

**Submission  
No 73**

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

**Organisation:** NSW Gender Centre

**Date Received:** 21 August 2020

## Submission on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020

Dear Committee,

I'm writing to you on behalf of the NSW Gender Centre to add some perspective as to how the proposed bill will effect the Transgender and Gender Diverse (TGD) communities of Australia. The Gender Centre believes the effect of this bill on the TGD community would have a wide ranging and significantly detrimental effect on the day to day lives of transgender and gender diverse people.

In particular the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 in its current form will stop transgender and gender diverse people in Australia from being able to work, go to school, participate in sport, volunteer, or generally include themselves in most activities that the wider Australian community takes for granted. Even such everyday things as going to the shops, catching transport, having a drivers license renewed, posting a letter or going to the doctors will become more difficult and for some will lead to a reduction in quality of life. It will disproportionately effect the elderly, families, children and community members living in regional and remote Australia.

The Gender Centre is Australia's oldest TGD specific service. In a year it helps thousands of transgender and gender diverse people, families and young people in New South Wales. We provide crisis accommodation, counselling and case work in Sydney as well as regional, rural and remote NSW. We support about 500 TGD families, children and young people in NSW. We are almost exclusively frontline caseworkers, counsellors and psychologists. Some of us are deeply religious and belief is often the foundation of the work we do towards the betterment of the community. Sometimes belief is all the consolation we have in dealing with the tragedy that we see on a regular basis. In NSW it's the Gender Centre that works with the most disadvantaged members of the community. Homelessness, discrimination, violence, poor physical and mental health, low and no employment, isolation and hopelessness. Every week we bear witness to tragedy but also the incredible strength, bravery, kindness and resilience that our most marginalised clients show and are shown. Our community struggles to receive the most basic currency that is the cornerstone of a healthy, civil society: regardless of belief, gender or genetics if you give respect you get respect. The TGD community above all things struggles in contemporary Australia to access the same opportunities that most other Australians take as their right. The Bill in its current form would further erode those opportunities. In reviewing the current Bill from the perspective of transgender and gender diverse people one thing is abundantly clear to us. If this bill were to go forward in its current form it would increase the burden experienced by transgender people to an intolerably high level.

Right now across NSW ordinary transgender people are going about their day, working and living, participating in community, raising families, building businesses, focusing on career, following

dreams and aspirations, and most especially coping with the day to day reality of the COVID 19 pandemic. For all the variety within the TGD community, trans and gender diverse people face one common experience on a regular basis: transphobia. That is discrimination based on whether someone meets the expectation of what their gender should be. The proposed Bill won't unleash a sudden wave of prejudice towards transgender and gender diverse people. That discrimination already exists. Whether in Sydney, Newcastle, Katoomba, Orange, Wagga Wagga, Forbes, Gilgandra, Naramine or wherever we work, TGD people are denied services and experience prejudice on a regular basis. TGD people bare the price of that ingrained discrimination in higher rates of suicide, mental health wear and tear, lower rates of employment and in experiencing higher than average rates of violence. The great fear that we have if the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill is passed in its current form is that all the types of discrimination experienced by TGD people will increase. Places like work, like hospitals and doctors surgeries, like classrooms, like weekend sporting fields and community volunteering opportunities which TGD people have fought hard to make safe and inclusive will no longer be so.

With the freedom that some people within NSW would feel entitled to with this Bill, Transgender and gender diverse people will face even more calling out, more refusal of service, experience more restrictions, be even less able to go about their day-to-day lives and face even more moments of intolerance, more confrontations more fundamental unfairnesses than they already do.

TGD people learn to carefully navigate work places, hospitals, doctor's offices, shops, transport, and education systems so as to expose themselves to as little vilification as possible. On a daily basis transgender people "thread the needle" to avoid confrontation, to avoid being denied services that most take for granted. If this bill passes in its current form these hard won, carefully considered opportunities to stay safe will be further reduced. Harassment, outing, dead-naming and misgendering will be acceptable in every aspect of our lives.

Take for example N a transgender woman whose son plays for a local Sydney soccer club. N attends every game, volunteers her time in the soccer canteen. N is incredibly proud of her son's involvement in community soccer and immensely proud that he is the captain of his team. The values that her son's soccer club promotes in training and on the field are setting him in good stead: fairness, good sporting conduct, losing with dignity, working as part of a team, digging deep in adversity and putting other people before yourself are important values. Equally important is the Australian community sport's ethos that no matter your opponent's conduct, jersey colour, beliefs or gender they deserve a fair game. Everyone who wants a game, gets a game is a central part of our great sporting culture.

