

Transgender Australians are no strangers to discrimination; bigotry and vilification. Statistics from Queensland for example show that nearly half of Transgender Queenslanders have been assaulted and about 1 in 3 male-to-female Transgender people have been assaulted with a weapon (Speaking Out: Stopping Homophobic and Transphobic Abuse in Queensland). The failure of institutions of policing and justice to prevent such extraordinary figures is damning.

Verbal harassment is a very common experience just doing the shopping.

Most Transgender people I know have experienced discrimination from Doctors, both GPs and Specialists, and for many getting just a basic standard of ordinary healthcare is an odyssey of migration from doctor to doctor till a non-discriminatory one willing to actually stick by their Hippocratic Oath is found. In the UK this problem is gaining media and political attention, Australia will have to follow suit if Transgender people are to receive an ordinary level of healthcare. This is especially true for those of us whom live in regional and rural areas where medical services are scarce enough without having to navigate a minefield of biased doctors; religious groups providing essential services; and specialists and services required for much of Transgender and Intersex specific healthcare can only be found in metropolitan areas.

School Bullying is rife, and is certainly where I experienced the most assaults in my own life thus far. The Australian study on school bullying by LaTrobe University "Writing Themselves in 3" gives us some objective data on the experiences of those children they class as Gender Questioning (starting at page 98 of the report) and it is damning of the failure of schools, both state and private, in their tacit failure to support and to protect these children.

These failures are an embarrassment to Australia and should not be allowed to continue. However, to truly do that will require more action than just the scope of this bill, although this bill is required as part of undoing the grave injustices being committed against this part of the community.

This bill should be passed and it should be as comprehensive and inclusive as possible when it does so.

It is good to see that the definition of gender identity is quite accurate. It is utterly essential that those people whose gender identity and/or expression differ from binary gender stereotypes are fully included, for the more that they do so differ from stereotypes and a binary idea of gender, the more discrimination; violence and injustice they receive. It must be clear that the entire spectrum of gender identity is so protected and not merely those whom identify as strictly male or strictly female. It is good to see proper recognition of Intersex in this bill too. While quality statistics are hard to come by, it is likely that everything I raise about the violence and discrimination suffered by Transgender Australians applies even more-so to Intersex Australians.

It is vital, as we have been doing since we as a nation began to undo sex discrimination, that comparative data on the discrimination against: quality of life of; degree of social inclusion of; media representation of; level of education of and career achievement of Transgender; other gender diverse and Intersex people experience in order that areas of inequality may be highlighted and addressed.

As studies such as "Writing Themselves In 3" have shown that many of the children that were classed

as Gender Questioning were of Aboriginal or Torres Strait Islander backgrounds, the issues faced by this community must be addressed.

Yes there is a need for some exemptions in order to ensure that traditional religious rituals, the production and handling of religious ritual goods and religious instruction are not impeded by this bill. However that does not mitigate the Duty Of Care towards children in the care of religious schools nor is there any excuse for denial of charity or public service, especially that funded by the taxpayer towards people because of their Gender Identity Intersex Status or Sexuality.

To preserve religious ritual an exemption is needed for the hiring of those hired to perform religious rituals such as Priests and Rabbis. It also is needed that those who enter a religious ritual space such as the congregation and those who prepare and care for a religious space such as cleaners will need an exemption particular to the entry of and use of and actions within that religious ritual space. For those who produce religious goods such as ceremonial objects used in religious rituals again an exemption is appropriate for those handling and making religious ritual goods.

However, outside specific religious rituals and ritual space these are not needed. Where a business owned by a religious organisation makes worldly goods rather than or in addition to ceremonial objects there is no need or justification for exemptions where non-ceremonial goods are involved. Where a service is provided that is not itself a religious ritual then an exemption is not justified.

When it comes to a school environment employment again depends upon the role in the school. For those administering in school chapels and the like and the teaching of religious instruction exemptions are appropriate, for a teacher of mathematics it's much harder to see how it is at all relevant to their job.

Religious schools must be able to show that above all, they meet their obligations of their duty of care to the children in their charge above and beyond any other consideration. Regardless of their doctrines the bullying of children is unacceptable and it is very easy to charge them with failing their religious tenants by allowing it to occur and that failure is a far greater harm to the reputation and character of any and all the major religious faiths than any doctrinal conflict with the realities of Transgender Intersex and Homosexual and Bisexual orientation amongst the people they are charged with the responsibility of protecting and educating by society.

While some might think this unfairly harming of the right to religious freedom, let us remember that for centuries now we have not allowed the burning or drowning of witches despite the biblical argument of Exodus 22:18 "Thou shalt not suffer a witch to live" because the rights of a witch are considered the equal as the rights of the Christian who feels biblically compelled to kill them. The rights of all children to a safe school environment is paramount, so while a religiously owned and run school may need to teach their doctrine accurately, they must do this without inciting discrimination and bullying against, and whilst actively advocating against discrimination and bullying against, those at the school who may fall outside some doctrinal teachings. It is up to the schools to reconcile accurate teaching with this obligation to the care of students and as a responsible society we cannot allow them to fail in their duty of care towards the well-being of students for any reason. So long as they are not failing to protect students from bullying then they may teach whatever they wish in religious education classes, however students have a right to accurate information, so while the religious education class might teach about creationism the science class must give the scientific

facts, so too must health classes and biology classes ensure that the biological and medical facts about Intersex Transgender and Sexuality are accurately covered. Even in lessons and the curriculum any exemption should only apply to religious education classes not the rest.

In doing this the correct balance of the rights of children and customers and employees will exist with the right to religious belief; practice and instruction for there will be no impeding of any religious ritual nor, so long as bullying is not being encouraged or tolerated, is there any impediment to accurate religious instruction and nothing at all suggested affects the right to religious belief.

This is especially vital where taxpayer money goes into providing essential services to the public and religious groups take that money to provide such. Where there is a charity or public service there is no excuse for any discrimination.

More will of course need to be done. It is not acceptable for any portion of the population to have a 1 in 3 rate of being assaulted with a weapon. These outrages must be placed before the Ministers responsible; likely it will need a specific Minister to be given a portfolio of these matters. However it is done there must become public awareness of the harm done to innocent people; public education to stamp out ignorance and bigotry; a guarantee of all essential services including a detailed inquiry into discrimination within the health services and much more. However, putting basic protections into the law is a vital start, a foundation towards building an Australia that actually starts to live up to its tenet of a Fair Go for All.

The appalling treatment of Australians who are Transgender; Intersex; Gay; Lesbian or Bisexual has no excuse nor justification and it's long past due time for that to be enshrined in strong inclusive federal law.

Bayne MacGregor