



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

Justice and International Mission Unit
130 Little Collins Street
Melbourne Victoria
Australia, 3000
Telephone: +61-3-9251 5271
Facsimile: +61-3-9251 5241
jim@vic.uca.org.au

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The Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Submission on the *Sex and Age Discrimination Legislation Amendment Bill 2010*

The Justice and International Mission Unit (JIM Unit) of the Synod of Victoria and Tasmania, Uniting Church in Australia, welcomes the opportunity to make a submission to the Senate Legal and Constitutional Affairs Legislation Committee inquiry into the *Sex and Age Discrimination Legislation Amendment Bill 2010*.

The JIM Unit is broadly supportive of the Bill. Right from its formation, the Uniting Church in Australia has identified the need to address discrimination as an important expression of the Christian faith. In the Statement to the Nation issued at the inaugural National Assembly in 1977 the Assembly committed the Uniting Church to: "We will oppose all forms of discrimination which infringe basic rights and freedoms."

The JIM Unit particularly welcomes the amendment to establish breastfeeding as a separate ground of protection from discrimination (Item 17). The JIM Unit notes the amendment is fulfilling Recommendation 12 made by the Senate Standing Committee on Legal and Constitutional Affairs in its 2008 report into the effectiveness of the *Sex Discrimination Act 1984*.

The JIM Unit has supported increasing breastfeeding rates in Australia as a valuable public health measure and made a submission to that effect to the Standing Committee on Health and Ageing inquiry into breastfeeding in February 2007. Discrimination against women who are breastfeeding is one of the barriers to increasing breastfeeding rates. Thus, the inclusion of breastfeeding as a separate protected characteristic of the *Sex Discrimination Act 1984* will be the focus of this submission.

It is a well recognised fact that breastfeeding is the best start in life for a baby, where breastfeeding is possible. This view is held by the World Health Organisation (WHO) and UNICEF and continues to be confirmed by medical research. The WHO recommends exclusive breastfeeding for the first six months of life, the introduction of local, nutrient rich complementary foods thereafter with continued breastfeeding to two years of age and beyond.¹ In reaching this conclusion the WHO Expert Consultation reviewed more than 3,000 references.²

¹ World Health Assembly Resolution 54.2, 2001.

² Colin Binns, 'Encourage and Support Breastfeeding', in National Health and Medical Research Council, *Dietary Guidelines for Children and Adolescents in Australia*, 10 April 2003, p. 1.

Research has shown that babies feed on breastmilk substitutes rather than exclusive breastfeeding have:³

- Increased risk of asthma;
- Increased risk of allergy;
- Reduced cognitive development;
- Increased risk of acute respiratory disease;
- Increased altered occlusion;
- Increased risk for infection, from contaminated formula with deaths reported as a result of *Enterobacter sakazakii* contaminating infant formula;
- Increased risk of nutrient deficiencies;
- Increased risk of childhood cancers;
- Increased risk of chronic diseases;
- Increased risk of diabetes;
- Increased risk of cardiovascular disease;
- Increased risk of obesity;
- Increased risk of gastrointestinal infections;
- Increased risk of mortality (with one study finding this was the case in the US and not just developing countries);
- Increased risk of otitis media and ear infections; and
- Increased risk of side effects from environmental contaminants.

In addition, not breastfeeding after birth increases a number of health risks for mothers, including increased risks of:

- Breast cancer;
- Being overweight;
- Ovarian cancer and endometrial cancer;
- Osteoporosis;
- Rheumatoid arthritis;
- Stress and anxiety; and
- Maternal diabetes.

Unsupportive attitudes in the community

The JIM Unit notes that there are currently unsupportive attitudes towards breastfeeding and believes the inclusion of breastfeeding as a separate protected characteristic assists shifting community attitudes towards being more supportive of breastfeeding.

According to a Newspoll survey of 1,000 adults commissioned by the Australian Lactation Consultants Association in 2009, more than one in four Australians viewed breastfeeding in public as unacceptable. Young adults 18-24 were the least supportive of public breastfeeding, with up to 36% saying breastfeeding was unacceptable in a café or at work.⁴

The survey found that a church was the most unacceptable place to breastfeed (29%), followed by work (27%), café or restaurant (26%) and a shopping centre (19%).

³ Elisabeth Sterken, 'Risks of Formula Feeding. A brief annotated bibliography', INFAC Canada, Second revision, July 2006

⁴ RHIT University, "Quarter of Australians deem public breastfeeding 'unacceptable'", 7 September 2009.

Just 29% of the 1,000 people surveyed agreed that women should be encouraged to breastfeed publicly, yet 65% of people believed breastfed babies had a better chance of surviving their first 12 months.

Dr Jennifer James, RMIT University Lecturer in Midwifery and Breastfeeding and Human Lactation and Vice-President of the Australian Lactation Consultants' Association stated that part of reason why young mothers wean their babies too early is societal pressure and isolation from other mothers experiencing the same difficulties. We agree with her view that "Australia needs a paradigm shift and it has to start in our schools with education normalises breastfeeding and prevents young adults being shocked or embarrassed."⁵ Increasing the protection against discrimination on the grounds of breastfeeding is a step towards this.

Reinforcing State and Territory Legislation

Introducing the amendment to establish breastfeeding as a separate protected characteristic against discrimination will align Commonwealth legislation with state and territory legislation.

The ACT's *Discrimination Act 1991* specifically prohibits unfavourable treatment on the ground of breastfeeding in public places and in the workplace.⁶

The Tasmanian *Anti-Discrimination Act 1998* prohibits discrimination on the basis of breastfeeding.

In NSW the law does not include breastfeeding as a separate protected characteristic in its anti-discrimination legislation. However, breastfeeding is seen by the NSW Anti-Discrimination Board as a protected characteristic as part of the protection against discrimination on the basis of sex.⁷

The NT *Anti-Discrimination Act 1992* protects the right of women to breastfeed their babies in public and at work.

The Queensland *Anti-Discrimination Act 1991* prohibits discrimination on the basis of breastfeeding.

The WA *Equal Opportunity Amendment Act 2010* makes it unlawful to discriminate against a person because they are breastfeeding or bottle feeding.

The Victorian *Equal Opportunity Act 2010* likewise has made it unlawful to discriminate against a woman because she is breastfeeding a child or expressing milk in public areas and at work.

Dr Mark Zirnsak
Director
Justice and International Mission Unit
Synod of Victoria and Tasmania
Uniting Church in Australia
130 Little Collins St
Melbourne, Victoria, 3000

⁵ Ibid.

⁶ Human Rights Commission, "Breastfeeding, your rights explained", www.hrc.act.gov.au

⁷ ADB Factsheet, "Breastfeeding Discrimination", www.lawlink.nsw.gov.au/adb