



Australian Council of Social Service

23 October 2018

Hon. Scott Morrison MP
Prime Minister
Parliament House
Canberra 2600

Email: scott.morrison@aph.gov.au

Dear Prime Minister,

I am writing to welcome your proposal to make amendments to anti-discrimination law to prevent the expulsion of students from religious non-state schools on the basis of their sexuality. ACOSS strongly supports the right of students to be educated free from discrimination on the basis of their sexual orientation, gender identity or intersex status, as well as the rights of teachers to work free from discrimination on the basis of their sexual orientation, gender identity or intersex status.

However, your commitment does not go far enough. In particular, it does not reflect an appropriate balance between the human right to equality (non-discrimination) for LGBTIQ people and the human right to freedom of religion.

You may recall that ACOSS has been a strong supporter of the right to marriage equality and we were one amongst many civil society organisations that participated in the public debates leading up to the legislation of the right to marriage equality last year.

Since that time, we are aware that your Government established an inquiry into the Right to Freedom of Religion, conducted by the Hon Philip Ruddock, and you are due to respond to the findings of that Inquiry. ACOSS did not make a formal submission to that Inquiry, due to our intense competing priorities at that specific time.

We are aware that members of your government have already expressed views on a number of matters relevant to the right to equality for LGBTIQ people and the right to freedom of religion, including gay conversion therapy, the role of schools and teachers in relation to transgender and gender diverse children, and the need to legislate the right to freedom of religion.

We therefore write to you in order to present to you our views on these very important matters that affect people in our community affected by inequality on the grounds of their sexual orientation, gender identity, or intersex status.



Balancing the Right to Equality (Non-Discrimination) for People who are LGBTIQ and the Right to Freedom of Religion

ACOSS strongly supports the submissions to the Ruddock Inquiry provided by the Human Rights Law Centre, including their recommendations to prohibit practices such as so-called 'conversion' or 'reparative' therapy; to introduce federal anti-vilification laws which prohibit public advocacy of national, racial or religious hatred that incites discrimination, hostility or violence; and to repeal and replace existing exemptions that allow religious organisations to discriminate in the provision of facilities, goods, education and other services or employment with a general limitations clause.

ACOSS also supports enshrining the fundamental right to freedom of religion or belief in legislation, in a Human Rights Act. However, this right like all human rights is not absolute.

We do not support any weakening whatsoever of the existing protections against discrimination for people who are LGBTIQ as a corollary of enshrining the right to freedom of religion. Further, ACOSS supports removing the existing exemptions from anti-discrimination laws in the provision of goods, services and employment that religious organisations currently enjoy, and replacing them with more limited exemptions to enable them to organise and conduct affairs closely connected to religious worship, observance, practice and teaching. That includes the right of transgender and gender diverse students to be educated free of discrimination on the basis of their gender identity, and the right of LGBTIQ people to work in religious schools and other services free from discrimination on the basis of their sexual orientation, gender identity or intersex status.

LGBTIQ people have a reasonable expectation that the law will protect them from discrimination on the basis of their sexual orientation, gender identity or intersex status. It is vital that we continue to meet that expectation.

Gay Conversion Therapy

ACOSS agrees with the Australian Medical Association's conclusion that gay conversion therapies are *"harmful to both the individuals who are subjected to it, and society more broadly, as it perpetuates the erroneous belief that homosexuality is a disorder which requires a cure"*. We note comments from yourself, Deputy Prime Minister Michael McCormack and Health Minister Greg Hunt that this is not an issue that the Federal Government intends to address. We urge you to reconsider that position. ACOSS considers that national leadership is needed to rid Australia of these harmful "therapies" and your leadership is essential.

Public debates regarding transgender and gender diverse children

I also note your comments regarding transgender and gender diverse children and the support they receive in schools. It is important that all children are supported to develop, grow and learn both at home and at school. It is well established that transgender and



gender diverse children are more likely to self-harm, be diagnosed with depression and anxiety and experience peer rejection and bullying. As a starting point, transgender and gender diverse children should be protected from expulsion and discrimination in schools. Teachers, school counsellors and parents all have a role in supporting transgender and gender diverse children, so that “kids can be kids”.

It is equally important that in national debates on these issues, we do not use vulnerable transgender and gender diverse children as political footballs. Last year’s marriage equality debate highlighted some shocking examples of campaigners using transgender and gender diverse people, particularly children, as debating points in their campaign against the rights of LGBTI people. We must take care to ensure that going forward, LGBTI people, particularly LGBTI children and their families, are treated with respect and dignity.

We urge you therefore to safeguard the rights of LGBTIQ people in law and policy, including legislating to protect people from discrimination in all aspects of public life.

Yours sincerely,

Dr Cassandra Goldie, ACOSS CEO