



Religious exemptions under the *Equal Opportunity Act 1995*

A response from Catholic Social Services Victoria to the May 2009 Options Paper from the Scrutiny of Acts and Regulations Committee of the Victorian Parliament entitled *Exceptions and Exemptions to the Equal Opportunity Act 1995*.

Contact:
Denis Fitzgerald
Executive Director

Tel (03) 9287 5569
dfitzgerald@css.org.au

July 2009



Contents

Executive Summary	3
1. Introduction	4
1.1 Catholic Social Services Victoria	4
1.2 Scope of services provided	4
1.3 Scope of this submission	5
2. Issues	6
2.1 Catholic Social Teaching	6
2.2 Legislating to protect human rights	6
2.3 Catholic Social Service agencies and the mission of the Church	7
2.4 Religious freedom	8
2.5 Section 75 of the Equal Opportunity Act – Religious Bodies	9
2.6 Section 77 – Religious Beliefs or Principles	10
2.7 Limitations to religious freedom	10
2.8 Charter of Human Rights and Responsibilities – Consistency	12
References.....	13
Attachment 1 – <i>List of CSSV members</i>	15
Attachment 2 – <i>Acronyms and abbreviations</i>	16
Attachment 3 – <i>CSSV Constitution - Extracts</i>	17



Executive Summary

Catholic Social Services Victoria (CSSV) is a peak body for Catholic social service agencies in Victoria. A list of our member agencies, which range widely across the social services sector, is attached to this submission. We work with member agencies, as part of the Catholic Church in Victoria, to fulfil the gospel imperatives to stand with and serve those who are poor, disadvantaged and marginalised, and to work for a just, equitable and compassionate society. Further information about Catholic Social Services Victoria can be found on our website: www.css.org.au

Our policy analysis, and our response to marginalisation and disadvantage, builds on the principles of Catholic social teaching. These are based on gospel values and the collective reflection and experience over time of the application of those values in working with those who are poor, disadvantaged and marginalised. They form an integral part of the overall teaching of the Church. Our members continue in this tradition in applying these principles to contemporary issues.

A key plank of Catholic social teaching is that the inherent dignity of each person must be respected, and another is that the interests of any one section of society cannot be effectively advanced unless all members of society are able to achieve their human potential. This leads to a strong support for the protection by society of the human rights of all members.

Freedom of religion is such a human right. Catholic agencies, in carrying out their work of justice and compassion, are performing an integral part of the Church's mission, and of the manifestation of the religious belief of individual Christians. To carry out this work they need to be able to select staff, and deliver their services, in accordance with their inherent needs as Catholic organisations.

Catholic social service agencies require the freedom, in very limited circumstances, to be exempted from some of the prohibitions against discrimination provided for in the *Equal Opportunity Act 1995*. They need to be able to recruit people whose views are aligned with the social mission of the Church, and whose conduct will not compromise the witness of the Church; and need to be able to continue the provision of their wide range of social services and support for the general community in accordance with the teachings of Christ and the doctrines and principles of the Church.

To ensure that the Act does not provide any exemptions that might be broader than is necessary to protect religious freedom, there is scope to clarify in the legislation that the requirements of religious freedom would not relate to many of the attributes listed in the Act: age, impairment, physical features, race etc.

We ask that Catholic Social Services Victoria be included in public hearings associated with this enquiry.



1. Introduction

1.1 *Catholic Social Services Victoria*

Catholic Social Services Victoria is a peak body for Catholic social service agencies in Victoria. Our members deliver a wide range of social services across the State. A list of our member agencies is attached to this submission. We work with member agencies, as part of the Catholic Church in Victoria, to fulfil the gospel imperatives to stand with and serve those who are poor, disadvantaged and marginalised, and to work for a just, equitable and compassionate society. Further information about Catholic Social Services Victoria can be found on our website: www.css.org.au

1.2 *Scope of services provided*

The services that our member agencies provide supports of the dignity and value of the members of our community, particularly those who are disadvantaged or marginalised. This is evident from a partial listing of these services:

