



Submission to Attorney General's Department

on the

**Religious Discrimination (Consequential Amendments)
Bill 2019**

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The National Union of Students (NUS), as the peak representative body of students in Australia, welcomes the opportunity to make a submission to your office in regards to the second exposure draft bill in relations to the religious exemptions. While the NUS recognises the concerns of religious protections for religious minority groups, we particularly oppose this bill as it allows for the capacity for discriminatory exemptions from religious people and institutions.

The NUS, particularly the LGBTQAI+ department of the union is strongly critical of the content of the new bill and opposes any bill of this nature. The current bill, and any bill under the current government, would not be a bill that truly protect religious minority groups. Instead this bill panders to conservatives within religious groups and allows for active discrimination towards many minority groups, including but not limited to the LGBTQAI+ community.

The NUS notes that 8 million Australians, or 62% of voters, voted in favour of marriage equality. This is more than the number who ever voted for the Coalition to be in government. YouGov polling indicates 79% support removing exemptions for discrimination against staff, and 82% support removing exemptions for discrimination against students. Earlier reports by Equality Australia indicate that even 67% of LNP voters, and 77% of ALP voters support removing these exemptions. This Bill, and more importantly, this government is clearly out of touch with the wants and needs of the people they seek to represent. It is utterly shameful that despite the community's outright support for LGBTQAI+ rights, and even stronger support for greater protections for these communities- the coalition government is seeking to pass legislations to engrain discrimination into law.

Submission:

- *Give the licence to discriminate, intimidate and degrade minorities and oppressed groups using "statement of belief" exemptions*

The draft bill removes existing discrimination protections. The "statement of belief" aspect of then legislation allows others to make offensive, derogatory and harmful statements based on their understanding of religious beliefs. This effectively legislates in favour of people using religious statements to break the previous bars against offending, humiliating, intimidating, insulting and ridiculing people on the basis of their minority and oppressed status and as such constitutes institutional harassment and victimisation.

This has the capacity to have a direct impact on tertiary students, particularly those from LGBTQAI+ backgrounds. Educators would have the capacity to make comments that are harmful and homophobic, sexist, ableist etc. without consequences, making hostile learning environments for students already coming from minority backgrounds and underrepresented groups within tertiary education settings.

The NUS, while against the bill in its entirety, particularly opposes Section 42 of the draft legislation. Discrimination against others is not a way to protect people of faith from subsequent discrimination.

- *Allow health providers to cut off access to treatments, especially those required by LGBTQAI+ people*

The LGBTQAI+ community's history with the medical establishment has not been a good one. From being defined as sick, to being experimented on and tortured, to having the HIV/AIDS epidemic ignored and then being scapegoated as it turned into a generalised health crisis. Subsection 8(6)-(7) and 32(7) of the bill would allow health professionals to provide us with sermons instead of healthcare. Even before this legislation is enacted, medical institutions like the Torquay medical Health & Wellness Clinic has already excluded patients who need particular contraceptive, IVF and abortion help.

The NUS affirms the right to quality healthcare for the LGBTQAI+ like any other members of society. In 2017, the NUS ran an equal health campaign for LGBTQAI+ people and students. The Queer community should not have the fear or indignity that they may be denied sexual health information, reproductive technology, PREP and other anti-HIV medications or medical assistance for sex and gender reassignment. Further, access to contraceptives and sexual health devices would also be a concern under this bill. The health profession has a duty of care to all patients, including LGBTIQ people and to women seeking abortion. To erode this on the basis of introducing personal religious opinion into the provision of healthcare is an outrage.

The NUS strongly opposes subsections 8(6)-(7) and 32(7). Public health carers should provide health care for all, regardless of their personal religious beliefs.

- *Give religious bodies including hospitals and charities new rights to discriminate in employment and provision of social services*

Religious institutions are already allowed to expel students and fire staff for being who they are. These laws will do nothing to change this. There is substantive data that shows that the community as a whole does not support religious institutions to discriminate against LGBTQAI+ students and staff as it stands.

The NUS strongly supports a call for better legislation to protect the rights of individuals and workers employed, enrolled or interacting with any government-funded services delivered by external organisations. The NUS notes that particularly housing services are of direct importance to young LGBTQAI+ people. The Australian Human Rights Commission estimates that one in four of the 20,000 homeless young people in NSW is gay or lesbian. The NUS notes the lack of national data around this question, and also the exclusion of other section of the Queer community in this data. However, the NUS has direct concerns for LGBTQAI+ students and their capacity to access housing services under this legislation.

The NUS calls for the removal of current legislation that allows for religious discrimination already. Further, the union calls for further funding for public funded services around queer youth housing.

Recommendation:

1. There be no legislation of this nature
2. Remove section 42 of the draft legislation
3. Remove subsections 8(6)-(7) and 32(7)
4. Legislate for better protections for discrimination against LGBTQAI+ communities