

Dr Anne Webster MP
Chair
Parliamentary Joint Committee on Human Rights
Parliament House
Canberra ACT 2600

Dear Chair

Re: Religious Discrimination Legislative Package

Thank you for the opportunity to comment on the Religious Discrimination Legislative Package (the Package).

Child Wise is an organisation with unparalleled expertise on child safeguarding. We are experts and advocates for children's rights. We are proud of this, and we've been advocating for the voices of all children and young people to be heard since 1991.

In this context we have and continue to work with faith-based organisations of all sizes and backgrounds nationally. We understand the challenges they face – both operationally and within a religious context – and work to find common ground in the belief that child safety trumps all other considerations.

It is with this child-centred lens that we have analysed the proposed Package and provide the following feedback.

1. Alignment with the National Principles for Child Safe Organisations

The Australian Government, and all states and territories, are signatories to the National Principles for Child Safe Organisations. The National Principles can be found here - <https://childsafe.humanrights.gov.au/national-principles/download-national-principles>

We bring to the Committee's attention that the Package should ensure consistency with the National Principles. There is significant risk that in its current form, the Package would lead to discrimination of children and young people based on their sexuality and gender identity. This would not only have significant consequences for individuals and their families, but in the strongest terms, would set back Australian public policy in all areas that were explored by the Royal Commission into Institutional Responses to Child Sexual Abuse.

As Prime Minister Morrison wrote in the foreword to the National Principles:

"The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) uncovered shocking abuse of children within institutions in Australia.

The Commission recommended taking action to make organisations across the country safe for children.

The development of the National Principles for Child Safe Organisations (National Principles) is a key national reform in response to these recommendations.

The Principles have been endorsed by all Commonwealth, state and territory governments.

They provide a nationally consistent approach to embedding child safe cultures within organisations that engage with children, and act as a vehicle to give effect to all Royal Commission recommendations related to child safe standards."

We particularly note for the Committee's reference:

- Principle 1: Child safety and wellbeing is embedded in organisational leadership, governance and culture. The National Principles state that: "This principle provides guidance on the role of organisational leadership and governance in promoting inclusive and welcoming environments for children and young people."

- Principle 4: Equity is upheld and diverse needs respected in policy and practice. The National Principles state that: "This principle examines how recognition of children and young people's diverse circumstances enables an organisation to work in a more child centred way and empowers children and young people to participate more effectively. This builds an organisational culture that acknowledges the strengths and individual characteristics of children, and embraces all children regardless of their abilities, sex, gender, or social, economic or cultural background."

Child Wise was the original architect of Child Safe Standards in Australia, which were subsequently picked up by the Royal Commission and then promoted into regulation by the Australian Government. We understand their meaning and application arguably better than anyone, because they took us years of refinement in our work to accredit organisations as 'child safe' in their practice. In drafting these principles (which we refer to as our standards for Child Wise accreditation), we iterate evidentiary indicators of implementation. Chief among these is the key indicator for 'Principle 4', that:

particular attention [is given] to the needs of ... lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) children and young people". The accreditation methodology goes on to require that, "(b)oard members, staff and volunteers reflect on how discrimination and exclusion, whether intentional or unintentional, may work against a safe and inclusive culture and they develop proactive strategies to address this.

In our view of applying and testing (what are now) the National Principles for over a decade, this legislative package will authorise a departure, if not a direct undermining of Principle 4.

2. Our experience with religious organisations already using faith-based statements to 'justify' discrimination against children on the basis of their sexuality.

Even without this legislation, Child Wise has directly worked with religious institutions that have explicitly sought to exclude and oppress the identity of children on the basis of their sexuality. We have worked with faith-based schools that, through statements like "God immutably creates all

persons as male or female” directly annihilate the identity of any transgender, non-binary or gender diverse child.

This legislative package will likely serve to validate such actions and statements by institutions. It directly undermines Principle 4 and the spirit of all of the National Principles.

Notwithstanding the undermining of the Australian Government’s own child safety regulatory environment, this has detrimental effects on children who are exploring their identity and stymies the ability of children to ‘come out’ and express their identity, in environments which are already often stigmatising and unsafe.

