



**Ordination of Catholic Women**  
**Into a Renewed Ordained Ministry Incorporated**  
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To the Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
Department of the Senate

Attached are the Ordination of Catholic Women's submissions to your Inquiry into the effectiveness of the *Commonwealth Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality.

The Ordination of Catholic Women was established in 1993 to advocate the inclusion of Catholic women as ordained priests in the Catholic Church. A national organisation, it held its first national conference in 1994 and its first international Conference in 1999 and another in 2002. It maintains a national secretariat, with regional convenors in the Australian Capital Territory, New South Wales, Tasmania, Victoria and contacts in South Australia, North Queensland and the Northern Territory and is represented on the World Ordination for Women, WOW Steering Committee.

Submission number one written by Dr Marie Joyce (03 98537667) states our claims against term of reference (N) and other a terms of reference, while submission number two written by Noel Gregory LLB (6286 2074) consistent with the terms of reference, documents the history of the exemptions outlining the social context of the time in relation to discrimination against women and in doing so highlights the inappropriateness of such exemptions at this time in Australian society. Each of the submissions support the recommendation that:

**The Committee consider anew the rationale for the continued existence for religious bodies of automatic exemptions from the Act contained in sections 37 and 38.**

We would appreciate the opportunity to speak to both these submissions during the Committee hearings.

Yours sincerely

Marilyn Hatton  
Convenor  
Ordination of Catholic Women Inc.  
31 July 2008  
(6262 5275)

**Submission 1. to the Senate Legal and Constitutional Affairs Committee  
by Marie R Joyce PhD FAPS, Convenor Victoria, Ordination of Catholic Women  
Inc (OCW) Australia**

**July 2008**

We respectfully present this submission specific to term of reference (n) and other terms of reference, for your consideration during your inquiry into the effectiveness of the *Commonwealth Sex Discrimination Act 1984* in eliminating discrimination and promoting gender equality.

The Ordination of Catholic Women was established in 1993 to advocate the inclusion of Catholic women as ordained priests in the Catholic Church. A national organisation, it held its first national conference in 1994 and its first international Conference in 1999 and another in 2002. It maintains a national secretariat, with regional convenors in the Australian Capital Territory, New South Wales, Tasmania, Victoria and contacts in South Australia, North Queensland and the Northern Territory and is represented on the World Ordination for Women, WOW Steering Committee.

The main focus of our concerns is the continued existence, for religious bodies, of automatic exemptions from the Act contained in sections 37 and 38. In our view these exemptions demonstrate the failure of the law (i) to implement Australia's international obligations under the Convention on the Elimination of all Forms of Discrimination Against Women 1979, and (ii) to achieve the Act's stated objects, specifically  
*(a) to give effect to certain provisions of Convention on the Elimination of all Forms of Discrimination Against Women, and*  
*(d) to promote recognition and acceptance within the community of the principle of the equality of men and women.*

The convention calls on states parties to 'take all appropriate measures` to eliminate 'customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on the stereotyped roles for men and women.'(Article 5) We note that Australia has not made any reservations to the Convention on the basis of the beliefs of religious communities.

We submit that the SDA automatic exemptions should be removed for the following six reasons, which are argued on the basis of our experience as active members of the Roman Catholic Church:

1. The exemptions permit, support and implicitly condone the ongoing discrimination against women, not only in contexts which are claimed to derive from specific doctrines or beliefs, but as system-wide discrimination endemic in the religious bodies.
2. There are no processes of accountability under the law for religious bodies in their actions under the exemptions as they stand.
3. The exemptions provide a justification for male dominated leadership to claim a stronger religious basis for their desired discrimination than is, in fact, supported by the theological and biblical scholars and experts within their own body. In other words, there is made to appear publicly a consensus where none exists.
4. The exemptions prop up systemic discrimination which is evident, for example, in the exclusion of women from decision making bodies. The male dominated leadership engages in top-down communications which preclude women bringing influence to bear to bring about change, especially the lessening of discrimination. The lack of a forum for exploration and discussion of these issues is seen in its worst form where even discussion (of the ordination of women) is forbidden.
5. The social and socialising effects of the male dominated leadership works in the exact opposite direction to education according to the principle of equality of men and women, thus competing strongly against objective (d) above. Women are treated as less than men and not worthy of many roles in the Church.
6. A further problematic aspect of education can be identified: women have an important role in the transmission of culture, including religion but we as women are being expected to transmit a religious culture that oppresses us as women.

We note that a common response to our arguments is that anyone who doesn't like the way things are done is free to leave the Catholic Church. Such a position treats church membership and commitment as comparable to the membership of clubs or associations which might have interchangeable alternatives. For committed Catholics and, believers of other faiths, personal faith is at the very core of one's identity and is not something one can readily or willingly give up or interchange.

Finally, the removal of the automatic exemptions would, at the very least, bring women's oppression out of the shadows into the light of discussion, debate and required justification.

### **Recommendation**

**That the Committee consider anew the rationale for the continued existence for religious bodies of automatic exemptions from the Act contained in sections 37 and 38.**