- Adoption and permanent/ foster care
- Aged care and support
- Care and support of the dying
- Chaplaincy Services (including Prison, AIDS, Mental Health and Youth Welfare)
- Disability care and support
- Drought counseling and relief services
- Drug and Alcohol and other drugs counseling and support
- Employment services and support
- Family and Relationship Services (counseling, family dispute resolution)
- Family support case management
- Homelessness accommodation and support for adults and youth
- Indigenous support programs
- Loss and Grief Counseling and Peer Support
- Marriage and relationship education
- Parenting education (community and school-based)
- Pregnancy counselling
- Refugee and settlement services
- School wellbeing, individual student counseling and cognitive testing

Nor does our commitment to working to support the dignity of each person relate only to residents of Victoria. The services of some of our members extend to other states, and beyond Australia's borders. Many members work in support of refugees and others who have moved to Victorian in recent years. All support the work of other agencies and other societies to strengthen across the world the respect for the inherent dignity of each person that is the foundation of our vision for the full development of each person.

The Catholic social services sector in Victoria, including aged care services but excluding health care agencies, spends around \$350 million a year on service delivery. This is equivalent to around 14% of the not-for-profit social services sector in the State. (ABS 2008, 2009)



1.3 Scope of this submission

The current review by the Scrutiny of Acts and Regulations Committee of the Victorian Parliament ranges over all of the exceptions and exemptions currently included in the Equal Opportunity Act 1995, which, the Options Paper advises, are set out in 50 separate sections of the act (SARC, 2009, p 3.)

The range of these exceptions is wide – covering employment, education, sport, superannuation, private clubs, etc.

The interests of our members encompass all aspects of human rights. But this submission focuses on exceptions that are particularly relevant to Catholic social service providers, in their capacity as agencies that are part of the Catholic Church.

In making this submission, CSSV and its members are also well aware that much more than legal provisions alone is needed to enable them to deliver the services and support for individuals and communities that we aspire to serve. Organisational excellence, personal commitment, and ongoing support and formation for staff and volunteers are also indispensable. Nevertheless, the underlying legal framework is important, and that is the topic of this submission.

Catholic Social Services Victoria would appreciate an opportunity to speak to this submission at public hearings associated with the Enquiry.



2. Issues

2.1 *Catholic Social Teaching*

Our policy analysis, and our response to marginalisation and disadvantage, builds on the principles of Catholic social teaching. These principles form part of the overall teaching of the Catholic Church. They are based on gospel values and the collective reflection and experience over time of the application of those values in working with the poor, the disadvantaged and the marginalised. Our members continue in this tradition in applying these principles to contemporary issues.

Respect for the inherent dignity of each person is central to the mission of our members. This dignity implies that each human person has rights and obligations that are central to their identity, and must therefore be respected by others.

The importance of human rights in Catholic teaching derives from the understanding that all rights and responsibilities are founded in the dignity that belongs to every human being because we are created in the image and likeness of God.

As the Australian Catholic Bishops put it in marking the 50th Anniversary of the Declaration of Human Rights:

The essential dignity of every person is the basis for human rights, as the Bible infers from the very first chapter of the Book of Genesis. This has been recognised by the Catholic Church from the beginning, even if sadly at times serious offences against those rights have been committed in the Church's name or by individual Catholics. (Catholic Bishops of Australia, 1998, pp 2, 3)

Also central to our shared mission is that the promotion of the common good of our society is in the interests of all - that no one section can truly flourish if other sections of society are unable to achieve their human potential.

These two principles underpin a commitment to the promotion and protection of the human rights of all Victorians.

2.2 *Legislating to protect human rights*

Service in support of human development must be complemented by a commitment by the community as a whole to the development of each person, which requires that their rights be respected and promoted. As Pope John XXIII put it in his 1963 encyclical, *Pacem in Terris*:

[I]t is generally accepted today that the common good is best safeguarded when personal rights and duties are guaranteed. The chief concern of civil authorities must therefore be to ensure that these rights are recognized, respected, co-ordinated, defended and promoted, and that each individual is enabled to perform his duties more easily. (Pope John XXIII, 1963, para 60)

Catholic social service providers would also readily echo the observation of Pope Benedict XVI in his address last year to the UN General Assembly that 'the promotion of human rights remains the most effective strategy for eliminating inequalities between countries and social groups, and for increasing security.' (Pope Benedict XVI, 2008)

The adoption in 1948 of the *Universal Declaration of Human Rights* was a milestone in this path towards universal human development – characterised by Pope John Paul II as 'one of the highest expressions of the human conscience of our time.' (Pope John Paul II, 1995, para 2).

