

7 January 2021

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Committee Secretary

Working It Out, Tasmania's gender, sexuality and intersex status support and education service takes this opportunity to make a submission to the Parliamentary Joint Committee on Human Rights and its inquiry into the Religious Discrimination Bill 2021 (third version) and related bills.

As an organisation we deal daily with the ongoing impact of discrimination and harassment on the health and wellbeing of LGBTIQ+ people, and we know that this legislation will do harm. It will increase the already high levels of psychological distress suffered by our communities, and it will impact on already too high rates of suicide, suicide ideation and self-harm.

If this legislation is about protecting the rights of certain population groups, then those at most risk should be upper-most in this committee members' minds.

I urge this committee to consider who is at most risk in the passing of certain elements of this legislation, and to act in their best interest, not in the best interest of others with much less to lose.

Your sincerely



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CEO
Working It Out

Senate Legal and Constitutional Affairs Committee on Human Rights Religious Discrimination Bill 2021 and related bills

Submission: Working It Out

The proposed religious discrimination Bills provide important protection on the basis of religion (and non-religion) and Working It Out (WIO) supports this aspect of the proposed legislative changes.

However, the Religious Discrimination Bills go beyond protecting people from discrimination to also giving the right of others to discriminate based on their religious views. Many of the submissions received to this inquiry will undoubtedly address the legal and ethical implications of this aspect of the legislation. These are important considerations and I urge you to consider the unprecedented change these laws will have on people's lives, and on our legal system.

However, this submission would like to address impact from the perspective of an organisation that works daily supporting members of Tasmania's LGBTIQ+ community, a community which stands to be severely disadvantaged by this legislation.

The mental health outcomes for LGBTIQ+ community members are some of the worst of any population group in the country. High or very high levels of psychological distress sit at over 84% for young people 14-21 years old; 59% of them had considered committing suicide within a 12-month period (Hill et al., 2021). LGBTIQ+ adults are 8 times more likely to contemplate suicide than the general population; nearly one in five trans and gender diverse people attempted suicide within a 12-month period (Hill et al., 2020). Tasmanian statistics are even higher than these national averages.

There are many more statistics that can be quoted to highlight the extreme levels of distress already being experienced by LGBTIQ+ people around this country.

These statistics correlate to ongoing rates of abuse and harassment. 61% of young people 14-21 experienced verbal abuse over a 12-month period; 18% experienced physical abuse. 28% of trans women experienced being harassed – ie spat on or subject to offensive gestures; 51% experienced verbal abuse.

We know that the high rates of psychological distress, suicide ideation and suicide itself are a direct result of ongoing stigmatisation, social exclusion, abuse and harassment.

In any other population group this might be considered some kind of national crisis. We might be considering what could be done as a nation to address this issue.

Instead, we are here considering new laws which not only entrench this behaviour but validate the beliefs and prejudices which sit behind it.

The reality is that most mainstream religious beliefs have long propagated the idea that to be sexually or gender diverse is to be inherently immoral and flawed. They cast members of the LGBTIQ+ communities as broken and needing to be fixed; that their god will not accept them and that they will inevitably suffer some form of punishment for being who they are.

Many LGBTIQ+ people have been subjected to harmful conversion practices. They have been shunned and excluded from their families and faith communities. They have internalised a hatred of themselves. In the words of one Working It Out service user, 'I grew up learning to hate gay people. Then I realised I was one.'

While community attitudes have improved, many people still carry the scars from their earlier life, and many young people are incredibly unsure about if or how they will be accepted.

This conceptualisation of people who have little ability to choose who they are is problematic in the extreme and seems entirely out of step with a nation that is seeking to create a caring and compassionate society.

The reality is legislation lands on real people. The message that this legislation sends is that it is ok to cast LGBTIQ+ people as inherently flawed and immoral. It is a message which lands on young people in rural towns in Tasmania who are alone and frightened, realising that they are different to friends and families around them. It lands on older people who have lost family members because of who they are and who are now faced with going into aged care services dominated by faith-based institutions. It lands on young teachers or disability sector workers entering the workforce for the first time, suddenly faced with the need to hide who they are in order to compete equally in the employment market.

This legislation will harm LGBTIQ+ people in many ways, to think otherwise is naïve and irresponsible. It will harm directly through the legislative protection it gives one section of our society above another, it will harm through its inherent endorsement of the narrative that we are broken, and it will harm by the very fact that we need once again to fight for our rights, and to defend our place in Australian society as equal and as valid as others. The damage from the Marriage Equality survey still lingers heavily in the minds of many of the people we engage with in our service, and we see the negative impact on mental health which we know that that debate fostered (Verrello et al., 2019). This latest legislative push will just add one more layer.

Rights always come with responsibilities, and religious freedom is always constrained by the moral boundaries of the society in which it sits. This legislation tells us that the rights of religious people outweigh the rights of others; that their right to practice their faith in a way that harms others is acceptable.

WIO believes this is a morally indefensible position and we urge this Senate Legal and Constitutional Affairs Committee to reject it on this basis.

References

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- Verrello, S., White, F., Harvey, L., & Pulciani, M. (2019). Minority stress, social support, and the mental health of lesbian, gay, and bisexual Australians during the Australian Marriage Law Postal Survey. *Australian Psychologist*, Volume 54, Issue 4. Pages 336-346.