Response to a question on notice

Australian Human Rights Commission

Senator PRATT: Have you ever had a religious organisation delivering services say, 'We are happy to be accountable according to the current provisions in the act, and to go through the complaints process with you'? It is the question of whether they do or do not invoke the exemption. I have had people say here this week, 'We don't use the exemption'.

Ms Raymond: As I said, it is rarely raised. I do not have exact figures to tell you of how many do raise the exemption and who do not. But I can take that on notice if you want.

Senator PRATT: That would be helpful….

The answer to the honourable senator's question is as follows:

Information about whether a respondent to a complaint sought to invoke a religious exemption is not readily available from our complaint database. This information can only be obtained by reviewing documents on hard copy files. The Commission retains hard copy files for a three year period. The Commission has, within the short time period available for response to this question, undertaken an initial review of complaints received in last three years (1 January 2010 – 31 December 2012) and identified 24 complaints where it appeared that a religious exemption in the law may be relevant. Of these 24 complaints, only one respondent sought to argue the applicability of the religious exemption under the *Sex Discrimination Act, 1984* (Cth) and the relevant exception in the definition of discrimination in the *Australian Human Rights Commission Act, 1986* (Cth).