

This is a letter to the senate standing committee on legal and constitutional affairs, urging the committee to support giving all Australians a fair go, and to do their part to end discrimination in Australia. By supporting the *Human Rights and Anti-Discrimination Bill 2012* (referred to hereafter as 'The HRAD Bill'), the committee has the chance to stand up for Australians who, until now, have been treated as second-class citizens in many ways, and the chance to condemn hatred and discrimination.

The HRAD bill makes many good steps towards the ending of discrimination against a large number of Australians, including the definitions of both 'sexual orientation' and 'relationship status'. The changing of 'marital status' to 'relationship status' helps protect many Australians who are not, or, sadly, at this time, cannot be married, such as those with long term same-sex partners.

While affecting Australians of all ages, I feel this bill is particularly welcome to older Australians in eliminating LGBT discrimination. To have discrimination against some of the most hardworking, yet vulnerable Australians is not acceptable. We should protect all Australians from discrimination and hatred, and the bill's proposal to ban discrimination for aged care facilities, even religious ones, helps to protect some of these most vulnerable, but very important members of our society. While this a good start, the bill as it is does not protect all Australians, and amending the bill to prohibit all government funded services, including religious organisations, from discriminating, will further help protect many Australians. The bill also does not adequately address the issue of religious organisations discriminating against employees and applicants, regardless of their qualifications or the quality of their work, an issue which needs to be addressed to ensure equality and a fair go for all Australians. If these organisations are continued to be allowed to freely discriminate against Australians, they should be forced to be open about their discriminatory practices, having messages placed in their brochures and advertisements that they are a discriminatory organisation and the nature of their discriminatory practices.

The HRAD bill's inclusion of gender identity as a protected attribute is a great step forward, but the bill's definition should be improved to cover all Australians. I ask the committee to look to the definition of "Gender identity" as it is defined in the 2012 Tasmanian definition, which covers more aspects of gender identity than the current definition includes. The current bill also places intersex people as protected by the "Gender identity" attribute. This placement is not only incorrect, but could be seen as extremely offensive to intersex individuals. Intersexuality is a physical, rather than an identity issue, and intersex persons should be protected in their own right, and defined in the manner the 2012 Tasmanian definition states.

While the HRAD bill adds all these protections, it does not address the issue of which commissioner should hold the portfolio protecting LGBTI Australians. Many of these issues do not directly fall under the role of an existing commissioner (If intersexuality is recognised as it's own attribute, it may fall under Sex), so I urge the committee to create the post of Sexual Orientation and Gender Identity commissioner to handle these protections.

The HRAD bill is a step in the right direction to eliminating discrimination in Australia, and I urge the committee to pass this bill as soon as possible. The sooner we eliminate the ability to treat Australians unfairly, the better off all of us, as Australians will be.

Do what's right, support a fair go for all Australians, and support equality.

Faithfully,  
Cal Steven Pritchard.