

7 April 2008

The Exceptions Review
c/- Department of Justice
24/121 Exhibition St
MELBOURNE VIC 3000

Dear Review,

I wish to make a submission regarding sections 75 and 77 of the *Equal Opportunity Act 1995*.

Background

I work as the Coordinator of WayOut, Rural Victorian Youth & Sexual Diversity Project. WayOut is auspiced by Cobaw Community Health Service and operates as a partnership with Gay & Lesbian Health Victoria. The project commenced in 2002 as a youth suicide prevention initiative and aims to raise awareness about the needs of same sex attracted (SSA) young people and the nature and effects of homophobia in rural communities.

The WayOut project provides a range of services from professional development, to work in schools, support to individual workers and young people as well as the production and distribution of resources. We also facilitate a youth group in the Macedon Ranges Shire and have formed working relationships with nine other rural organizations across the State that support same sex attracted young people in their local communities.

It is generally estimated that approximately 8 – 11% of young people are attracted to others of the same sex. However in a society where heterosexuality is the norm, life for many SSA young people is less than easy. SSA young people are more likely to experience family conflict, encounter difficulties at school, be subject to verbal and physical abuse, become homeless, and report high rates of substance abuse, depression and self harm. Research estimates that SSA young people are 4-6 times more likely to attempt suicide than their heterosexual peers.

Our project believes that same sex attraction is both a natural and healthy aspect of the range of human sexualities. We consider that the difficulties experienced by young people stem from the isolation and discrimination that occurs in their environment.

Current issues in relation to section 75 and 77

As the review would be aware, sections 75 and 77 provide exemptions in relation to religious bodies and religious beliefs. Within many (although not all) religious doctrines/communities, homosexuality is commonly regarded as one or more of the following: 'unnatural', 'sinful', 'evil' and/or 'against the laws of God' etc. Due to these beliefs, homosexuals have been subjected to hundreds of years of persecution and discrimination by religious groups. This discrimination continues to the present day and religious belief is often still cited as the 'justification' for behaviours ranging from physical brutalities to verbal insults and various forms of exclusion from families, groups, schools and communities.

We note that the Charter of Human Rights and Responsibilities Act (2006) provides that Victorians have the right to equality before the law and equal protection of the law without discrimination. We consider that sections 75 and 77 are in direct opposition to these provisions. Specifically, the exemptions

- a) Have the effect of privileging the rights of religious bodies/people with religious beliefs in comparison to those who are not religious bodies and/or who have secular beliefs.
- b) Provide same sex attracted people with less protection because they are more likely to be discriminated against by others with religious beliefs.

Further, the present inclusion of sections 75 and 77 also act as a general deterrent to making a complaint of discrimination on the basis of sexual orientation where it is possible that the respondent could argue that the exemptions apply.

For example, last year our project organized a weekend forum for rural young people and workers. We initially sought to book facilities in Gippsland that are commonly used by secular schools and groups. However the manager refused to accept our booking when we provided details about our project's aims and beliefs concerning same sex attraction. Our first reaction was to regard the matter as 'hopeless' in terms of making a formal complaint because the respondent was a Christian organisation. It was only after we obtained extensive legal advice that we decided to proceed with lodging a complaint. The matter is currently being dealt with within the Victorian Equal Opportunity and Human Rights Commission.

We consider that either:

- a) Sections 75 and 77 be removed in total or
- b) They are highly restricted to specific situations such as seeking access to become a member of a religious group or to participate in religious ceremony. That is, they should not be available to religious bodies/individuals who are otherwise engaging in 'mainstream/secular' activities in the 'open market' such as the provision of accommodation, goods and services, employment, education etc.

I would be pleased to provide further details if required and may be contacted on tel 5421 1619, mobile 0428 347 407, email sue.hackney@cobaw.vic.gov.au

Yours sincerely

Sue Hackney
Coordinator
WayOut, Rural Victorian Youth & Sexual Diversity Project