The universal validity of this and subsequent documents and enactments derives from the fact that they give voice to those human rights that are present in all human beings at all times as a reflection of our human dignity. As Pope Benedict XVI put it in his 2008 UN address:



It is evident, though, that the rights recognized and expounded in the *Declaration* apply to everyone by virtue of the common origin of the person, who remains the high-point of God's creative design for the world and for history. They are based on the natural law inscribed on human hearts and present in different cultures and civilizations...

The *Universal Declaration*, rather, has reinforced the conviction that respect for human rights is principally rooted in unchanging justice, on which the binding force of international proclamations is also based...Human rights, then, must be respected as an expression of justice, and not merely because they are enforceable through the will of the legislators. (Pope Benedict XVI, 2008)

A key challenge facing all human rights enactments, including the *Equal Opportunity Act 1995* ("the Act"), is to reflect this underlying reality, that it is the dignity of all persons that is to be promoted.

2.3 Catholic Social Service agencies and the mission of the Church

Each member of Catholic Social Services Victoria is "an agency or ministry which is committed to the CSSV Mission and Objects and is either Catholic under canon law, is auspiced by a Catholic Religious Congregation or is a community agency that, in the opinion of the CSSV Council, follows Catholic Social Teaching" (CSSV Constitution, clauses 2, 6) The Mission of CSSV (extracts from which are at Attachment 3 to this submission) is to assist the Catholic Church in its work of service and justice. These member agencies are thus established for religious purposes.

Moreover, these agencies are an integral part of the Church's mission. This is clearly established from scripture: Christians are called to follow Jesus Christ, whose call to his followers is to a commitment to service to others. Jesus taught this by his life: He "came not to be served, but to serve" (Mark 10:45). And in his teaching Jesus laid out clearly the priority to be given to service to others, and particularly to those who are poor or marginalised: "I tell you most solemnly, in so far as you did this to one of the least of my brethren, you did it to me." (Matthew 25:40).

This has been taught through the ages: a recent authoritative iteration is found in the 2005 Encyclical letter¹ of Pope Benedict XVI, entitled *God is Love*:

As the years went by and the Church spread further afield, the exercise of charity became established as one of her essential activities, along with the administration of the sacraments and the proclamation of the word: love for widows and orphans, prisoners, and the sick and needy of every kind, is as essential to her as the ministry of the sacraments and preaching of the Gospel. The Church cannot neglect the service of charity any more than she can neglect the Sacraments and the Word...(Pope Benedict XVI, 1995, para 22)

The Church's deepest nature is expressed in her three-fold responsibility: of proclaiming the word of God (*kerygma-martyria*), celebrating the sacraments (*leitourgia*), and exercising the ministry of charity (*diakonia*). These duties presuppose each other and are inseparable. For the Church, charity is not a kind of welfare activity which could equally well be left to others, but is a part of her nature, an indispensable expression of her very being. (Pope Benedict XVI, 1995, para 25)

Thus, it is an integral part of the Church's mission, and of the manifestation of the religious belief of individual Christians, to engage in service to others, and the agencies of the Church that are so engaged are both established for religious purposes, and are acting in conformity with the teachings of the Church.

This has been noticed by many observers, including the Dalai Lama:

As a Buddhist monk I am filled with admiration for the deep Christian sense of community and social responsibility. It is an inspiration to see practical expression of this in the dedicated work

¹ An Encyclical letter is issued by the Pope to the Church as a whole on an issue of high Papal priority



that so many Christian monks and nuns perform in the fields of education, health care, alleviation of poverty, and so forth (The Dalai Lama, 2007, pp 11,12).

2.4 Religious freedom

In order to carry out their functions effectively, Catholic bodies need to be able to recruit and manage staff in light of the Catholic nature of the organisations.

This requires that key staff can be selected on the basis that they are Catholic – if senior management of an organisation does not, as a group, retain a close connection with the Church, then the organisation will, over time, cease to be discernibly Catholic in practice.

