

**Submission
No 9**

**ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND
EQUALITY) BILL 2020**

Organisation: Transcend Australia Ltd

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Hon. Gabrielle Upton, MP
Committee Chair
Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020
Parliament House
6 Macquarie Street, Sydney, NSW 2000

Monday, 17 August 2020

Dear Ms Upton,

Thank you for opportunity to make a submission to the inquiry into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020.

Transcend Australia is a volunteer-based peer support and advocacy group for parents with trans, gender diverse and non-binary (TGDNB) children. It connects hundreds of families to medical, legal and educational support services and parent/carer communities around Australia.

We are a community of parents and carers supporting trans, gender diverse and non-binary (TGDNB) children and are deeply concerned about the implications of this Bill on our children and their families.

Firstly, it should be noted that our community is made of people of all faiths, and we respect and affirm people's rights to religious and spiritual practice and beliefs as fundamental to their identity. We also support the notion that people who hold religious beliefs should be protected from discrimination but note that, on several occasions in this country, religious beliefs and privileges have been used to marginalise and further discriminate against LGBTIQ+ people.

Our primary concern with this Bill is the notion and interpretation of the phrase "protected activity" and in particular where a protected activity may be interpreted as an expression of what is purported to be a religious opinion about trans or gender diverse, or LGBTIQ+ people. "Protected activity" is used throughout this Bill and in relation to both educational and employment settings where the effects of discrimination on the educational and employment prospects of LGBTIQ+ people are particularly felt.

LGBTIQ+ young people are subject to much higher rates of all forms of abuse and bullying, with one Australian report finding that 80% of this abuse occurs in schools¹. They also experience this abuse in employment settings with much of it going unreported. This abuse results in higher rates of suicide, suicidal ideation, self-harm and poorer mental health outcomes. This Bill must not give religious people the right to express harmful opinions about LGBTIQ+ people in employment or educational settings and it must also ensure that where a “protected activity” includes the right to freedom of speech that this right is balanced by the responsibility that comes with this freedom.

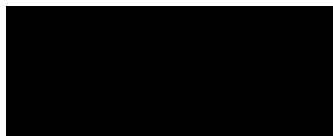
We also note that religious schools, charities, and other faith-based organisations already receive broad exemptions which entrench their ability to discriminate on the basis of someone’s religion (or lack thereof) in the provision of services, education, and employment. These exemptions add to existing religious exemptions for attributes such as marital status, homosexuality and transgender status.

We are concerned that this Bill elevates religious belief above other human rights, giving special protections to religious activities that may breach laws and harm others, in particular LGBTIQ+ people.

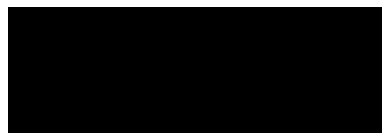
We do not support the Bill in its current form and cannot support any Bill that creates special privileges for one group of Australians over another. Legislation such as this must work for all.

Thank you for considering our submission.

Yours sincerely,



Dr Rachel Richardson
Chair, Transcend Australia Ltd



Rebekah Robertson OAM
Secretary and Founder of Transcend Australia Ltd

¹ Hillier, L., Jones, T., Monagle, M., Overton, N., Gahan, L., Blackman, J., & Mitchell, A. (2010). Writing themselves in 3: The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people. Melbourne, Australia: Australian Research Centre in Sex, Health and Society. La Trobe University.

See also: Strauss, P., Cook, A., Winter, S., Watson, V., Wright Toussaint, D., Lin, A. (2017). Trans Pathways: the mental health experiences and care pathways of trans young people. Summary of results. Telethon Kids Institute, Perth, Australia.