

Senate Standing Committee on Legal and Constitutional Affairs
By email: legcon.sen@aph.gov.au
9 January 2013
Attention: Committee Secretary

To follow please find the Submission from Alex Greenwich MP, State Member for Sydney, in response to the Exposure Draft of the *Human Rights and Anti-Discrimination Bill 2012*.

The NSW State seat of Sydney is one of the most diverse electorates in Australia and is home to over 200 different nationalities and many LGBTI residents; as such the proposed bill will have a major impact on many constituents.



Dear Committee Secretary,

It is a fundamental and vital role of Governments to protect vulnerable people and groups – anti-discrimination legislation is vital for this purpose.

I strongly support the extension of discrimination provisions at Commonwealth level that would prevent discrimination and vilification and promote inclusion, tolerance and acceptance. I strongly support national legislation that ensures State/Territory boundaries do not prevent action against discrimination.

As a gay man, I know firsthand the impact of discrimination against LGBTI people and our families. My work with Australian Marriage Equality and as a Member of Parliament has reinforced to me the devastating impacts of discrimination and vilification that authorises abuse and violence.

My submission supports submissions made by expert organisations that I work with in my electorate and who have specialist expertise from working with communities, groups and individuals who suffer discrimination and vilification:

- a) The NSW Gay & Lesbian Rights Lobby;
- b) The Inner city Legal Centre; and
- c) The joint submission of Redfern Legal Centre and the Australian Human Rights Centre.

I draw particular attention to the following two recommendations:

1. Religious Exemptions

Discrimination law does not aim to address discrimination in a private sphere, and has very little impact on the right to religious freedom. Discrimination in public sphere such as employment or service provision should not be sanctioned in law through exemptions.

I oppose exemptions from discrimination coverage that allow discrimination against LGBTI people. Governments should ensure that taxpayer funds allocated for contracted services or funding support are not used to entrench deliberate and dangerous acts of discrimination and vilification.

Any organisation obtaining government funding should not be exempt from discrimination legislation. I support the exclusion of Commonwealth funded aged care programs from this provision, and recommend that this be extended to any Commonwealth funded institution, including educational bodies.

The exclusion of Commonwealth funded aged care programmes is reportedly on the grounds of the vulnerability of people seeking such services. The same consideration should apply to LGBTI young people, who are just as

vulnerableⁱ. The Government has an obligation to protect all students from the prejudice, discrimination, bullying and harassment that can exist and grow in the absence of strong anti-discrimination protections.

2. Intersex and Gender Diverse Inclusion

I support the inclusion of a clause in the bill that specifically addresses the concerns of intersex and other sex and gender diverse people about the discrimination they experience.

There is limited community understanding about intersex and other sex and gender diverse people, and I share their concern that the current language and proposals may not represent their experience. It is vital that Government work with the communities concerned to understand lived experience and listen to their voices.

Discrimination and vilification are dangerous and destructive for people from LGBTI communities, and Government has a responsibility to prevent continued abuse and violence.

Yours sincerely,

Alex Greenwich
Member for Sydney

ⁱ 'I COULDN'T DO BOTH AT THE SAME TIME': SAME SEX ATTRACTED YOUTH AND THE NEGOTIATION OF RELIGIOUS DISCOURSE, LYNNE HILLIER, ANNE MITCHELL AND HUNTER MULCARE
Gay & Lesbian Issues and Psychology Review, Vol. 4, No. 2, 2008
http://www.glhv.org.au/files/Hillier_Mitchell_Mulcare_2008.pdf