Dear Attorney-General

Re: Religious Freedom Bills


Youth Affairs Council Victoria (YACVic) recognises the need to protect young people of faith from discrimination and supports the introduction of the Bill to the extent that it achieves this aim. However, the Bill inappropriately overrides existing discrimination protection for other groups of people and effectively weakens and removes protections that people currently have under existing law.

The Bill is highly likely to disproportionately affect young people who experience marginalisation, effectively allowing discrimination in a range of areas, including in health care, education and the provision of services. The following examples demonstrate how the proposal may negatively impact young people in its current form.

Health Care
Clause 8(6) would permit health care professionals to refuse to provide medical treatment if they have objections based on their religious belief. For example, a LGBTIQA+ person visiting their GP could be refused treatment for any condition at all (eg an ear infection), even if that condition is unrelated to their gender or sexual identity. In some jurisdictions, this would also allow health professionals to completely abandon their patients without the requirement to facilitate access to an alternative health professional or service. In rural and regional areas, this may mean that young people have extremely limited access to all health services.

Similarly, a pharmacist may refuse to fill a young persons' prescription, preventing access to emergency contraception, Pre-Exposure Prophylaxis (PrEP) or other treatments. This will particularly undermine young women's access to sexual and reproductive health services.

Education
Clause 41 will remove the ability of individuals to raise complaints under existing discrimination laws. This will particularly affect young people in education settings and will permit teachers and other workers to make derogatory statements of belief that would have previously given rise to discrimination complaints. For example, a teacher may state to an individual student or classroom that ‘gays are broken and will go to hell’ or ‘I pray for your sins’. The proposal would prevent any students, colleagues or the school that experience these types of discrimination from raising a complaint under existing law.

Clause 10 will similarly allow education institutions to discriminate against people on the basis of religion. For example, religious schools would be able to prevent students of different faiths from enrolling in that
school. This would particularly impact access to education in rural and regional areas. Religious schools would also have the power to refuse to employ teachers that are not part of the same religion or denomination as that school. This will prevent students from accessing the best possible education and the most qualified teachers. Similarly, a religious school would be able to expel students who change religion or denomination part way through the school year. This could occur even if that student’s change does not affect their studies. As a result of Clause 10, the student would not be able to challenge or overturn their expulsion.

Services
Clause 10 would also allow other religious entities, including registered charities and non-commercial entities, to discriminate against people on the basis of religion. For example, a young Muslim person may be refused service on the basis of their religion by a soup kitchen operated by a Catholic affiliated organisation. This is because clause 10 of the Bill is drafted so widely that it could potentially allow religious affiliated charities to refuse to assist people of a different faith or of no faith. A young person experiencing homelessness could also be refused access to a shelter if they were not of the same faith as the operator of the shelter or identified as LGBTIQ+. Similarly, young women could be refused access to shelters if they identified that they were both pregnant and not in a relationship.

Recommendations
Youth Affairs Council Victoria (YACVic) recognises the need to protect young people of faith and supports the introduction of the Bill only to the extent that it achieves this aim. However, the Bill should be amended so that it does not impact access to services, override existing discrimination laws and permit people to discriminate against others.

YACVic recommends 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

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CEO