These values at the heart of every weekend and community sports event in Australia are jeopardised by this Bill in its current form. Proud transgender and gender diverse parents like N face increased prejudice. Transgender and gender diverse young people face increased bullying.

N's son by being her son faces increased bullying. Anyone even associated in passing with her son's soccer game will be able to take exception to her, will be able to take exception to any gender diverse child in any game anywhere in Australia and make a weekend soccer match not about sport, fairness and the values of the Australian community but about personal expressions of faith, or the insistence of such.

Take for example R. R is an ED nurse currently working in a major Sydney hospital. R works on the frontline of both the emergency department and in COVID clinics as well. R is exactly the kind of person that you want to be helping you in a health emergency. She is smart, practical, calm and incredibly capable. That she is a transgender woman has no bearing on her ability to do her job. The Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill in its current form jeopardises R's ability to do her job effectively. It jeopardises her safety in the workplace. In increasing her exposure to intolerance and transphobia through disrespect, through misgendering, it distorts what a frontline workplace must be during a crisis, whether in a covid clinic or a Saturday night emergency department.

Consider too, transgender and gender diverse people living in regional and remote NSW who will face the worst of the fallout of increased opportunity for people and organisations to discriminate. For many regional and remote TGD people and families it will mean a reduction in the range of services that they need to survive. Take for example the NSW town of Orange where one of the most prominent and important service providers is a religious based organisation with a history of transphobia. The passage of this bill means that a trans person in Orange won't just have less access to services it could mean they have no access to services. Religious based community services make up a huge part of the safety network in regional NSW. TGD people in places like Orange, in Wagga Wagga, in Naramine (to name just three places in NSW) already navigate passive or casual discrimination that many city and suburban communities don't. In Sydney if you don't like the services because someone is discriminatory you may be able to find a different service. But what do you do in a country town when there is no option to seek help elsewhere?

Regional and remote towns and centres frequently have both less health professionals and health professionals who are more conservative. It is entirely conceivable that a trans person in Dubbo, Forbes or Katoomba could have limited choices in accessing a clinical psychologist and accessing a clinical psychologist willing to treat a transgender and or gender diverse person. The reality we see is stark. Should the Bill be passed in its current form, it means that some trans people won't be able to access vital health services in regional Australia because a health professional who objects to the existence of trans people on religious grounds can decide not to see them. These same services that most everyone else in Dubbo, Forbes and Katoomba takes for granted will be reduced or even lost by transgender and gender diverse people. Let me make this clear, this is not just whether a Catholic doctor has to administer hormone treatment to a transperson. This resets the high water mark of acceptable discrimination. It means that services that already covertly discriminate will more openly discriminate even on basic health services. It

means that transgender and gender diverse people will retreat from the regular confrontation they will face every time they need to go to a hospital, need to see a doctor, need services from a religious based organisation. The culture of work, hospitals and social service providers will change irrevocably. This starts as passing a bill to protect the rights of people with deeply held religious beliefs to practice in the workplace, but ends with every transperson forced to conform to whichever religious belief is held by which ever devout person in which ever vital service that trans person needs to access. It is from our perspective a nightmare where the beliefs of a very small group of people is capable of holding some of the most vulnerable members of Australia to ransom. It means parents like N not going to a community soccer game so that her son doesn't have to choose between the game he loves and having his mother confronted and disrespected. It means the parent of a gender diverse kid playing weekend sport withdrawing them from the community they love because anyone standing on the sideline with a devoutly held belief is able to express it.

It means that R and so many of those other LGBTIQ+ health professionals who work in every major hospital, emergency department and COVID clinic will be open to discrimination, name calling and abuse when instead the entire Australian community wants them to be focused on making sure that the patients in their care do not die.

We encourages the passing of a genuine religious discrimination bill that protects every Australian's right to practice their beliefs free from discrimination. However, in its current form the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 places a person's religious belief and the right to criticise, dead name or misgender a transgender and/or gender diverse person above another person's right to be left alone, to go about their lives or to be able to access those basic services that every Australian not confronted by discrimination can take for granted. Instead it should be possible to protect religious belief without further eroding the rights of already vulnerable TGD people who only want to live free from confrontation, discrimination and to access the same rights as every other Australian. In this regard the Gender Centre does not and cannot support the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020.