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The Hon. Michael Kirby AC CMG

15 August 2022

### **Comment on the Reason Party's Health Legislation (Conscientious Objection) Bill 2022 (Vic)**

1. Liberty Victoria welcomes the Reason Party's Health Legislation (Conscientious Objection) Bill 2022 (Vic) (**the Bill**) and congratulates Fiona Patten MLC on its introduction. It should be passed.
2. The Bill is short and sweet. It significantly enhances the enjoyment of human rights, and reduces unjust restrictions on them. It makes two welcome and important substantive changes to laws in the health field.
3. First, it deals with the anomalous position of public hospitals run by bodies like the Catholic Church—so-called “denominational hospitals”—which refuse to provide essential services such as contraception, abortion and voluntary assisted dying. They apparently claim that this behaviour is required by their religious beliefs, as if a hospital were a human being. Liberty Victoria does not dispute people's right to their own conscientious beliefs, but the pretence that a hospital is a person with conscientious beliefs is untenable. It has been condoned too long, and this Bill

overrules it: it amends the law to make it clear that such a hospital must provide such advice and services.

4. The human right to the best available health care has been ignored by such hospitals for too long, to the detriment of anyone needing those services and finding themselves at such a discriminatory hospital. This Bill, if enacted, redresses that error.
5. The second change complements the first, and protects health workers from coercion to act against their conscience. The Bill amends the law to forbid a denominational hospital from trying to coerce any health worker not to provide advice or services “on the basis of a conscientious objection” (and emphasises that it in no way interferes with a health worker’s actual conscientious objections, if any). In this way the Bill protects health workers’ human rights to conscience and belief, as well as the human rights of the patients who might otherwise have been denied essential services.
6. In urging that this Bill be passed by the Parliament, Liberty Victoria is pleased to note that it is consistent with several recent human rights positive reforms, such as improvements to the *Equal Opportunity Act 2010* (Vic) to remove the unjustified privileges of religious bodies to discriminate against people on the basis of various attributes, including sex, sexual orientation, pregnancy and others, and requiring bodies in receipt of public funds to be non-discriminatory, without religious exceptions.
7. As a body whose goal is the protection and promotion of human rights and civil liberties in this state, Liberty Victoria is delighted to support this Bill, and urges its passage.
8. Thank you for the opportunity to make this comment, and please do not hesitate to contact me if I can provide any further information through the Liberty Victoria Office on (03) 9670 6422 or [info@libertyvictoria.org.au](mailto:info@libertyvictoria.org.au).

**Jamie Gardiner**  
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