That is not to say that all staff need to be Catholic in a Catholic organisation. As outlined in the 2008 submission from the Catholic Archdiocese of Melbourne to the Departmental Exceptions Review:

[T]he Church has, since the enactment of the [Equal Opportunity] Act, found it increasingly necessary to engage persons from outside the Church in senior management positions. Generally it is not essential for the holders of those positions to conform to particular religious doctrines, beliefs or principles in order to perform their functions. However, the Church believes that, as in the past, its senior management overall (but not necessarily on an individual basis) ought to retain a close connection with Catholic doctrines, beliefs and principles. For that purpose, it is desirable that the Church be able to take account of the religious standing of potential occupants of these positions. (Catholic Archdiocese of Melbourne, 2008, pp 4, 5)

There are also service related areas where the beliefs and commitment of staff are important. In marriage education, to take one example, it would be untenable to have to engage staff who were not convinced of the importance of marriage.

In order to effectively carry out their mission on behalf of the Church, Catholic organisations also need to be able to adopt employment practices that will reflect the religious nature of the organisation. Thus, they need to be able to recruit people whose views are aligned with the social mission of the Church, and whose conduct will not compromise the witness of the Church. As the Code of Ethics and Conduct of one of our member organisations puts it:

All Centacare staff, volunteers and Board members ('Centacare personnel') are required to contribute positively to the organisation's Mission. As Centacare is established by the Catholic Archdiocese of Melbourne and works on behalf of the Catholic community, all Centacare staff and volunteers are required to behave in a way which will not compromise the reputation of Centacare as an agency of the Archdiocese, and to work within the policy framework of the organisation. (Centacare Catholic Family Services, 2008, p 1)

Freedom to exercise these discretions is thus a necessary part of the effective operation of Catholic social service agencies. We note that such freedom is provided under sections 351 and 772 of the *Fair Work Act 2009* (Cth).

In the actual delivery of services, too, the religious nature of organisations needs to be respected by the law if they are to operate effectively. Many requirements, including those of compassion and of professional competence, are generally common to agencies working within the broader social services sector, but Catholic agencies also have particular commitments.

Support for the rights of the unborn, and work in support of the sanctity of the life of those who are elderly and infirm, are firm commitments of Catholic agencies that are reflected in their pastoral and clinical practice (Pope John Paul II 1995a, Catholic Health Australia 2001). This would also impact on counselling services, for example - Catholic social service organisations would not refer a client for an abortion (ACBC 2006).

Promotion of a family based on marriage as the natural environment for the raising of children is another characteristic of Catholic social services. It would follow from this that a Catholic agency would not refer a child for adoption except to a family founded on marriage, because of the central importance of the family for the person: As Pope John Paul II put it in *Centesimus Annus*:



Here we mean the family founded on marriage, in which the mutual gift of self by husband and wife creates an environment in which children can be born and develop their potentialities, become aware of their dignity and prepare to face their unique and individual destiny. (Pope John Paul II, 1991, para 39)

Freedom under the law to apply these doctrines and principles is required for Catholic agencies to be able to continue in the provision of their wide range of social services and support for the general community. The same observation would apply to other religious bodies active in this broad field.

2.5 Section 75 of the Equal Opportunity Act – Religious Bodies

The *Equal Opportunity Act 1995* prohibits discrimination against people on the basis of a number of attributes. Sixteen attributes are set out in section 6 of the Act – they include age, breastfeeding, gender identity, etc. Part 3 of the Act sets out the areas of public life or activity where discrimination is prohibited – employment, education, provision of goods and services, etc. Part 4 of the Act then sets out general exceptions to the prohibition on discrimination, and some specific exemptions from that prohibition. This Part includes the ‘religious exemptions, in sections 75 – 77.

Section 75 (1) of the Act exempts from the anti-discrimination provisions of the Act a range of functions related primarily to the appointment and training of ministers of religion, and of others participating in religious observations or practices.

Section 75 (2) of the Act exempts from the anti-discrimination provisions of the Act “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.

Section 75(3) relates particularly to educational institutions.

Comments here focus on section 75 (2) – matters related to other parts of the section are addressed comprehensively in other submissions to the Review that we are aware of - for example, the submissions by the Catholic Church in Victoria, the Ad Hoc Interfaith Committee, and the Directors of Catholic Education in Victoria.

