

Submission from:
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The proposed use of the phrase “Marital or relationship status” would require definitions of what constitutes a relationship. Since there are now a variety of sexual relationships, and a variety of sex orientations accepted, there is an obligation to specify what constitutes a relationship. This is particularly relevant now that the concept “marital” no longer unique in terms of a relationship. Unless such clarification is included, the community would be unaware of what currently constitutes a relationship and hence could be found guilty of discrimination. The activities of a prostitute constitute a sexual relationship without love while the activities between family members constitutes a relationship of love but is not sexual and the sex element is irrelevant. Merely having a sexual identity and having a relationship covers a wide area unless one can specify there must be some joint sexual activity. Even defining sexual activity is a wide open area which can vary in cultures and individuals.

The concept “gender identity” is not clear , complete and concise. An individual can adopt and profess a gender identity in a variety of different ways and may change their gender identity at will. Again, how is the community to make an appropriate assessment of a person’s gender identity without a clearly expressed and comprehensive definition of all that constitutes gender identity. Without such information, a person could quite unwittingly put themselves in a position where discrimination could be alleged. Put simply, how can I discriminate when I am unaware of what the person’s current gender identity is or that it may have changed since my last knowledge of it. Since transsexual, bisexual and no sex (amongst many others) are now accepted as legitimate gender identities, contemporaneous knowledge of an individual’s gender identity is critical.

The use of the term “different sex” rather than “opposite sex” changes the whole construct. The term opposite refers to a comparison between two items whereas the term different can indicate there are more than two possibilities, any number of unspecified sexes. Since this is the case, there is a need to actually specify what is a different sex when compared with the previous dichotomy of male and female. Can we choose our sex to suit ourselves, can we change it at will, will such a change invalidate a current relationship, at what age can I do this, must I provide an updated notification of the change to such critical areas as passport, workplace, school, etc ?