

Disability Voices Tasmania opening statement

Disability Voices Tasmania is an organisation run by and for people with disability working to develop an across disability voice on issues of concern to Tasmanians with disability.

The purpose of Disability Voices Tasmania is to:

- Strengthen and promote the individual and collective voices of people with disability.
- Work together to ensure all people with disabilities can participate in and contribute to our community as equal and active citizens.
- Be an inclusive, diverse, transparent and democratic organisation led by and for people with disability.

Disability Voices Tasmania thanks the Committee for this opportunity to give evidence about the impact of the package of religious discrimination bills on people with disability in Tasmania in particular, but more broadly across Australia.

Disability Voices Tasmania notes that there are 12 submissions to this inquiry from disability organisations across Australia, including one that has 26 organisational signatories. Despite this, Disability Voices Tasmania is the only disability organisation that has been invited to give evidence. We hope that we can do justice to the concerns of people with disability and their representative organisations across Australia in giving evidence here today.

One concern detailed in our submission is the lack of targeted or effective consultation with people with disability on the impact of these bills on our fundamental right to equality and non-discrimination. This failure is inconsistent with Australia's obligations under the *Convention on the Rights of Persons with Disabilities*.

A key concern for people with disability across Australia arising out of this package of bills is its impact on existing protections against disability discrimination under federal, state and territory laws. This is particularly in respect of clause 12 of the Religious Discrimination Bill, which expressly overrides not only all discrimination laws in Australia, but specifically section 17(1) of the Tasmanian *Anti-Discrimination Act 1998*. This provision of the Tasmanian Act has been used extensively by people with disability to assert their right to be treated with dignity and respect in their day-to-day lives. To over-ride this protection in the name of freedom of religious speech is to privilege religion over the most fundamental principle underpinning all human rights laws, the inherent dignity of all people, in this case people with disability who

experience discrimination day in, day out, and who rely heavily on community services, an increasing number of which are delivered by religious organisations.

People with disability constantly experience ridicule, offensive assumptions, bias, and intimidation. It does not matter whether this arises from hate, prejudice, misguided assumptions, and attitudes towards disability, or because of religious belief – or one person's interpretation of religious belief.

What matters is the hurt, humiliation, and long-term impact we experience as a result of it.

We never get used to this behaviour. It is familiar and many of us know its repertoire. We know that too many people with disability who want to get out and about limit doing this because of the regular and invasive nature of this abuse. And yes, it is often at the hands and voices of people asserting their religious views of disability.

Between 2013–14 (when section 17(1) was first extended to provide protection for people with disability) and 2020–21, an average of 46% of complaints made under section 17(1) were made by people with disability. Before that, the dominant group using this protection were women (averaging 52% between 2005–06 and 2013–14).

Tasmanians have had protection under section 17(1) sitting alongside the protection against discrimination on the basis of religious belief, affiliation and activity since 1998. The submission from faith organisations in Tasmania (submission 197) indicates that there is support within communities of faith for this complementary protection being retained. Clause 12 appears to be a misguided reaction to one widely misrepresented complaint made under section 17(1). It is ill-advised and of enormous concern to us as people with disability in Tasmania.

Returning to the issue of faith-based service providers, we note the concerns in submission 167 which we endorsed in relation to the dominance of such service providers (sometimes as the only available provider) and the serious power imbalance between provider and service users. The potential for these bills to license harmful and demeaning ableist views within service settings is real and could easily result in a person with disability being excluded or prevented from accessing supports needed in their day-to-day lives altogether because of the faith-based nature of the services or the beliefs of available support workers.

A final important aspect of the protections of discrimination laws is their capacity to set standards of individual and organisational behaviour, standards that allow us to work with organisations to develop into effective policies and practices that improve equality, respect and inclusion for people with disability. By undermining the universality of these standards, these Bills send the message that some organisations need not do this important work, and some people need not consider the impact of their words and actions on others.