The Options Paper summarises the task that is faced in considering this exemption:

The challenge for Victorian law is to ensure that both the important values of freedom of religion and equality are protected appropriately, no more extensively than is justified, but no more narrowly than is necessary. Sections 75-77 have to be assessed for compliance with the Charter on the same basis as the other exceptions in the EO Act (SARC 2009 p 108).

The general case for providing Catholic social services bodies with the freedom to operate in accordance with requirements that derive from the fundamental nature of the organisations is set out in section 2.4 above: It is necessary that they be able to take into account the religious commitments and beliefs of staff; and that be able to deliver services in accordance with the requirements of Catholic teaching.

There is no difference in principle here between educational, charitable or other organisations which operate as part of a requirement of their religious faith, in accordance with religious principles. The underlying basis for exemption, to avoid injury to those holding the religious beliefs and principles – is the same across sectors.

Limitations to this freedom are appropriate – exemption is needed only insofar as is necessary to enable these organisations to carry out their mission as Catholic social service providers. These limitations, and the consistency of the exemptions with the Charter of Human Rights and Responsibilities, are addressed in sections 2.7 and 2.8, below.



2.6 Section 77 – Religious Beliefs or Principles

Section 77 of the Equal Opportunity Act 1995 provides that the anti-discrimination provisions of the Act do not apply when discriminatory behavior is necessary for the person to comply with their genuine religious beliefs or principles.

The Options Paper leads its discussion of this exemption with the view of the Victorian Equal Opportunity and Human Rights Commission that this section is ‘far too broad’, and ‘unnecessary in view of the protection conferred by ss 75 and 76’ (SARC 2009 p 129)

However, section 77 still has a necessary role in relation to Catholic social service providers, in that it clarifies that all welfare and related activity that forms part of the mission of the Church are covered by exemptions from the Act. For example, there could be organisations that are religious in nature, but which did not meet the requirement of s75(2) that they be a ‘body established for religious purposes’. In such organisations – which might be incorporated or unincorporated, large or small – the organisations and the people of religious conviction that work there need to have their rights to religious freedom protected.

These organisations, and their personnel, would require the same freedom to operate in accordance with the religious beliefs and requirements that derive from their fundamental nature as do bodies covered by s76(2). They too would need to be able to take into account the religious commitments and beliefs of staff; and be able to deliver services in accordance with the requirements of Catholic teaching. They would thus need section 77 of the Act to exempt them from relevant anti-discrimination provisions in Part 3 of the Act.

2.7 Limitations to religious freedom

Various human rights can clearly conflict with each other – for example, it is seen from the issues under discussion in this submission that the right to religious freedom cannot fully be reconciled with the right to freedom from discrimination. The question is to what extent one particular right should be allowed to limit another right.

Section 7(2) of the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter) includes the provision that allows for limitation of rights:

- 7(2) A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including:
- (a) the nature of the right; and
 - (b) the importance of the purpose of the limitation; and
 - (c) the nature and extent of the limitation; and
 - (d) the relationship between the limitation and its purpose; and
 - (e) any less restrictive means reasonably available to achieve the purpose that the limitations seeks to achieve.

Section 75 (2) of the Act currently permits discrimination only in the very limited circumstances where the action that would otherwise be discriminatory ‘conforms with the doctrines of the religion’ or ‘is necessary to avoid injury to the religious sensitivities of people of the religion’. This is far from a blank cheque. For Catholic organisations, it excludes, for example, discrimination on the basis of race, age or disability. Catholic social service organisations are, in fact, committed to the elimination of discrimination in these and other areas where discrimination would challenge the fundamental dignity of each human person.

This section also excludes discrimination on the basis of gender, except in the special cases directly related to the requirements of religion or of religious associations. In the case of the Catholic Church, these special cases include ministers of religion, members of a religious order and members of gender-specific lay movements, such as the Knights of the Southern Cross, and certain sodalities.



The justification for this narrow exemption taking precedence over the general right to freedom from discrimination is that, in these cases, the right to religious freedom is more important.

