



**Meeting of the Social Questions Commission  
3.00 – 4.30pm, Monday 5 July 2010  
at the offices of the Victorian Council of Churches**

**Minutes**

**Attendance:**

Denis Fitzgerald (chair), Theo MacKaay, Brad Halse, Mark Clark, Jill Ruzbacky

**1. Opening prayer**

Brad Halse led the meeting in an opening prayer

**2. Apologies**

Craig Brown, Claudine Chionh

**3. Agenda**

Adopted as distributed, with the addition of '8.0 Minutes of VCC AGM'.

**4. Minutes of the last meeting**

Adopted as distributed.

**5. Matters arising (not addressed elsewhere)**

5.1 General Secretary reported that the Interchurch Criminal Justice Taskforce had been advised that the Commission had adopted the charter of the Taskforce as submitted to the Council.

**6. Correspondence**

**6.1 *Correspondence with Victorian Government on freedom of conscience***

Denis had sent a draft letter to the General Secretary – basically, an update on the letter that had been drafted in June 2009. A copy of Denis's draft forms attachment 1 to these minutes. Unless comments from members of the SQC that need further consideration are received by 9 July, the General Secretary will propose the letter for signature to the President of the VCC.

**7. Reports**

**7.1 *Interchurch criminal justice taskforce***

Denis reported on the work of this taskforce. The main work to date has been on a proposed letter from heads of churches to Victorian Parliamentarians and politicians. The letter would express concern and disappointment at the current debate on community safety and would propose early intervention and other measures as necessary to achieve true justice and community safety. It is proposed that members of the taskforce seek comments on the text from their own head of Church before the General Secretary sends the text around to all, which is expected to happen next week.

There was extensive discussion about the relative roles of the VCC and heads of Churches.

**8. Other Business:**

**8.0 *VCC AGM***

The meeting considered that part of the minutes of the recent AGM which discussed the work of the Commission. The meeting focused on some specific points from those minutes:

Focus on one area of work? This comment was seen as a way of ensuring that the SQC focused on something, not as restricting the mandate of the Commission



Heads of Churches/Premier: the meeting thought that it should offer its views and services to this meeting. To be effective in this area will require that the SQC is provided with relevant papers, including papers generated by these meetings.

The Secretary General advised that the next meeting is scheduled for 3.00pm on 11 August, with a preliminary caucus on 14 or 23 July. Items that had been suggested to date for the agenda include the letter from Heads of Churches on safer communities, and a gathering on 25 November in Federation Square to mark International Day for the prevention of violence against women.

The meeting advised the Secretary General that it thought that the following items could usefully be discussed with the Premier, with briefing organised by the SQC as indicated:

- o Safer communities
- o Problem gambling – harm minimisation. Briefing: Brad and Denis to raise with interchurch gambling taskforce
- o Utility costs: Briefing: Denis to speak to St Vincent de Paul Society
- o Housing – follow up to Premier's response on this issue at last meeting with Heads of Churches: Jill to follow up.
- o Good Friday sport

#### **8.1 Website presence**

This item was not addressed in the meeting. Notes that had been circulated on proposed material to be added to the VCC website about the SQC are reproduced at attachment 2 to these minutes. Members are asked to send any comments on this material to the General Secretary. [timing not discussed – say, by 12 July]

#### **8.2 religious freedom under the Victorian Charter of Human Rights and Responsibilities**

The Secretary General is to organise a meeting between the Commission and the Faith and Order Commission to plan a joint approach on this issue as part of the forthcoming review of the Charter.

#### **8.3 Action in relation to Victorian election**

The meeting reiterated it's intention to develop an online 'election kit' that could be drawn on to inform congregations as well as the general public.

For the federal election, it was considered that there would be material already available from national church bodies, that could be linked to from the VCC website.

For the Victorian election, the Uniting Church can prepare items on gambling, alcohol and criminal justice. Each member is to provide what material it can by the next meeting for inclusion in this kit.

#### **8.4 Issues raised earlier by General Secretary:**

The items on the agenda under this heading were not addressed in the meeting, but are deferred to the next meeting.

#### **8.5 Update of membership details**

not addressed in meeting

#### **8.6 Cycle against the Traffik**

Mark Clarke distributed the attached flyer

### **9. Next Meeting**

**Monday 2 August, 3.00 - 4.30pm**



## Attachment 1 – item 6.1 of minutes refers

### Draft of letter from VCC to Victorian Government on freedom of conscience



## Victorian Council of Churches

(Inc.A0036552E)

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President: The Revd Jason Kioa; General Secretary: Mr Theo Mackaay

7 June 2010

The Hon Rob Hulls MP  
Attorney-General  
Level 3  
1 Treasury Place  
EAST MELBOURNE VIC 3002

Dear Mr Hulls

I am writing to you on behalf of the Victorian Council of Churches to express our concern that, in section 8(1) of the *Abortion Law Reform Act 2008*, the Victorian Parliament has limited the right to freedom of religion and conscience in a way that is inconsistent with Article 18 of the *International Covenant on Civil and Political Rights*, and to request that your Government move to amend the Victorian statute to bring it into compliance with the International Covenant.

In June 2010 I wrote to you on this matter, but for some reason I do not seem to have received a response. As the matter remains current, I would request your early reply.

