

**Mental Health
Australia**

Religious Discrimination Bill 2021 and related bills

Submission to inquiry of Legal and Constitutional Affairs Legislation
Committee

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Mentally healthy people,
mentally healthy communities

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Response to Revised Religious Discrimination Bill

Introduction

Mental Health Australia supports the right of all Australians to access adequate health care, education and employment and believes that no one should face discrimination on the basis of their faith (or non-faith), gender identity or sexuality.

Mental Health Australia has provided submissions to previous consultations on the drafting of the Religious Discrimination Bill and related bills, to raise concerns that the proposed legislation inappropriately preferences religious freedom over other fundamental human rights.

While the Religious Discrimination Bill 2021 is an improvement to previous iterations, Mental Health Australia has remaining concerns about the unintended consequences of introducing legislation that while introducing protections for some people, removes the anti-discrimination protections, including on the grounds of race, religion, sex, marital status, disability, sexual orientation, gender identity or intersex status of others.

This brief submission is focussed on the potential impact of the proposed Bills to discriminate against population groups who already experience disproportionate rates of mental ill health.

The revised Bill as it stands may still result in:

- Australians losing discrimination protections at work, school and when accessing goods and services like healthcare to accommodate the religious beliefs of people who may make discriminatory statements against them.
- Bodies regulating professionals finding it harder to enforce standards which make their professions and industries inclusive and safe places for everyone.
- Employees, students and people relying on certain services provided by faith-based organisations have little protection if their beliefs differ from those of that organisation.¹

Mental Health Australia is the peak, national non-government organisation representing and promoting the interests of the Australian mental health sector and is committed to achieving better mental health for all Australians. Mental Health Australia is particularly concerned with the potential unintended impact of the Bill on the mental health of people groups who already experience high rates of suicide and mental illness.

Population groups with poor mental health outcomes are likely to be further disadvantaged

The majority of LGBTQI+ people lead happy, healthy and contributing lives. However, the structural and social prejudice and discrimination still experienced by LGBTQI+ communities is a risk factor for depression, anxiety and suicide on top of the biological, social, environmental and psychological factors we all experience.

¹ <https://equalityaustralia.org.au/resources/rdbfactsheet/>



LGBTI people are already twice as likely to be diagnosed and treated for mental health disorders and 16% of LGBTI young people and 35% of transgender people have attempted suicide in their lifetime, compared to 3.2% of the general population aged 16 and over.² The National LGBTI Health Alliance states that poor mental health outcomes can be “directly related to experiences of stigma, prejudice, discrimination and abuse”.³

While these statistics show a clear need to reduce stigma, prejudice and discrimination, the Religious Discrimination Bill has the potential to further increase the stigma and discrimination experienced by LGBTIQ+ people resulting directly in further deterioration of their mental health.

The potential of students and teachers being expelled from a religious school has increased under the Bill with no protection for LGBTIQ+ students and teachers from being discriminated against by religious schools.⁴

Increase in stigma is also likely to have a direct impact on the willingness of LGBTIQ+ people experiencing mental health difficulties to seek help. Without appropriate treatment, mental health conditions are likely to deteriorate.

If enacted, the Bill could also make it easier for health practitioners to refuse health services on the basis of the health practitioner’s purported religious belief. Mental Health Australia sees potential detrimental impacts for (but not limited to) LGBTIQ+ people seeking healthcare and women seeking access to contraception, reproductive and sexual healthcare (including where an assault has occurred).

The Royal Australian College of General Practitioners have aired similar concerns calling for *‘a halt to draft federal laws to enshrine religious freedom out of concern the changes would curb access to health services for women and compound discrimination against gay and lesbian Australians.’*⁵

The proposed Bills should not become law

All Australians deserve access to appropriate healthcare, including mental healthcare and protection against harmful statements related to their identity. To protect these human rights, Mental Health Australia recommends the government does not proceed with its proposed Bills.

Privileging the rights of one group of the population over another has the potential to cause broader harm by embedding stigmatising attitudes in the nation’s statutes that may cause harm to the whole population, and to LGBTIQ+ people in particular.

Mental Health Australia recommends that the current Bill is revised to ensure that:

- anti-discrimination protections, including on the grounds of race, religion, sex, marital status, disability, sexual orientation, gender identity or intersex status are not eroded as a result of the introduction of such its proposed legislation.
- The fundamental human right to access to healthcare is not compromised by legislation that preferences religious freedom over other human rights.

² National LGBTI Health Alliance (2016) Snapshot of Mental Health and Suicide Prevention Statistics for LGBTI People

³ National LGBTI Health Alliance (2016) the Statistics at a Glance: the Mental Health of Lesbian, Gay, Bisexual, Transgender and Intersex People in Australia, retrieved from: <https://lgbtihealth.org.au/statistics/>

⁴ <https://www.abc.net.au/news/2021-11-26/religious-discrimination-bill-lgbtq-students-teachers-religion/100651222>

⁵ <https://www.smh.com.au/politics/federal/doctors-call-to-stop-religious-freedom-law-over-health-concerns-20211117-p599rt.html>



Conclusion

All Australians deserve access to appropriate education and healthcare, including mental healthcare. As it currently stands, the Religious Discrimination Bill does not protect these fundamental human rights.



Mental Health Australia



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Mental Health Australia is the peak independent national representative body of the mental health sector in Australia.

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