

21 December 2021

Parliamentary Joint Committee on Human Rights
Seniorclerk.committees.sen@aph.gov.au

Dear Committee members

Re: Religious Discrimination Legislative Package

We write to express the concerns of COTA SA about the *Religious Discrimination Legislative Package*. In its current form it will set back our aim, as Australians, for an inclusive society which does not permit discrimination against others, including older people.

COTA SA is an older people's movement run by, for and with older people. We represent the rights, interests and futures of more than 630,000 older South Australians and reflect the diversity of modern ageing in terms of living arrangements, relationships, income, health, ambitions and aspirations. Our policy and advocacy are guided by our engagement with thousands of older people, the COTA SA Policy Council, and our various advisory groups.

Older people rely on a range of employment and services including health, disability support, housing and aged care. All older people have the right to safe, inclusive and respectful access to services, especially and including those that receive government funding. For some older people, particularly those who live in country areas, there is little choice in the available services.

COTA SA is very concerned that the *Religious Discrimination Bill 2021* and its related bills will:

- take away existing anti-discrimination protections,
- protect service providers who make statements that hold malicious, ill informed or misguided intent on the grounds of race, religion, sex, marital status, disability, sexual orientation, gender identity or intersex status,
- allow faith-based organisations, including aged care services, hospitals and disability service providers, to discriminate against people with different or no religious beliefs,
- discourage people who experience discrimination at work or when accessing services from challenging comments that are offensive, insulting or demeaning,
- make regulating and enforcing professional standards more difficult, and
- create uncertainty for people about their rights.

We are particularly concerned about the impact of the *Religious Discrimination Legislative Package* on LGBTI elders. LGBTI elders disproportionately experience or fear prejudice from their peers, communities and professional services, and are more vulnerable to significant isolation as a result. These lived experiences severely impact health, wellbeing and belonging. The *Religious Discrimination Bill 2021* and its related bills may well feed prejudice, impacting the rights and wellbeing of LGBTI elders today and for generations to come.

The *Religious Discrimination Legislative Package* appears to provide protection and preferential treatment to religious beliefs or activities at the expense of other fundamental human rights. If the Package is passed, it will make less certain access to essential services such as health and aged care.

COTA SA supports the protection against discrimination, vilification or persecution based on religious beliefs. We do not support privileging religious belief over other human rights. The rights of one group cannot be at the expense of – and cause hurt to - the rights of others.

Equal access to goods and services without discrimination is a basic human right and fundamental to ageing well. We believe the *Religious Discrimination Bill 2021* and its related bills are unnecessary. If the Package must proceed we urge a review to consider how it will impact everyone, of all ages, ability, cultural background, sexuality, gender and relationship status. We urge amendments that will safeguard the provision of fair, respectful and inclusive services for all people.

Yours sincerely,



Jane Mussared
Chief Executive
COTA SA



Dr Christine Davis
Chair, Rainbow Hub Advisory Group
COTA SA