The concept that some rights are more important than others is well established (Pound & Evans, 2008, p72), and one clear standard here is that some rights are identified in the *International Covenant on Civil and Political Rights* as being such that 'no derogation' is allowed from them' (UN, 1966, Art 4(2)). These include the freedom of thought, conscience, religion and belief (Article 18).

And, although the absolute nature of this right under the Covenant does not extend to action on the basis of one's religion or beliefs (UNHCR, 1993), Article 18(3) of the Covenant provides that

"Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others (UN 1966, Art 18(3))

This underlines the centrality and priority of these rights.

The point is reinforced by reference to the other rights that are both identified as absolute under the Covenant, and provided for in the Charter, namely:

- The right to recognition as a person before the law
- The right to life
- Protection from torture, etc
- The right to be free from slavery and servitude
- Right not to be imprisoned
- Prohibition on retrospective criminal laws (Pound & Evans, 2008, pp 72, 73)

That none of these rights are in conflict with the rights to religious freedom underlines that the nature of the limitation is consistent with these internationally accepted absolutes.

To ensure, however, that the section does not provide for discrimination that might be broader than is necessary to protect religious freedom, there is scope to narrow the current broad exemption from Part 3 of the Act without compromising the needed freedom.

Of the attributes currently listed in section 6 of the Act, it is those that relate primarily to marriage, family relations, religious belief, and sexuality that could, in some circumstances, conflict with the obligations of Catholic organisations. Catholic agencies would not seek to discriminate on the basis of any of the remaining attributes, namely:

- Age
- Breastfeeding
- Impairment
- Industrial activity
- Employment activity
- Physical features
- Political belief or activity
- Pregnancy
- Race
- Personal association with a person identified by reference to a listed attribute

We suggest that this claim would extend too other religious organisations generally, and would thus be the basis for legislative change that would not limit the religious freedom exemptions.

Any further narrowing of the religious exemptions would be unreasonable: they would stop an organisation, and the people responsible for it, from being able to take fully into account the religious commitments and beliefs of staff; and from being able to deliver services in accordance with the requirements of Catholic teaching. These, in turn, are necessary for Catholic agencies to be able to continue in the provision of their wide range of social services and support for the general community. As before, the same observation would apply to other religious bodies active in this broad field.



Moreover, it needs to be understood that, with regard to employment, a person who might be excluded from employment with a Catholic agency because of that agency's right to exercise its religious freedom is not thereby denied employment in this sector. While Catholic social services agencies (including aged care, but excluding health care) make a significant contribution to the well being of the community, and particularly to those members that are marginalised or disadvantaged, their combined annual expenditure of around \$350 million accounts for around 14% of the not-for-profit social services sector in Victoria (ABS 2008, 2009).

Availability of these alternative employers reduces very significantly any limitation resulting from the right of religious freedom.

2.8 Charter of Human Rights and Responsibilities – Consistency

It is submitted that the religious exemptions from the anti-discrimination provisions of the Act are consistent with the Charter of Human Rights and Responsibilities. Section 7(2) of the Charter was considered in the previous section. The following notes outline consistency with other key sections of the Charter.

Section 14 of the Charter provides for, among other things, 'the freedom to have or to adopt a religion or belief of his or her choice' (s 14(1) (a)), and 'freedom to demonstrate his or her religion or belief in worship, observance, practice and teaching, either individually as part of a community...' (S14 (1) (b)).

As outlined in section 2.4 above, the carrying out of the ministry of service of the Church is an integral part of the practice of followers of Christ, and would thus fall within the right to 'demonstrate...in practice..' the teachings of Christ.

Sections 38 (4) and (5) of the Charter address the rights of a religious body where that body is a public authority. The section provides that, among other things, a religious body that is a public authority for the purposes of the Charter is not required to act or make decisions that would impede it "from acting in conformity with the religious doctrines, beliefs or principles in accordance with which the religious body operates." (s 38 (4)).

Thus, those Catholic social service agencies that are public authorities and are religious bodies under this section are permitted by the Charter from acting in conformity with the beliefs and principles of the Church. For these agencies, the exemption in s 75 would thus be in conformity with the Charter.



