



31 January 2020

The Hon. Christian Porter

Attorney-General

4 National Circuit

Barton ACT 2600

forconsultation@ag.gov.au

Dear Attorney-General,

Re: Second Exposure Draft of the Religious Freedom Bills

I am writing, as the representative body of the youth sector in Victoria, to provide feedback on the second exposure draft of the *Religious Discrimination Bill 2019*.

Youth Affairs Council Victoria (YACVic) **does not support** the introduction of the Bill. The Government should not prioritise the protection of freedom of religious expression over the protection of other well-recognised human rights. These specifically include the right to be free from discrimination on the grounds of race, sex, sexual orientation, disability, age, and the right to access healthcare.

YACVic is concerned that the introduction of the Bill will:

- enable discrimination against young people, negatively affecting their job opportunities, housing security, and mental health;
- reduce access to healthcare for young people, including mental health support services; and
- permit organisations, including charities, schools, universities and service providers, to refuse service to young people.

YACVic recognises the Government's desire to protect people of faith from discrimination; however the more appropriate course of action would be to develop a consistent and equal federal Human Rights Act which provides appropriate protection against discrimination



for all persons, and does not impact access to services, override existing discrimination laws or permit people to discriminate against others.

YACVic does not support the introduction of the Bill at all. However, at a minimum, the following amendments would be necessary to ensure that it does not enable discrimination and adversely affect young people's access to healthcare and other services.

Enabling Discrimination

Section 42 of the Bill overrides existing state and federal discrimination protections and will mean that 'statements of belief' do not constitute discrimination. This will remove the protections previously in place for young people and significantly increase the likelihood that they will experience discrimination and harassment. It will explicitly permit discrimination against all young people, including LGBTIQ+ young people, disabled young people, young women, those with mental ill-health and young people of minority faith. Discrimination against others is not required to protect people of faith. **YACVic recommends that section 42 be removed.**

Access to Healthcare

Sections 8 and 32 of the Bill will permit health services to refuse treatment. These sections apply to doctors, nurses, midwives, pharmacists and psychologists and will allow them to both refuse to provide services and refuse to refer young people to an alternative provider. This has the potential to substantially impair health service access for young people across Australia.

YACVic is strongly concerned about the potential negative impact for young people of sections 8 and 32. Young people, especially those in rural and regional areas, already experience significant difficulty accessing appropriate health services. In communities with a limited number of health providers, the introduction of the Bill will further restrict access to health services, in some cases completely. YACVic is aware of a number of Victorian communities where young people would potentially be refused access to health services without any alternative. The personal views of health providers should not be



prioritised over young people's right to access health services. **YACVic recommends that section 8(6-7) and 32(7) be removed.**

Service Provision

Sections 11, 32 and 33 of the Bill will permit organisations, including charities, schools, universities and other service providers, to refuse service to young people. These provisions will permit charities and other service providers to refuse to provide publicly funded support services to young people of a different faith or no faith, or whose sexuality or personal circumstances are deemed unacceptable. Schools and universities will be permitted to discriminate against students and refuse enrolment. Campsites and accommodation providers will be able to refuse access to individuals and groups of different faiths or those from marginalised cohorts. Young people should have equal access to services, education and accommodation regardless of their religious beliefs, background, identity or life circumstances. **YACVic recommends that sections 11, 32 and 33 be modified to prevent discrimination against young people.**

In closing, YACVic stresses again that this Bill would create a serious risk of negative outcomes for young people, especially those who already face marginalisation, and would prevent their pursuit of a healthy, productive life. We recommend that the Government consult with all young people, including young people of faith, to better understand their experiences, and implement legislation that equally protects all young Australians.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Ellis', written over a horizontal line.

Katherine Ellis

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