



Seventh-day Adventist Schools (Vic) Ltd

141 Central Road, Nunawading, Vic 3131
PO Box 215, Nunawading, Vic 3131
Phone: (03) 9264 7730
Fax: (03) 9264 7700
ABN NO. 11 106 906 423

12 September 2016

Ms L Blandthorn MLA
Chairperson
Scrutiny of Acts and Regulations Committee
Parliament of Victoria
Spring Street
East Melbourne VIC 3002
via email: sarc@parliament.vic.gov.au

Dear Ms Blandthorn

Re: Equal Opportunity Amendment (Religious Exceptions) Bill 2016

We have been informed that the Committee is currently reviewing the abovementioned Bill introduced into the Parliament on 30 August, 2016.

There are six Adventist schools in Victoria educating approximately 2500 students. On behalf of those schools, students and their families and communities we want to convey our concerns in relation to the Bill. These concerns are well expressed in the letter dated 11 September from Christian Schools Australia which we support and endorse.

In brief the Bill:

- 'trespasses unduly upon rights or freedoms' - the religious freedom rights of the family seeking an Adventist education;
- 'is incompatible with the human rights set out in the *Charter of Human Rights and Responsibilities*' – in particular the religious freedom rights in section 14 of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter).

The Bill is **directly** aimed at curtailing the religious freedoms effected through religious bodies and schools. The Bill is not the 'least restrictive means available to achieve the objective of striking the appropriate balance' between rights within the Charter.

We call upon the Committee to support the recommendation of the, earlier, Committee following the *Review of the Exceptions and Exemptions to the Equal Opportunity Act 1995* undertaken in 2009. Having undertaken an

extensive Review, the Committee concluded in its Final Report dated November 2009 that (sections 75 and 76 being the equivalent provisions to sections 82 and 83 in the current Act):

'Having considered all submissions the Committee has decided to recommend that the religious exceptions, concerning sections 75(2) and (3) and section 76, should be retained but should apply for fewer attributes.'

The Bill trespasses unduly upon rights or freedoms and is incompatible with the human rights set out in the Charter. We urge the Committee to report to the Parliament accordingly.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Brian Mercer', with a large, sweeping flourish at the end.

Brian Mercer

Director of Education, Seventh-day Adventist Schools (Victoria) Ltd