into account in an area of public life where the law prohibits this.

Discrimination law also prohibits other behaviours that stop people taking part equally in public life. These include sexual harassment, victimization, refusing services to people with guide dogs, and discriminatory advertising.”

Existing legislation prohibits the following aspects of discrimination recognising that not all unfair treatment is discrimination, again quoting from the SA “Law Handbook;

“The combined effect of the South Australian and Commonwealth [legislation](#) is that, in South Australia, it is unlawful to discriminate on the following grounds:

- age
- disability
- marital or domestic partner status
- identity of spouse or partner
- pregnancy (or potential pregnancy)
- family responsibilities
- association with a child (in provision of goods, services or accommodation)
- breastfeeding
- race
- sex
- sexuality or chosen gender
- religious appearance or dress
- political opinion
- social origin

- on the basis of having disclosed public interest information to a relevant authority (i.e. whistle-blowers) or of having made a complaint of discrimination”

Section 3: Our view regarding the recommendations

A key piece of legislation that applies to Uniting Communities, and other employers is the Equal Opportunity Act 1984, which is “an Act to promote equality of opportunity between the citizens of this State; to prevent certain kinds of discrimination based on sex, race, disability, age or various other grounds; to facilitate the participation of citizens in the economic and social life of the community; and to deal with other related matters.”

We strongly support the changes to the act as outlines in the Equal Opportunity (Religious Bodies) Amendment Bill 2020

Strengths

These proposed changes clarifies the place of discrimination within ‘religious purposes’ for ‘adherents’, but does not allow discrimination against those in need of social services.

We strongly commend the Attorney General for this clarification.

Concerns

We are not sure why some services are listed and others seem absent. It appears that there are gaps where some social services (drug and alcohol, financial counselling, Aboriginal and Torres Strait Islander specific) may not have to comply with this legislation.

Either a clear broad scope of all of social services needs to be established or some detail provided regarding why some services are excluded from this requirement.

We recommend that all social services be within the scope of the legislation.

Notwithstanding these concerns Uniting Communities commends and supports the proposed changes contained in the *Religious exceptions – changes for organisations bill*.

