Religious Discrimination Bill – Exposure Draft

Your Submission

We wish to express our concern regarding certain sections of the draft Religious Discrimination Bill, 2019.

1. Definition of Commercial Activities

Within the Explanatory notes (170 - 175) the notes specifically exclude an entity that engages primarily or solely in a commercial activity. Our members all provide services and products that require a fee for payment. At times these fees are received from a government department, such as when a ward of the state attends a holiday camp, or a school comes on a camp for the benefit of their students. Whilst there is consideration for services and products rendered, almost exclusively, our members are registered with the ACNC as charities, and thus are "profit for community" organisations rather than profit to shareholder entities.

It seems highly discriminatory to exclude such entities from this legislation just because they need to charge a fee for the services they render. As they incur costs (wages, utility charges, food, depreciation, etc) there is no other alternative but to charge a fee. Any profit generated is reinvested to ensure future generations benefit from the same experiences.

We request that the relevant sections be reconsidered to ensure that such entities are still able to fall under the definitions of this act.

2. Staffing Policies

Our members always have a preference to hire those who adhere to the same values and principles of the organisation. However, being in the hospitality and service industry and often being located away from a large population base, this at times has proven to be impossible. Thus we believe that the "all or none" approach to employment of faith aligned staff as is suggested in Explanatory notes 180, 181 is unhelpful. We believe a more fair approach will be to allow for exemptions to this requirement of "all staff" when the best efforts to secure suitably skilled, qualified faith aligned staff are unsuccessful and therefore, in order to continue to provide services to our clients other staff need to be employed.

Whilst we congratulate the government of the desire to provide clarity around this issue, we strongly believe that changes as listed above need to be strongly considered in order to provide for a outcome welcome by all.