References

- ABS 2008, Australian Bureau of Statistics 5220.0 - *Australian National Accounts: State Accounts, 2007-08* at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/5220.0> accessed 2 July 2009
- ABS 2009, Australian Bureau of Statistics 8106.0 - *Not-for-profit Organisations, Australia, 2006-07 (Re-Issue)* at [http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/8106.02006-07%20\(Re-Issue\)?OpenDocument](http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/8106.02006-07%20(Re-Issue)?OpenDocument) accessed 2 July 2009
- ACBC 2006, Australian Catholic Bishops Conference – Bishops’ Commission for Doctrine and Morals *Preliminary Advice on Pregnancy Support and Counselling Services*, <http://www.acbc.catholic.org.au/documents/200609101682.pdf> accessed 25 June 2009
- Catholic Archdiocese of Melbourne, 2008, *Submission of 18 April 2008 to The Exceptions Review, Department of Justice*
- Catholic Bishops of Australia, 1998, *A Milestone for the Human Family - A Pastoral Letter issued by the Catholic Bishops of Australia to mark the 50th Anniversary of the Universal Declaration of Human Rights* at <http://www.acbc.catholic.org.au/documents/1998121010.pdf>, accessed 15 June 2009
- Catholic Health Australia, 2001, *Code of Ethical Standards for Catholic Health and Aged Care Services in Australia*, Catholic Health Australia, Canberra
- Catholic Social Services Victoria, 2009, *Constitution* at http://www.css.org.au/documents/cssv_constitution.pdf accessed 15 June 2009
- Centacare Catholic Family Services, 2008, *Code of Ethics and Code of Conduct*
- Department of Justice, 2008 ‘*The Exceptions Review; Consultation Paper*’
- Equal Opportunity Act 1995 (Vic)* at www.austlii.edu.au/au/legis/vic/consol_act/eoa1995250/ accessed 15 June 2009
- Fair Work Act 2009 (Cth)* at <http://www.workplace.gov.au/NR/rdonlyres/94109AFC-BF1D-4B70-9262-B00BCBA673C0/0/fwact2009.pdf> accessed 2 July 2009
- Law Institute Victoria, 2008, *Submission to the Exceptions Review* <http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/resources/file/eb637a01d70ca57/LawInstituteofVictoriaSubmission.pdf> accessed 15 June 2009
- Pontifical Council for Justice and Peace, 2004, *Compendium of the Social Doctrine of the Church*, Libreria Editrice Vaticana, Rome
- Pope Benedict XVI, 2006, *God is Love (Deus Caritas Est), 2005 Encyclical Letter on Christian Love* St Pauls, Strathfield
- Pope Benedict XVI, 2008, *Address by Pope Benedict XVI to the UN General Assembly, 18 April 2008*, at http://www.vatican.va/holy_father/benedict_xvi/speeches/2008/april/documents/hf_ben-xvi_spe_20080418_un-visit_en.html, accessed 15 June 2009
- Pope John Paul II, 1981, *Encyclical letter Laborem Excercens*, at http://www.vatican.va/edocs/ENG0217/_PN.HTM accessed 30 June 2009
- Pope John Paul II, 1991, *Encyclical letter Centisimus Annus*, at http://www.vatican.va/edocs/ENG0214/_P6.HTM accessed 16 June 2009



Pope John Paul II, 1995a, *Encyclical letter Evangelium Vitae*, at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae_en.html accessed 25 June 2009

Pope John Paul II, 1995b, *Address by Pope John Paul II to the UN General Assembly*, at http://www.vatican.va/holy_father/john_paul_ii/speeches/1995/october/documents/hf_jp-ii_spe_05101995_address-to-uno_en.html accessed 15 June 2009

Pope John XXIII, 1963, *Encyclical letter Pacem in Terris*, at http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html accessed 25 June 2009

Pound A, Evans K, 2008, *An Annotated Guide to The Victorian Charter of Human Rights and Responsibilities*, Thomson Lawbook Company, Pyrmont NSW

SARC, 2009, Scrutiny of Acts and Regulations Committee, *Options Paper - Exceptions and Exemptions to the Equal Opportunity Act 1995*, Parliament of Victoria, May 2009, at http://www.parliament.vic.gov.au/sarc/EOA_exempt_except/Options%20paper/options_paper_complete.pdf, accessed 15 June 2009

The Dalai Lama, 2007, 'Foreword', at pp 11, 12 in Lawrence Freeman *'Jesus, the Teacher within'*, Continuum, New York