It further raises the question for all Australian children: if we are prepared to legislate to permit prejudice of LGBTIQ+ children, then what other groups will we permit discrimination towards? What does this teach our children about embracing difference and the elimination of prejudice?

3. Alignment with the National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030

The National Strategy was launched on 27 October 2021. It can be found here -

<https://childsafety.pmc.gov.au/what-we-do/national-strategy-prevent-child-sexual-abuse>.

We bring to the Committee’s attention that the Package should ensure consistency with the National Strategy. There is significant risk that in its current form, the Package would lead to discrimination of children and young people based on their sexuality.

The National Strategy states that its priority groups include LGBTQIA+ people.

4. Consistency with research

We bring to the Committee’s attention the disproportionate impact that the Package could have on LGBTIQ+ young people.

We know that trans and gender diverse people already experience poorer mental health outcomes. According to data recently published by LGBTIQ+ Health Australia, transgender people aged 18 and over are nearly 11 times more likely to attempt suicide in their lifetime. We also know that adverse childhood experiences detrimentally impact adult mental health – imagine the impact on mental health outcomes when the very same systems that should offer support and protection become even more hostile.

We also bring to the Committee attention ‘The Children’s Report’ - Australia’s NGO coalition report to the United Nations Committee on the Rights of the Child Australian Child Rights Taskforce. The Report can be found here - [Child-Rights-Taskforce-NGO-Coalition-Report-For-UNCRC-LR.pdf \(unicef.org.au\)](#).

Among its evidence-based observations, the Report notes:

- Federal, state and territory anti-discrimination laws contain permanent religious exemptions that permit otherwise unlawful discrimination, provided it is in accordance with religious doctrines or beliefs.

- These exemptions enable religious schools to refuse admission and to discipline, suspend or expel students on the basis of their sex, sexual orientation or gender identity. They also operate as a barrier for LGBTIQ+ children and young people to access services from faith-based service providers, and have an impact across a range of areas of public life.
- While social research is limited, 34% of LGBT people surveyed reported not disclosing their sexuality or gender identity when accessing services in order to avoid discrimination, with young people being more likely to not come out.
- During the national consultation, young LGBTIQ+ advocates spoke of going 'back in the closet' or being 'forced to lead a secret life'; including having two separate resumes for job applications, 'an LGBTIQ+ friendly resume, and a "safe" resume'.
- Discrimination entrenched in laws and policies or experienced at work, school or home, contributes to alarmingly high rates of suicide, self-harm and depression among LGBTIQ+ children and young people in Australia
- Since 2014, the Australian Government has progressively defunded the Safe Schools Program, aimed at creating safe and inclusive school environments for same sex attracted, intersex and gender diverse students, staff and families. Funding has since been directed to the National School Chaplaincy Program, which may not be sufficiently inclusive to provide appropriate supports for LGBTIQ+ students. The Safe Schools Program was informed by an extensive empirical evidence base and was named by UNESCO as an international best practice anti-bullying program.

5. Conclusion

The safety of children must trump all party and political lines.

You cannot have safety without inclusion and freedom of expression.

It is impossible to enshrine laws which require organisations such as schools to protect equity and children's rights, whilst entertaining the possibility of a Package which permits the same organisations to discriminate against children in obscurity of religion.

With the endorsement of the National Principles for Child Safe Organisations, Australia has the right foundations. We urge the Committee to ensure that these Principles are upheld and not diluted in any way through the Package.

Finally, we note with disappointment that the opportunity to make submissions to the Package has not been widely advertised, and that the timeframe is short and at a busy and difficult time of the year. This is a significant Package worthy of timely consideration and public debate. The consequences to many, including children and young people, could be significant. We must not politicise this process and we must ensure that we have allowed time for reflection and engagement in a meaningful way.

As both the Managing Director of Child Wise, and the former Queensland Public Guardian I have seen firsthand the impact of systemic discrimination on children. Should it be of interest to the Committee, I can provide testimony through the Public Hearings scheduled for January 2022.

We thank you for the opportunity to contribute to this critical issue.

Kind regards

A handwritten signature in black ink, appearing to read 'Natalie Siegel-Brown', with a stylized flourish at the end.

Natalie Siegel-Brown
Managing Director
17 December 2021