



RELIGIOUS DISCRIMINATION BILL 2019 - IN FOCUS:

DISABILITY, MENTAL HEALTH AND WELLNESS

Access to healthcare will be put at risk and people with disabilities, or with lived experiences of mental health issues, will lose discrimination protections to accommodate the religious beliefs of people who discriminate against them.

WHAT DOES THE RELIGIOUS DISCRIMINATION BILL 2019 DO?

The Government has released its second draft Religious Discrimination Bill which aims to protect people of faith and without faith from discrimination in certain areas of public life, such as employment, education and the provision of goods and services.

But the Bill threatens our access to healthcare and *takes away* rights from people currently protected under anti-discrimination laws, leaving at risk people with disabilities or with lived experiences of mental health issues.

MAKING DISCRIMINATORY STATEMENTS LAWFUL

The Religious Discrimination Bill takes away existing protections for people with disabilities or with lived experiences of mental health issues. Section 42 of the Bill introduces a religious exemption into the *Disability Discrimination Act* for the first time.

Employees, students, patients and others who access goods and services may not be

protected under existing anti-discrimination laws where someone makes offensive or uninformed statements about disability or mental health based on their religious beliefs.

For example, the proposed laws may protect a teacher, boss, support worker or shop-owner who might say to a person with a disability or mental health issue, or their families or carer that:

- disability is caused by turning your back on God, or can be healed by prayer
- mental health issues, addictions or eating disorders are the work of the devil
- AIDS is a punishment for sin
- guide dogs and other assistance animals are unclean.

Statements which are malicious, or which are likely to harass, threaten, seriously intimidate or vilify people with disabilities or mental health issues, or which encourage serious offences, will not be protected. But where the line will be drawn between statements that are allowed and those which are not is unclear.

COMPROMISING ACCESS TO HEALTHCARE FOR ALL

Doctors, nurses, midwives, pharmacists and psychologists will be given greater protection to refuse treatment to people on religious grounds, where they object to treatment such as contraception, fertility services or other treatments they consider 'sinful'.

Health sector employers and professional bodies that impose policies and standards requiring doctors, nurses, midwives, pharmacists or psychologists to treat people based on need may find them under challenge.



CASE STUDIES

Australians rely on access to quality healthcare, wherever they live. People with disabilities, or with lived experiences of mental health issues, are also particularly vulnerable to uninformed and dangerous comments based on religious belief. These comments can be especially harmful when made by people in positions of trust, such as health professionals, support workers or teachers.

Scenario 1: During a consultation, a psychiatrist says to a woman with depression that *'she should be looking forward to the Kingdom of Heaven'*.¹ Under the Religious Discrimination Bill, the psychiatrist could challenge their deregistration as religious discrimination, while the patient could have her disability discrimination protections taken away to accommodate the psychiatrist's religious statement.

Scenario 2: A support worker tells a woman in a wheelchair to pray for healing to walk again. Under the Bill, the worker could bring a religious discrimination complaint if disciplined for making such a comment, while the woman's disability discrimination protections could be taken away to accommodate the worker's religious statement.

Scenario 3: A woman is told by her dentist that her schizophrenia is an *'oppression by spirits of fear'*, and that spiritual healing can cure her.² Under the Bill, the dentist could challenge a requirement that he attend

training to prevent his religious beliefs interfering in the care he gives, while his patient's disability discrimination protections could be taken away to accommodate the dentist's religious statements.

Scenario 4: As he gets into a taxi, a man with a guide dog is told by the driver, *'I have to wash my cab every time because dogs are unclean'*. Under the Bill, the driver's religious statement trumps his passenger's own protections against discriminatory treatment in transport.

Scenario 5: A teacher says to a student to seek God's forgiveness following his father's suicide. Under the Bill, the teacher could bring a religious discrimination complaint if disciplined for making such a comment.

Scenario 6: A GP refuses to prescribe the Pill to a woman with endometriosis. Under the Bill, it may be religious discrimination for an employer or health professional body to require the GP to do so or at least refer her to someone else who does.

Scenario 7: A GP refuses to provide referrals to an IVF specialist for a woman with difficulty conceiving. Under the Bill, it may be religious discrimination for an employer or health professional body to require the GP to do so.

Scenario 8: A doctor refuses to disclose to their patient the existence of new or available stem cell-based treatments. This Bill will undermine access to information you can trust from doctors, both now and in the future.

¹ In 2015, a psychiatrist based in Western Sydney, made religious comments and gestures to 5 women, including this statement. He was deregistered: [HCCC v Sarah \[2015\] NSWCATOD 99](#).

² In 2007, a dentist in Victoria, was ordered to undergo counselling concerning the relationship between his religious beliefs and his dental practice after making such statements: [Dr Paul Gardner \[2007\] DPBV 1](#).



THERE'S A BETTER WAY FORWARD

Discriminatory statements about disability or mental illness are never OK. These statements can cause real, lasting harm. It shouldn't matter whether these statements are motivated by religious beliefs or not.

Personal religious views should never be privileged over patient health needs. The Bill allows health professionals to deny or delay treatment to patients even when it adversely impacts on their health.

You can provide discrimination protections for people of faith without removing existing anti-discrimination protections for others.

WHAT YOU CAN DO

Write to your MP voicing your concerns on the Religious Discrimination Bill [here](#).

Stay up to date with our campaign and learn more about the Religious Discrimination Bill [here](#).

Make a submission by 31 January 2020 to the Attorney-General's [consultation](#) on the second draft Religious Discrimination Bill. Send your submission to FoRConsultation@ag.gov.au.

CONTACT US

Have you been denied or delayed healthcare because of the religious views of a health professional? Have you been subject to uninformed or offensive comments based on religious beliefs about disability or mental health, either at work, school or in the provision of services?

Tell us your story [here](#).