

**RESPONSE TO QUESTION ON NOTICE: re public release of Mental Health Commission
submission
JOINT SELECT COMMITTEE ON THE ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS
FREEDOMS AND EQUALITY) BILL 2020**

QUESTION:

Dr JOE McGIRR: I simply wanted to clarify. This morning Ms Lourey said that the original submission from the Mental Health Commission was a public submission. I simply wanted to check with her because my recollection was that the original submission to the Committee was to the Committee. We then were deciding whether to publish but we asked whether people wanted them published. It was at that point that the Mental Health Commission said that it would not want its submission published. That was my recollection of what happened. I am happy for you to take it on notice and go over the events. That is all I wanted to do. I have another question.

ANSWER:

On 10 July 2020, the Mental Health Commission of NSW was invited to make a submission to the Joint Select Committee's Inquiry into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020. On 20 August, the Commission made a submission to the Joint Select Committee expecting the Committee to make it public. In this submission the Commission made no comment on the overall Bill and confined its comments to the mental health and wellbeing of the community.

On 21 August, the Commission received an acknowledgement email indicating that the Committee's usual practice was to publish submissions and that we could request that all or part of our submission be treated as confidential. The Commission did not seek to make the submission confidential at this stage. This is consistent with its long-standing practice of making public submissions.

In response to media reporting on 6 September quoting submissions to the Joint Committee, on 7 September the Commission decided to avoid any misunderstanding or deliberate misconstruing of its submission by requesting it be treated as confidential.

On 22 September, the Commission emailed the Secretariat to follow-up and confirm whether it could resubmit a modified version and therefore make the submission public.

On 25 September, the Secretariat advised that it was the Committee's preference to publish the submission and to confirm whether the Commission wished to withdraw its submission or resubmit it in a form the Commission would prefer for publication. On 25 September, the Commission accepted the offer to withdraw and resubmit its submission. This submission with modified language was submitted on 25 September.