UN 1948 United Nations General Assembly, *Universal Declaration of Human Rights* <http://www.un.org/en/documents/udhr/index.shtml> accessed 15 June 2009

UN 1966 United Nations General Assembly, *International Covenant on Civil and Political Rights*, <http://www2.ohchr.org/english/law/ccpr.htm> accessed 15 June 2009

UNHCR 1993 Office of the United Nations High Commissioner for Human Rights, *General Comment No 22: The right to freedom of thought, conscience and religion'* [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/9a30112c27d1167cc12563ed004d8f15?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/9a30112c27d1167cc12563ed004d8f15?Opendocument) accessed 16 June 2009

Victorian Bar, 2008, *Review of Exceptions and Exemptions of the Equal Opportunity Act 1995 (Vic), Submission of the Victorian Bar in response to a letter from the Department of Justice dated 29 February 2008*, at <http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/resources/file/eb634901d6fab09/VictorianBarSubmission.pdf> accessed 15 June 2009

Victorian Charter, 2006, *Charter of Human Rights and Responsibilities Act 2006 (Vic)* at www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/ accessed 15 June 2009

Victorian Human Rights and Equal Opportunity Commission (VHREOC), 2008, *Submission to The Exceptions Review: Consultation Paper 2008, April 2008* <http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/resources/file/eb634b01d6fab34/VictorianEqualOpportunityandHumanRightsCommissionSubmission%20%28updated%29.pdf>, accessed 15 June 2009



Attachment 1 – List of CSSV members

Bethlehem Community
Catholic Chaplains Association for Health Care
Catholic Homes
Catholic Solo Parents
Centacare Ballarat
Centacare Catholic Family Services
Centacare Gippsland
CentaCare Sandhurst
Corazon
Corpus Christi Community
Don Bosco Youth Centre and Hostel
Early Education Program for Hearing Impaired Children
Edmund Rice Camps
Frankston Pregnancy Support
Good Shepherd Aged Services
Good Shepherd Youth & Family Services
Jesuit Social Services
John Pierce Centre for Deaf Ministry
Justice and Peace Unit, Archdiocese of Melbourne
Kewn Kreestha - Rest Home for Mothers
Keysborough Learning Centre
Larmenier
MacKillop Family Services
Marillac
McAuley Community Services for Women
Mercy Health and Aged Care
Mother Romana Home
Nazareth House
Project Dreaming Tracks
Sacred Heart Mission
Shekinah Homeless Services
Sisters of Charity Community Care
Society of St Vincent de Paul
Southern Cross Care (Vic)
St Mary's House of Welcome
St Vincent's Health
Villa Maria



Attachment 2 – Acronyms and abbreviations

ABS	Australian Bureau of Statistics
ACBC	Australian Catholic Bishops Conference
Charter, Victorian Charter	<i>Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>
CSSV	Catholic Social Service, Victoria
SARC	Scrutiny of Acts and Regulations Committee of the Victorian Parliament
UN	United Nations
UNHCR	Office of the United Nations High Commissioner for Human Rights
VHREOC	Victorian Human Rights and Equal Opportunity Commission



Attachment 3 – CSSV Constitution - Extracts

3 Mission

The mission of Catholic Social Services Victoria (CSSV) is to assist the Catholic Church in Victoria to fulfill the gospel imperatives to: (a) Stand with and serve the poor, disadvantaged and marginalised; and (b) Work for a just, equitable and compassionate society.

4 Objects

Catholic Social Services Victoria is auspiced by the Archbishop and Bishops, and its member organisations to act as a peak body for Catholic community service works in Victoria by:

- Discerning and promoting within the Church and its agencies and ministries a contemporary vision and focus of the Church's social mission
- Representing its members and the Church in responding to social welfare issues so as to bring about social change in accordance with Catholic Social Teaching
- Resourcing the Bishops, Religious Institutes, Church agencies, ministries and other Church-based groups with regard to their social welfare pastoral responsibilities and ministries
- Encouraging collaboration in the promotion of opportunities for service delivery and mission development
- Giving effective voice to the experiences and struggles of people who are disadvantaged and marginalised through researching, publishing and speaking on issues of justice and equity.