



21 December 2021

Dear Committee

We write in relation to the Religious Discrimination Bill 2021, Religious Discrimination (Consequential Amendments) Bill 2021 and the Human Rights Legislation Amendment Bill 2021, which we collectively refer to as the RD Bills.

About our rainbow families

Rainbow Families QLD (RFQ) has a vision of a community of lesbian, gay, bisexual, transgender, and queer (LGBTQ+) families, where each family is included, respected and has value. As a community organisation run by LGBTQ+ families, we act as a support network for parents and carers as well as their children.

We provide support and resources to members of the LGBTQ+ community so that they and their families can live their best and most colourful lives. We host events that connect LGBTQ+ families, particularly those that are feeling isolated because of social pressures, financial difficulty or where they live. We advocate on behalf of our community and are a strong and consistent voice for LGBTQ+ families to address discrimination, raise awareness and promote acceptance.

Families in which one or more parents or carers identify as LGBTQ+ are known as *rainbow families*.

Other submissions

Rainbow Families (including in NSW and Victoria) has previously made joint submissions in relation to the previous exposure draft bills, in which we urged the government not to proceed with legislation that would permit discrimination against our children, because of who they are and what kind of family they come from. Because of our diversity there are endless possibilities of where discriminatory comments could impact our access to health care, education, good or services in our day to day lives. RFQ along with Rainbow Families in NSW and Victoria conducted an online community survey and collected 53 unique responses in September 2019. We reiterate the concerns that were raised in the previous submissions and rely again on the examples provided in the survey.

We endorse the current submission by Equality Australia to this Committee.

We acknowledge we are not best placed to comment on the specific impacts on intersex people and endorse the submissions on these matters from Intersex Human Rights Australia (IHRA).

Experiences of discrimination against rainbow families

An Australian Institute of Family Studies report by Dempsey found that in 2013 approximately 11% of gay men and 33% of lesbians in same-sex relationships have children.¹ However, this does not include the many children of single parents who identify as LGBTIQ+, and heterosexual couples with children where one or both parents are trans, gender diverse or intersex.

As is the case for other marginalised communities, a major contributing factor to the poor mental health of our communities is the ongoing impact of stigma and discrimination, compounded by negative experiences of discrimination, vilification and hate crimes.²

Children in rainbow families can unfortunately face ongoing stigma because of who their parents are. While in the Dempsey study (2013) it was found that some measures of wellbeing for children in rainbow families were more positive compared with other children, another study in 2014³ found that experiences of stigma related to being in a rainbow family, which might include bullying or social exclusion, can be a risk factor for the wellbeing of children. These experiences are sometimes referred to as 'minority stress'.

RFQ is concerned that the RD Bills will increase minority stress in our communities, with the greatest risk and impact being on our children. We are particularly concerned that, as Queensland families, we currently experience a high level of protection from discrimination under Queensland discrimination and human rights laws. The proposed Federal Bills will strip us of these longstanding rights and reverse existing vital protections for our Queensland families. This will expose us, and particularly our children, to harm.

Examples of how the RD Bills could negatively impact on families

The Equality Australia submission contains relevant examples of how the RD Bills could operate in practice to disadvantage communities. RFQ wishes to add the following examples regarding our Queensland families. These examples are in part hypothetical but based on real situations that our families have experienced and describe the impact of the proposed changes.

1 Dempsey, C. (2013). *Same-sex parented families in Australia* (CFCA Paper No. 13). Melbourne: Australian Institute of Family Studies. Retrieved from <aifs.gov.au/cfca/publications/same-sex-parented-families-australia>

2 Perales F. The health and wellbeing of Australian lesbian, gay and bisexual people: a systematic assessment using a longitudinal national sample. *Australian and New Zealand Journal of Public Health*. 2019;43(3):281-7, Mereish EH, Poteat VP. A relational model of sexual minority mental and physical health: The negative effects of shame on relationships, loneliness, and health. *Journal of Counselling Psychology*. 2015;62(3):425-37, Strauss P, Cook A, Winter S, Watson V, Wright Toussaint D and Lin A. Mental health issues and complex experiences of abuse among trans and gender diverse young people: Findings from Trans Pathways. 2020;7(3):128-136, Lea T, de Wit J, Reynolds R. Minority stress in lesbian, gay, and bisexual young adults in Australia: Associations with psychological distress, suicidality, and substance use. *Archives of Sexual Behavior*. 2014 43(8):1571–8. 24.

3 Crouch, S.R., Waters, E., McNair, R., Power, J., & Davis, E. (2014). Parent-reported measures of child health and wellbeing in same-sex parent families: A cross-sectional survey. *BMC Public Health*, 14,635.

Clause 12: Statement of belief

A lesbian couple attended a perinatal education class prior to the birth of their child. In front of everyone, the health educator working for the hospital told the room that she believes that every child deserves to have a 'mother and a father' and that it's 'cruel for a child not to have a father figure in their life'.

Currently the couple can make a complaint to their state anti-discrimination body, which would be accepted as sexuality discrimination. If not resolved through conciliation, the complaint would proceed to a state tribunal hearing which is a low cost specialised jurisdiction for discrimination complaints.

Under the proposed laws, even if the hospital was of the view that the actions were discriminatory and infringing the workplace code of conduct, if the health educator claimed she spoke those words as part of her personal religious beliefs it may be permitted speech under the 'statement of belief' clause. Determination by the state tribunal decision may be delayed as these issues cannot be determined at the tribunal level since a federal issue has arisen (i.e. the statement of belief 'defence' under federal religious discrimination laws), and the matter may be referred to the Supreme Court. Such a matter may take several years of litigation and would be complex and time consuming for the complainants and respondents alike.

Clause 15: Regulatory bodies

A single gay man who is a parent to two young children attended the doctor for an STD test. There are not many health services available in his regional area. He saw a GP who told him that he only treats "normal people" and that he should "go elsewhere for his gay STD test".

Currently, the man can decide to make a complaint about the doctor's conduct to AHPRA. AHPRA could take disciplinary action, especially if they have received a number of complaints about the conduct of this particular doctor, who is of a faith background.

Under the proposed laws, the ability for AHPRA to discipline the doctor is reduced if he believes that the gay 'lifestyle' is unnatural as part of his religious beliefs. The result of this lack of protection would mean the man does not obtain sexual health services again, fearing unfavourable treatment in the future, and is hesitant to seek health services generally for his family.

Clause 11: Discrimination by religious schools

Two dads enrolled their child in an independent school, which in their regional town is considered the best school in the area, and the family is also of the same faith. The independent school receives public funds along with school fees and has the best facilities and academic results. The school has a publicly available policy that says that they operate in accordance with the particular faith. During the enrolment interview, the principal told the parents that maybe they aren't the "right fit" for the school because

in the school's interpretation of religious doctrine, children should have a mother and a father, they cannot be seen to be promoting their "lifestyle", and must consider the views of the whole school community.

Currently in Queensland the school it isn't permitted to discriminate against students in this way, but under the proposed laws the federal discrimination laws operate to override the state laws. Therefore, these actions are lawful, and the family can take no action.

Thank you for considering our submission. We are available to answer any questions the Committee may have regarding our submission.

Kind regards

Rainbow Families Queensland Steering Committee

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