



Submission

Religious Freedom Bills – Second Exposure Drafts

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By email: FoRConsultation@ag.gov.au

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About Financial Counselling Australia and Financial Counselling

Financial counsellors provide advice to people with money and debt issues. Working in community organisations, their services are free, confidential and independent.

Financial Counselling Australia (FCA) is the peak body for financial counsellors in Australia. FCA's members are the State and Territory financial counselling associations.

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1 Introduction

This submission focuses on some of the issues that may arise for the financial counselling sector (financial counselling agencies, financial counsellors and their clients) if the proposed Religious Freedom Bills (the “Bills”) are passed into law. We are concerned that some of the issues are significant and therefore recommend that the proposed Bills not proceed in their current form.

This submission is in the overall context, however, that we support adequate protections to ensure that people are protected from religious discrimination.

2 Short summary

We do not support the second exposure draft of the Religious Freedom Bills in their current form. Financial counsellors are committed to providing a free, independent, confidential and non-judgmental service to their clients. We are concerned that the proposed Religious Freedom Bills will enable statements of belief that could make some clients feel judged and uncomfortable. It is important that all clients feel safe from judgment when seeing a financial counsellor.

We are also concerned that employment practices in the financial counselling profession could be affected, if religious organisations employing financial counsellors require certain religious beliefs and practices as employment pre-requisites.

3 About financial counselling

“Financial counsellors are qualified professionals who provide information, advice and advocacy to people in financial difficulty.

Their services are non-judgmental, free, independent and confidential.”

The above is a quote from the Financial Counselling Australia website which describes financial counselling.

There are around 800 financial counsellors (including full time and part-time financial counsellors) providing advice and assistance to people across Australia. They work in regional, rural and remote areas as well as in our cities.

Many financial counsellors are generalist services but there are also financial counsellors who specialise in particular assistance, including gambling addiction, family violence, mental health and addictive behaviour, chronic and terminal illness, CALD, ATSI, homeless, youth, older people and financial abuse. Financial counsellors also have a focus on financial wellbeing and money management.

Financial counsellors are based in community organisations including large charities (including religious charities), smaller community centres, as well as local government agencies.

4 Financial counselling is non-judgmental

A core philosophy of financial counselling is that services are provided in a non-judgmental way. Clients need to feel safe and included to discuss money problems. Talking about money and particularly financial difficulty, can be embarrassing and difficult. It is essential that people from diverse backgrounds, or with different beliefs can feel comfortable and safe while working with a financial counsellor.

We are concerned that a range of statements of religious belief - that could be delivered in good faith, without malice that do not harass, threaten, seriously intimidate or vilify (Part 4 of the Religious Discrimination Bill 2019) - could in fact be judgmental. This would be at odds with the ethos of financial counselling

An example given in the Explanatory Notes for the Religious Discrimination Bill (at para 539) states that a Christian can make a good faith statement that “unrepentant sinners will go to hell” as a statement of belief. In our view, this would be a judgmental statement and likely to make a client who was not religious, feel uncomfortable and judged.

We appreciate that statements of belief are important to religious people (or non-religious people) but the need to make this type of statement must be balanced against the needs of the client to have a safe space to discuss their financial situation. In our view, in this situation of balancing competing needs - between the best interests of the client and the ability of a worker to make a statement - means that the client’s needs should be preferred.

The Australian Bureau of Statistics (ABS) Census 2016 religious affiliations¹ results are also relevant. Just over 30% of the population has no religion. Another 8.2% of the population is not Christian. Christianity represents 52.1% of the religious affiliations of the Australian population. The percentage of Christians in Australia continues to decline at each Census. This reflects the diversity of Australians. It also means that whenever a financial counsellor sees a client, they are likely to encounter a range of religious beliefs or increasingly people with no religion at all.

We are concerned that there are many statements of belief that could leave some clients feeling they are being judged. Some example statements of beliefs that would cause concern for some clients would be:

- Being homosexual is a sin
- People cannot be transgender as sex is binary and God made men and women in his image (para 549 of the Explanatory Notes for the Religious Discrimination Bill)
- The biblical view of marriage is that marriage can only be between a man and a woman (para 560 of the Explanatory Notes for the Religious Discrimination Bill).

The above list are only a few examples.

¹ ABS, Religious Affiliations, 2016 available at <https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/2071.0~2016~Main%20Features~Religion%20Data%20Summary~70>.

We are concerned that the above statements of belief (and any other judgmental religious or non-religious beliefs) will make the financial counselling process less effective because the client may feel judged and excluded.

5 Employment of financial counsellors

Financial counselling is a profession and has minimum education requirements, being a Diploma of Financial Counselling. Prospective financial counsellors also complete a work placement of 220 hours as part of completing their Diploma. Religion or religious ethos is not covered in training to be a financial counsellor. Financial counsellors are a diverse group and have different beliefs and backgrounds.

A number of religious charities provide financial counselling services around Australia. Although the religious charities provide this service, religion itself is not an inherent employment requirement (and should not be) for providing financial counselling.

Section 11 of the proposed Religious Discrimination Bill states that religious bodies (which includes religious charities) can give preference to people of the same religion as the religious body. This is problematic for financial counselling because:

- many student financial counsellors could potentially find it difficult to find a role as a financial counsellor because they do not share the same belief as the financial counselling agency(ies) in their area;
- financial counsellors may lose their job as a financial counsellor if they change religion or move to have no religion; and/or
- financial counsellors may lose their job if they are involved in practices that are contrary to the central tenets of the religion; examples could include homosexuality, transgender, de facto relationships, and use of contraception.

It is particularly problematic that there is a wide range of different beliefs depending on the particular religion. Using Christianity as an example, three major religious charities offering financial counselling in Australia are the Salvation Army, CatholicCare and Anglicare. Using the ABS statistics on Religious Affiliation² this means that when a financial counsellor position is advertised and the religious charity chooses to prefer only financial counsellors from their religion then:

- Salvation Army: At the last Census 48,939 people identified as Salvation Army. This represents 0.002% of the population. Most financial counsellors will not meet this requirement and could be excluded from working at the Salvation Army.
- CatholicCare: 22.6% of the population of Australia is Catholic. However, it also means that 77.4% of the population are not.
- Anglicare: 13.3% of the population identify as Anglican. This means that 86.7% of the population are not.

We are aware that many religious charities are open-minded about religious preference and do not enquire about or require prospective employees to share the same beliefs. However, we remain

² Available as a download at <https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/2071.02016?OpenDocument>.

concerned that a decision to preference a religion could affect employment opportunities for financial counsellors.

Questions about religious preference could conceivably canvass how people practice their religion for example whether they pray, attend a church, mosque or synagogue, or details about their family circumstances. Many people practice religion in a highly personal and private way and questioning can be intrusive and upsetting. We are aware of a recent example of a financial counsellor being asked about their church attendance at an interview for a financial counselling position. This upset the financial counsellor as her religion is a private matter.

We do not believe religion is a relevant skill, needed to be a competent and professional financial counsellor. It would not be appropriate therefore for religious charities providing financial counselling and other services (that are not related to religious worship) to be able to preference employees on the basis of their religion or religious beliefs.