



New South Wales Government

Department of Premier and Cabinet

Senator Trish Crossin
Chair
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600

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Dear Senator Crossin

I refer to your letter to the Premier, inviting the NSW Government to make a submission to the inquiry into the Commonwealth *Sex Discrimination Act 1984* (SDA). Mr Iemma has asked me to reply on his behalf.

The NSW Government is strongly committed to eliminating sex discrimination and promoting gender equality, and the NSW *Anti-Discrimination Act 1977* (ADA) provides broad protection in support of these goals. In certain respects, the protection offered by the NSW Act exceeds that under the Commonwealth Act. For example, the ADA provides more extensive protection for those who have responsibilities as a carer and, unlike the SDA, prohibits discrimination on transgender grounds.

Part 4B of the ADA provides that discrimination on the grounds of a person's responsibility as a carer is unlawful in work. This protection extends to applicants, employees, commission agents and contract workers, and covers the conduct of partnerships, local government councillors, industrial organisations and qualifying bodies, as well as of employers and principals. By contrast, protection under the SDA is limited to employees and does not include applicants or the other categories protected under the ADA.

The ADA's provisions provide important protection for the many carers who are unfairly treated in the workplace when they try to balance work and family commitments. In doing so, they recognise the changing structure of work and family life, and the growing number of women and men in the work force who are also the primary carers of children, adults with disabilities, or other family members in need of care and support.

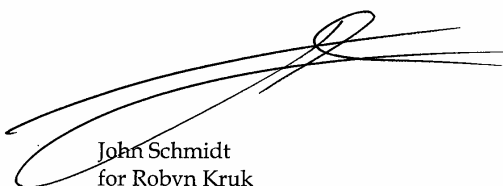
Part 3A of the ADA provides that discrimination on transgender grounds is unlawful in work, education, the provision of goods and services, accommodation and registered clubs. The ADA also contains civil and criminal provisions proscribing vilification on the grounds of transgender status. The inclusion of the transgender provisions in the ADA was in response to the high levels of discrimination, as well as verbal and physical abuse and violence faced by transgender people.

As you will be aware, the NSW and Commonwealth Governments are leading, through the Standing Committee of Attorneys General, a project to consider the harmonisation of discrimination laws across Australia.

The NSW Government considers it essential that any reforms to anti-discrimination law to promote consistency across jurisdictions do not operate to limit existing protections from discrimination, including those provided to transgender persons and carers under NSW legislation.

Thank you for the opportunity to comment on these matters.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Schmidt', with a large, sweeping flourish underneath.

John Schmidt
for Robyn Kruk
Director General