



Religious Discrimination Bill 2019 – Second Exposure Draft Submission from Family Planning Tasmania

Why is Family Planning Tasmania making this submission?

Family Planning Tasmania is a well established, not for profit organisation providing sexual and reproductive health (SRH) clinical, education and advocacy services for all Tasmanians.

In 2018-2019, Family Planning Tasmania (FPT):

- delivered 34,026 clinical services to 13,094 clients, including (but not limited to) contraception, gynaecology, treatment of sexually transmitted infections, and termination of pregnancies
- provided SRH education programs to 12,707 young people in Tasmania schools
- delivered one-on-one educative and therapeutic support to 364 people with additional needs, and SRH professional development to workers in Tasmania's education sector
- employed 72 staff, including health practitioners and educators.

In addition, FPT plays an important role in advocating for respectful relationships, and reproductive and sexual health in Tasmania. In particular, FPT works to protect and enhance the sexual and reproductive health and rights of marginalised communities, including people living with disability, people from culturally and linguistically diverse backgrounds, people living in remote and regional Tasmanian communities, Indigenous people, and LGBTI+ people.

The second exposure draft of the *Religious Discrimination Bill 2019* potentially impacts all FPT services, clients and staff.

The importance of providing family planning services free of discrimination

The critical role of sexual and reproductive health and rights in global development has been repeatedly highlighted by the United Nations Population Fund¹ and the World Health Organisation². Provision of family planning services is one of the most cost-effective health interventions. Every dollar invested in reproductive health - including family planning commodities, information, education and services - generates up to \$120³.

FPT notes Australia's obligations under numerous international conventions to ensure its citizens are provided with health care, including sexual and reproductive health services, free of discrimination. These agreements include, but are not limited to, the International Convention on Economic, Cultural and Social Rights; the International Covenant on Civil and Political Rights; and the Convention on the Rights of Persons with Disabilities.

FPT is concerned that aspects of the second exposure draft of the *Religious Discrimination Bill 2019* will constrain the effectiveness of SRH services in Tasmania, and result in groups of Tasmanians being discriminated against in relation to sexual and reproductive health care access, treatment, education and rights.

¹ Singh, S. Darroch, J. and Ashford, L., *Adding It Up: The Costs and Benefits of Investing in Reproductive Health Services*, UNFPA, 2014

² World Health Organisation (WHO), *Reproductive health strategy to accelerate progress towards the attainment of international development goals and targets*, WHO, Geneva, 2004

³ Kohler, H. and Behrman, J. *Population and Demography Assessment Paper: Benefits and Costs of the Population and Demography Targets for the Post-2015 Development Agenda*, Copenhagen Consensus Center, 2014



Scope of this submission

FPT notes that many Tasmanian organisations and individuals have provided comment, analysis and advocacy on the broad implications of the *Religious Discrimination Bill 2019* on Tasmanians generally, and groups of Tasmanians specifically, including women, people with disabilities, and LGBTIQ+ people and their children.

In this submission, Family Planning Tasmania focuses only on those aspects of the Bill that may have a direct impact on FPT's capacity to provide high quality sexual and reproductive health services to all Tasmanians.

Addressing the potentially negative impacts of the second exposure draft of the *Religious Discrimination Bill 2019* on sexual and reproduction health and rights in Tasmania

Family Planning Tasmania respectfully requests that the *Religious Discrimination Bill 2019* is amended - or other administrative or legislative actions are taken - to ensure the following:

- It must remain a requirement in Tasmania, as currently provided under the *Reproductive Health (Access to Terminations) Act 2013*, for doctors exercising a conscientious objection to the provision of termination services, to refer patients to prescribed services that provide advice, counselling or information on the full range of pregnancy options.
- A sexual and reproductive health service, such as Family Planning Tasmania, must have the capacity to require its employees to provide health services, advice, counselling and information on a full range of lawful:
 - pregnancy options, including termination;
 - contraception options;
 - pre-natal and post-natal practices and activities;
 - methods to minimise the incidence of sexually transmitted infections and risky sexual behaviours.
- It must be lawful for organisations providing sexual and reproductive health services, such as Family Planning Tasmania, to implement and enforce codes of conduct and employment conditions that require employees and contractors not to publicly advocate against the provision of the full range of lawful sexual and reproductive health services, advice, counselling and information offered by that service.
- It must be lawful for organisations providing sexual and reproductive health services, such as Family Planning Tasmania, to implement and enforce codes of conduct and employment conditions that require employees and contractors to provide lawful services to all consumers, including (but not limited to) a person of any of any gender, race, religion or sexuality and a person with any marital, parenting, breastfeeding, addiction or HIV status.
- The current provision in the *Reproductive Health (Access to Terminations) Act 2013*, making it an offence for a person to engage in prohibited behaviour within an access zone (to ensure women can access reproductive health services free from harassment, intimidation, and protest), must not be impacted by any new Commonwealth law.
- Protections that currently apply in Tasmania to prevent discrimination against people on the basis of sexuality, breastfeeding, parenting, family responsibilities, and other aspects of their sexual and reproductive status, should not be weakened by consequence of Commonwealth law.



- It must not be the case that a person in Tasmania could be dismissed from their employment, or expelled from their education institution, due to a change in their sexuality or gender status. FPT notes in particular the mental health vulnerabilities of LGBTI+ young people⁴, and the serious negative impacts that expulsion from school could have on a young person exercising their rights to sexual identity.

Further Information

If any further information is required on the potential impact of the *Religious Discrimination Bill 2019* on the sexual and reproductive health of Tasmanians, please do not hesitate to contact Family Planning Tasmania.

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⁴ National LGBTI Health Alliance (NLHA), *Snapshot of Mental Health and Suicide Prevention Statistics for LGBTI people*, NLHA, 2016