

31 January 2020

Human Rights Unit, Integrity Law Branch
Integrity and Security Division Attorney-General's Department
3-5 National Circuit
Barton ACT 2600

Email: ForConsultation@ag.gov.au

Dear Human Rights Unit,

Re: Religious Freedom Bills – Second exposure drafts

The Royal Australian College of General Practitioners welcomes the opportunity to make a submission on the second exposure draft consultation on a package of legislative reforms about religious freedom. The proposed bills are:

- Religious Discrimination Bill
- Religious Discrimination (Consequential Amendments) Bill, and
- Human Rights Legislation Amendment (Freedom of Religion) Bill.

The RACGP is Australia's largest professional general practice organisation, representing more than 40,000 members. The RACGP's mission is to improve the health and wellbeing of all people in Australia by supporting GPs, general practice registrars and medical students through education, training and research. The RACGP is also a strong advocate for health system reform, aiming to improve the quality and accessibility of general practice.

The proposed bills have the potential to intersect with existing anti-discrimination legislation, and to introduce law that will negatively impact many Australians' mental health and wellbeing. Of considerable concern is the potential impact of these bills on the delivery and access to some women's health services, and vulnerable groups' access to suitable healthcare or particular health services.

The RACGP supports the previous submission of the Australian Medical Association on the First Exposure Draft, and echoes the views expressed by the Australian Psychological Society in relation to minority groups and the LGBTQI+ community, as well as patients and health professionals living in rural areas, that have fewer health services available.

Specific concerns of the RACGP relate to conscientious objection based on religious grounds. It is noted that the bill does not specifically define conscientious objection, and the description is extremely broad in its intent.

We also note that there are valid non-religious, personal moral or ethical concerns that may lead to a conscientious objection. In addition, not everyone within a particular religion will necessarily share the same views of what should constitute a conscientious objection. It is therefore imperative that there are clear guidelines provided that support the primacy of patient care, and balance the obligation of beneficence and non-maleficence.

The RACGP considers it unnecessary to propose the introduction of 'Religious Freedom' laws that support the right to religious freedom (as stated in Article 18 of the Universal declaration of human rights 1948), when these rights are already protected under Australian law. To do so would risk breaching Australians' rights outlined in Article 29 of the UN Declaration of Human Rights. The potential outcome of the proposed law could pose a risk to ethical patient care, which may result in harm to patients. This harm may also be compounded by embedding negative community attitudes toward those that are most vulnerable.

The RACGP thanks the Attorney-General's Department for the opportunity to comment. If you have any queries please contact Mr Stephan Groombridge, Manager, eHealth and Quality Care on (03) 8669-0544 or at stephan.groombridge@racgp.org.au

Yours sincerely



Dr Harry Nespolon
President