



SUBMISSION TO SENATE INQUIRY INTO HUMAN RIGHTS (PARLIAMENTARY SCRUTINY) BILL 2010 AND THE HUMAN RIGHTS (PARLIAMENTARY SCRUTINY) (CONSEQUENTIAL PROVISIONS) BILL 2010

**by Matrix Guild (Vic) Inc (Matrix) and
Coalition of Activist Lesbians Australia Inc (COAL)**

27 October 2010

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Via email: legcon.sen@aph.gov.au

Dear Committee Secretary,

Please find below a submission by Matrix Guild (Vic) Inc and The Coalition of Activist Lesbians (COAL) to the Senate Inquiry into the *Human Rights (Parliamentary Scrutiny) Bill 2010 and the Human Rights (Parliamentary Scrutiny) (Consequential Provisions) Bill 2010*. We thank the Committee for the opportunity to make this submission, as the human rights of lesbian Australian citizens – across all stages of the lifespan - are a matter of great concern to COAL and Matrix.

About COAL and Matrix Guild

The Coalition of Activist Lesbians (COAL) was formed in 1994 to work towards ending discrimination against lesbians. COAL is a national community organisation that advocates on behalf of Australian lesbians to all levels of government. We are the only United Nations-accredited lesbian Non-Government Organisation (NGO). In this role, COAL lobbied at the UN 4th World Conference on Women, Beijing, 1995; we co-hosted the first international lesbian-space tent at the 1995 NGO Forum; we participated in the 63rd Annual United Nations DPI/NGO Conference in Melbourne, August, 2010.

COAL networks widely with national and international women's, and lesbian and gay, organisations. We, among a number of other organizations, successfully lobbied for the Australian Government to sign the Optional Protocol to the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW). One of our members sits on the national CEDAW advisory panel.

COAL produces research papers about lesbian health; violence against lesbians; lesbophobia; and lesbian domestic violence. We have convened the Lesbian Health Advisory Group (LHAG) in NSW to promote best practice lesbian health care. We produce training manuals on cultural competence for service providers, in order to improve lesbians' access to these services. In addition, we produce trainer training manuals for those running groups for new and emerging lesbians.

As Australia's peak body on lesbian-specific human rights COAL is in a unique position to offer the lesbian perspective on human rights of Australian women.

In 1992 Matrix Guild Victoria Inc. was founded by, and for the benefit of, lesbians over forty years of age. We are committed to the support of appropriate care and accommodation choices for older lesbians in Victoria.

The vision and aims of the founding lesbians were to raise money to assist lesbians who are marginalised, at risk, disabled/frail, and to enhance their wellbeing and quality of life. We do this through provision of information on care and support services, whilst at the same time liaising with government agencies and service providers to develop more appropriate lesbian-friendly services.

We combat ageism and oppose discrimination against older lesbians; challenge lesbophobia; promote social contact and support among older lesbians; support accommodation choices that cater to the needs of ageing lesbians; conduct research; and advocate on behalf of older lesbians to governments and other relevant bodies.

In 2008 and 2009 we published the results of research we had undertaken on discrimination against lesbians in community and residential aged care. Currently, Matrix Guild is building three low-rent social housing flats which will be made available to lesbians of reduced means.

1. The *Human Rights (Parliamentary Scrutiny) Bill 2010*.

COAL and Matrix would greatly prefer, for the implementation of international human rights at the national domestic Australian level, for the Government to introduce a Bill for a *Human Rights Act*, as recommended by the Brennan Committee's consultation on human rights in 2009. However, in its absence, Matrix and COAL strongly support passage of the *Human Rights (Parliamentary Scrutiny) Bill 2010*.

The Bill provides for all new legislation to be accompanied by a Statement of Compatibility with those human rights defined in the seven United Nations human rights instruments which Australia has ratified during the past 60 years. In no way would this diminish the sovereignty of Parliament, nor allow the judiciary to abrogate those powers; Parliament would control legislation completely, but the judiciary would have an international reference guide by which to judge the efficacy and implications of the human rights laws being enacted in Australia. This is entirely appropriate.

In national Australian legislation there is currently no protection against discrimination for lesbians on the grounds of sexual orientation or gender identity. The seven United Nations instruments cover a range of human rights issues not yet embedded within in domestic Australian legislation. Therefore COAL and Matrix *strongly oppose* any amendment that would replace the seven United Nations instruments with

Australia's national anti-discrimination legislation as the standard by which compatibility with human rights should be determined. The proposed amendments would entirely negate the whole intention and effect of the Bill.

2. The Joint Parliamentary Committee on Human Rights

COAL and Matrix believe that human rights should be a whole-of-parliament issue and, as such, rightly belong in the purview of a Joint Parliamentary Committee on Human Rights which could examine Bills and existing Acts for compatibility with human rights and pursue examination of all human rights matters referred to it by the Attorney-General.

Matrix and COAL Australia believe that joint - and collaborative, rather than adversarial - parliamentary enquiries, and discussion during decision-making, are in the interests of all Australian people.

Matrix Guild (Vic) Inc and The Coalition of Activist Lesbians – Australia strongly urge the Senate Legal and Constitutional Affairs Committee to ensure that Parliament passes the *Human Rights (Parliamentary Scrutiny) Bill 2010*.

COAL and Matrix Guild would, further, welcome the opportunity to provide the Committee with further information on the human rights of lesbian Australians and also to form a partnership with governments, and other service providers, to develop strategies to combat and reduce discrimination and heterosexual violence against this often hidden and vulnerable population.

Yours sincerely,

Barbary Clarke on behalf of

Matrix Guild (Vic) Inc and
Coalition of Activist Lesbians Australia Inc (COAL)