

Human Rights Unit
Integrity Law Branch
Integrity and Security Division
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Level 11, 257 Collins Street
Melbourne VIC 3000
PO Box 38
Flinders Lane VIC 8009
T: (03) 8662 3300
F: (03) 9663 6177
www.psychology.org.au

Via Email: ForConsultation@ag.gov.au

30 September 2019

To Whom It May Concern,

RE: Religious Freedom Bills

The Australian Psychological Society (APS) welcomes the opportunity to make a submission on a package of legislative reforms about religious freedom. The proposed bills are:

- Religious Discrimination Bill 2019
- Religious Discrimination (Consequential Amendments) Bill 2019
- Human Rights Legislation Amendment (Freedom of Religion) Bill 2019.

The APS is the premier professional association for psychologists in Australia, representing more than 24,000 members. Psychology is a discipline that systematically addresses the many facets of human experience and functioning at individual, family and societal levels. A key goal of the APS is to actively contribute psychological knowledge for the promotion and enhancement of community wellbeing. The APS is committed to promoting social cohesion and confronting discrimination in all its forms, reflecting the core ethical principle of respect for the dignity of all persons.

The APS has a long history of involvement on matters relating to multiculturalism, inclusion, equality, social cohesion and freedom of speech. In alignment with our recent submissions we recommend that the Australian Government does not support laws that privilege religious interests over the interests of other Australians, including LGBTQI+ people.

Further to the government's response to the [Religious Freedom Review](#), the APS calls on the government to urgently do more to protect the rights of LGBTQI+ people. Attempts to legislate to protect religious freedom should not come at the expense of LGBTQI+ people. The APS recommends not to use a proposed Religious Discrimination Act to undermine or override anti-discrimination laws aimed at protecting the LGBTQI+ community.

The APS recommends that the Government focus attention on legal protections and interventions aimed at protecting those most vulnerable from the harm that discrimination can cause.

Our recommendations are based on psychological evidence which highlights the detrimental impact of discrimination on mental health and wellbeing. People from LGBTQI+ communities already experience much higher levels of mental health problems and suicide than the general community. Religious freedom reforms will pave the way for even more discrimination, particularly against LGBTQI+ people in the education system (students and teachers) as well as people's access to healthcare and other services.

Giving schools the right (or enabling them to maintain the right) to discriminate against LGBTQI+ students sends the message to LGBTQI+ young people, adults and families that they are not fully accepted in Australian society and risks eroding their sense of belonging. Damaging debates such as ones around discrimination in schools and in the lead up to last year's postal survey about marriage equality were distressing and detrimental to LGBTQI+ people, their family and friends but were also damaging to the cohesive fabric of our society creating social divisions and embedding discrimination.

Psychologists have an ethical responsibility to work to ensure that all Australians are supported to achieve positive mental health and full social inclusion. Likewise, schools should promote a sense of inclusion and belonging where diversity is valued. When children feel they belong their learning is likely to improve.

The APS strongly supported marriage equality. To deny groups within Australian society access to legal marriage is against the fundamental tenets of the APS Code of Ethics and the human rights of LGBTQI+ people. The APS welcomed the 2017 Parliamentary vote and legislation to establish marriage equality in Australia. The legislation brought Australia in line with many other countries around the world in recognising the rights of same-sex couples to legally marry. In the same way the [APS challenged clauses in the exposure draft of the Marriage Amendment Bill](#) to allow religious organisations to discriminate against (and not provide services to) LGBTQI+ communities, we do not support these religious freedom reforms.

Psychological evidence also demonstrates the [significant mental health benefits of gender affirming responses for transgender people](#). The Religious Discrimination Bill is likely to limit access of transgender people to health services and support, on account of health professionals or institutions being legally allowed to conscientiously object to providing care based on religious beliefs.

People from minority faiths and women are also likely to see detrimental outcomes. This bill would allow people to use religious belief as a cover for sexism or other forms of prejudice. Complicated clauses could provide an opportunity for religious conservatives to hinder access to abortion care or be used to defend anti-Islamic views. For example, health practitioners who conscientiously object to performing abortions may have stronger legal protections and not be compelled to refer women to an alternative provider.

The religious freedom reforms also have implications for organisational culture. The proposed legislation means employers may not legally be allowed to stop employees from saying discriminatory things to others, essentially disempowering organisations to foster safe and inclusive workplaces.

The APS understands the intent of the Religious Discrimination Bill is sound – to protect religious belief or activity, as other anti-discrimination legislation does for race, sex, disability and age. The APS supports protection of religious beliefs, but not at the expense of other people’s protections. This view echoes that expressed in our [submission that challenged the amendments to the Racial Discrimination Act \(RDA\) 1975](#), whereby the APS emphasised that in focusing on freedom of speech, it would come at the cost of an equally important right - freedom from discrimination. In the same way, religious freedom may come at the cost of the right to health care for women seeking abortion, or transgender people seeking access to gender affirming treatments.

It has been argued that people from some religious backgrounds already have a lot of freedom. [Chris Csabs](#) who identifies as both Christian and gay illustrates this well in a documentary about his life, [Praying to be Straight](#). He clearly articulates how he has never felt persecuted on account of his religion, but he has felt persecuted regarding his sexual orientation. Implementing the religious freedom reforms are likely to exacerbate and increase instances such that Chris had to endure. This would likely serve to increase the stigma associated with the minority status of LGBTQI+ people, which would be likely to entrench existing prejudices rather than to increase the social acceptance of LGBTQI+ people.

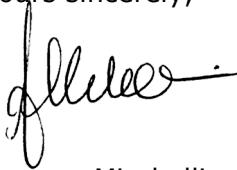
Implementing these religious freedom reforms risks entrenching the privilege (and rights) of certain groups over others. For example, religious conservatives are privileged at the expense of LGBTQI+ minorities whose voices are rarely heard and who are at greater risk of being silenced than those of dominant groups with ready access to public space.

The APS encourages leaders and policy makers to demonstrate inclusiveness and to express inclusion through its policies and practices. The evidence shows that social inclusion reduces the risks of mental ill-health for individuals and of social conflict for communities. Inclusive practices thus promote individual health as well as social cohesion. The APS believes that government should be providing

equal protection for everyone not creating laws that privilege some communities over others.

The APS has no interests or affiliations relating to the subject of the consultation and the representations submitted, other than our commitment to an Australian community and Government that are informed by research and that are effective in our combined strategies to generate inclusion, wellbeing, equity, productivity and prosperity.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Frances Mirabelli', with a horizontal line extending to the right.

Frances Mirabelli
Chief Executive Officer
Australian Psychological Society

References available upon request