Our concern is that the Victorian Parliament has limited the right to freedom of religion and conscience in a way that is inconsistent with the *International Covenant on Civil and Political Rights* through Section 8(1) of the *Abortion Law Reform Act 2008*. That section deals with the issue of conscientious objection by registered health professionals with regard to abortion:

- (1) *If a woman requests a registered health practitioner to advise on a proposed abortion, or to perform, direct, authorise or supervise an abortion for that woman, and the practitioner has a conscientious objection to abortion, the practitioner must –*
  - (a) *inform the woman that the practitioner has a conscientious objection to abortion; and*
  - (b) *refer the woman to another registered health practitioner in the same regulated health profession who the practitioner knows does not have a conscientious objection to abortion.*

Articles 17 and 18 of the *International Covenant on Civil and Political Rights* read as follows:



*Article 17*

1. *No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.*
2. *Everyone has the right to the protection of the law against such interference or attacks.*

*Article 18*

1. *Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*
2. *No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*
3. *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.*
4. *The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.*

The UN High Commissioner for Human Rights stated in *General Comment 22* in 1993:

*Article 18 distinguishes the freedom of thought, conscience, religion or belief from the freedom to manifest religion or belief. It does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice. These freedoms are protected unconditionally, as is the right to hold opinions without interference in article 19.1. In accordance with articles 18.2 and 17, no one can be compelled to reveal his thoughts or adherence to a religion or belief.*

Section 8(1) of the *Abortion Law Reform Act 2008* breaches Articles 17 and 18.2 of the *International Covenant on Civil and Political Rights* by compelling health professionals to reveal their thoughts or adherence to a belief.

We request that your Government seek to reform the Act to bring it into compliance with Victoria's obligations under the *International Covenant*.

In no other jurisdiction in Australia is a registered health practitioner who has a conscientious objection to abortion compelled to reveal their conscience, under legislative threat of professional misconduct proceedings. Only NSW comes close to this. In NSW the Department of Health has a mandatory Policy Directive, *Pregnancy – Framework for Terminations in New South Wales Public Health Organisations*, but this only applies to “public health organisations that manage facilities in which terminations occur”. It does not apply to all registered health practitioners in NSW. Presumably, health professionals who have a conscientious objection to abortion in NSW simply have the option of not working in a public health facility that provides



abortions. The Policy Directive requires a staff member to provide a referral to another medical specialist or health professional, but even here the health professional doing the referral is not required to know that the person they are making the referral to does not have a conscientious objection to abortion.

In WA the right to conscientious objection to abortion is absolute and is extended to everyone as well as hospitals, health institutions and any other institution.

In the NT and ACT the right to conscientious objection to abortion is also absolute, applying to everyone.

In Tasmania the right to conscientious objection applies to everyone over all aspects relating to abortion, but is only restricted in that it does not remove the duty of a person “to participate in treatment which is necessary to save the life of a pregnant woman or to prevent her immediate serious physical injury.”

In South Australia the right to conscientious objection is very similar to Tasmania. It applies to all people. However, in any legal proceedings that arise out of a person exercising their conscientious objection, the burden of proof is on the person claiming the conscientious objection to demonstrate that they hold such an objection.

In all other Australian jurisdictions the right to conscientious objection is extended to everyone, not simply those who might be directly involved in carrying out the procedure. The Victorian Act limits the right to conscientious objection only to registered health professionals, meaning other staff in any health facility will have no right to conscientious objection.

Thank you for your attention to this matter and I look forward to your reply in response to our request.

Yours sincerely

Rev Jason Kioa  
President



## Attachment 2 – item 8.1 of minutes refers Note on website entries for the Social Questions Commission and for the Interchurch Criminal Justice Taskforce.

The VCC website currently includes, among other things,

- o a home page devoted to news items, <http://www.vcc.org.au>
- o a general page on commissions, <http://www.vcc.org.au/commissions.html>
- o a page on the Social Questions Commission, - <http://www.vcc.org.au/squestion.html>

I understand that it is much easier to change the content of a page than to insert new pages.

Within that framework, this note proposes some updated information for the website on the Social Questions Commission and the Interchurch Taskforce.

For home page -

**Add an article** on establishment of the Interchurch Criminal Justice Taskforce – something along the following lines?

A number of our member churches have for some time been concerned at the conduct of the current political debate in Victoria on criminal justice matters. The focus of being ‘tough on crime’ seems to have been fueled as much by political pressures as by a reasoned, principle-based approach to this complex area.

Arising out of this, the Commission for Social Questions agreed in April this year to establish an interchurch taskforce on criminal justice, with the objective of promoting theologically informed Christian social teaching in the field of criminal justice, and of providing a Christian voice in the media on these matters. Click here for the terms of reference for the Taskforce [need to build a link here](#)

The taskforce has now met several times. Regular attendees have included:.....

The initial work of the taskforce is the preparation of a letter to Victorian politicians on community safety. The group is also focusing on a pre-election statement on criminal justice issues. This will draw heavily on material that is already in the public domain, and will form a basis for informing congregations and the general public about the building blocks of true community safety.

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For ‘commissions’ page – change as indicated below

### **Social Questions**

This group, many of whom are Executive Staff of church community agencies, ~~work together on a number of issues. For example, the VCC did ajs currently working on documentation to inform people on issues for the forthcoming Victorian election. Cooperation with the xxx is planned regarding input to the forthcoming review of the Victorian Charter of Human Rights and Responsibilities. -summary of issues, and added website information so that people could gather their own information for the last Federal Election.~~ This is also the group that works with Heads of Churches as they prepare to meet with the Premier.

~~The Commission recently established an Interchurch Criminal Justice Taskforce to provide a balanced, Christian voice in the current political debate on community safety.~~

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For ‘social questions’ page - <http://www.vcc.org.au/squestion.html>



Insert the following items above the current entry on the death penalty:

- members of the commission, meeting schedule
- link to charter of the commission
- Interchurch criminal justice taskforce – same article as proposed for homepage
- Review of Victorian Charter of Human Rights and Responsibilities, including Freedom of Religion provisions – short note story to date
- Freedom of conscience in Victoria – short note re subject of current correspondence.

DF  
1 July 2010