

**Submission
No 113**

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

Organisation: Parents for Trans Youth Equity (PTYE)

Date Received: 21 August 2020

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By Email:

21 August 2020

RE: Submission to the Joint Select Committee on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020

We are a group of NSW parents who seek to ensure all NSW transgender and gender diverse youth are treated with respect, fairness and equity in the same way that non-gender diverse youth are.

We have significant concerns with this bill and its impact on transgender youth.

This bill allows for double standards to exist in employment, education and service delivery, which could include refusal of medical services to transgender children due to a medical provider's religious beliefs. Medical treatment for trans children is already at crisis point in NSW and this bill will make access to treatment even more difficult. By extension, this bill allows refusal of medical services to supportive and loving families of transgender children as medical professionals could cite supporting trans children as being against their religion.

This bill will make it virtually impossible for employers, educational institutions including schools, and qualifying bodies to respond to inappropriate, offensive or discriminatory conduct by their employees, students or members when that conduct is motivated by religious belief and occurs outside of occupational and educational settings. This would enable a teacher or a police officer to make damaging comments about trans or gender diverse young people on social media without experiencing consequences from their employer.

The Anti-Discrimination bill that currently exists prohibits serious vilification towards a person or group based on religious belief or affiliation, but the proposed Bill prioritises religious rights and freedoms above the human rights of others. It effectively puts religion above the law, by giving protection to activities which may breach laws or other obligations, including things like duty of care to young people.

This bill appears to be targeted towards making it easier for those with religious beliefs to discriminate or direct negative, offensive or damaging messaging towards trans and gender diverse people, as well as the wider LGBTIQ community, as per the bill's author's Second Reading speech on 13 May of this year:

"Every letter of the alphabet seemingly has a flag, a network, a special ceremony to affirm and celebrate its identity, except the letters C and J: Christians and heterosexuals."

This implies that there is something inherently wrong with affirming people in their true identity or sexual orientation. It is widely documented that trans and gender diverse children, adolescents and people of all ages have significantly reduced mental and physical health issues if they are affirmed by family, friends and others around them.

The provisions in this bill do not protect everyone equally. If an employee or student of a "religious ethos organisation" did something in their own time, like attending a Pride march, that organisation could dismiss or suspend that person for not behaving in accordance with the "ethos" of that organisation, whereas someone saying trans people will go to hell in a church service could not be disciplined by their employer.

We see no pressing need for a bill such as this, which has the potential to cause both psychological or physical harm to transgender or gender diverse youth who are already at significant risk of harm by our society. These are our children who we proudly love and support and protect and we expect our governments to support parents who love, support and protect their children.

Yours Sincerely,

Parents for Transgender Youth Equity

Enc. Links to academic resources outlining the harms of the behaviours that would be permitted under this bill, and best practice support for transgender and gender diverse children

FACT SHEET- ACADEMIC RESOURCES

1. Australian Standards of Care and Treatment Guidelines for trans and gender diverse children and adolescents- The Royal Children's Hospital. As published in the prestigious medical journal, The Lancet:
<https://www.rch.org.au/uploadedFiles/Main/Content/adolescent-medicine/australian-standards-of-care-and-treatment-guidelines-for-trans-and-gender-diverse-children-and-adolescents.pdf>
2. Australian Psychological Society Information Sheet: Transgender and gender diverse children:
<https://www.psychology.org.au/getmedia/03213f59-9b8f-45b9-8575-2605958fd791/Trans-and-gender-diverse-children.pdf>
3. Trans Pathways Summary. How to reduce risk factors that impact on trans youth. Recommendations for Australian Governments, medical and mental health services, schools universities and TAFE and parents:
<https://www.telethonkids.org.au/globalassets/media/documents/brain--behaviour/trans-pathways-summary.pdf>
4. Mental health of transgender children who are supported in their identities
<https://pediatrics.aappublications.org/content/137/3/e20153223>
5. Australian psychological society- Supporting transgender and non-binary people in Australia
<https://www.psychology.org.au/for-members/publications/inpsych/2019/august/Supporting-transgender-and-non-binary-people-in-Australia>
6. Gender dysphoria affirmative working group- A discussion page for Medical and Mental health professionals, academics, researchers, activists, and Allies supporting transgender and gender nonconforming youth
<https://www.gdaworkinggroup.com/>
7. Podcast- The science of being transgender
<https://gimletmedia.com/shows/science-vs/i4hl23/the-science-of-being-transgender#episode-player>
8. Preventing harm, promoting justice: Responding to LGBT conversion therapy in Australia
<https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/5bd78764eef1a1ba57990efe/1540851637658/LGBT+conversion+therapy+in+Australia+v2.pdf>
9. Anti-discrimination board of NSW- it is discrimination not to have your gender recognised by government departments
https://www.antidiscrimination.justice.nsw.gov.au/Pages/adb1_antidiscriminationlaw/adb1_tyes/adb1_transgender.aspx
10. NSW Education Department- Transgender students in schools
<https://education.nsw.gov.au/about-us/rights-and-accountability/media/documents/public-legal-issues-bulletins/LIB-55-Transgender-students-in-schools-legal-rights-and-responsibilities.pdf>
11. Getting treatment for transgender youth
<https://www.iclc.org.au/wp-content/uploads/2019/06/Getting-treatment-final-version-1-August.pdf>
12. Justice Connect: Fact sheet for transgender youth in NSW about discrimination:
<https://justiceconnect.org.au/wp-content/uploads/2019/03/Fact-sheet-How-to-deal-with-gender-discrimination-NSW-1.pdf>
13. Justice Connect: fact sheet for transgender youth in NSW about school
<https://justiceconnect.org.au/wp-content/uploads/2019/03/Fact-sheet-Your-legal-rights-at-school-NSW-1.pdf>
14. The first Australian national trans mental health study, summary of results- mental health issues are due to poor treatment by others and their environment and not due to being transgender
https://www.beyondblue.org.au/docs/default-source/research-project-files/bw0288_the-first-australian-national-trans-mental-health-study---summary-of-results.pdf?sfvrsn=2