



Level 10
30 Currie Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001

Tel 08 8207 1977
Fax 08 8207 2090
TTY 08 8207 1911
Country Callers 1800 188 163

eoc@agd.sa.gov.au
www.eoc.sa.gov.au

29 April 2013

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

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

Dear Madam or Sir

Submission re Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex) Bill 2013

I thank you for the opportunity to comment on the inquiry into this Bill. I note that the Committee is only seeking submissions on issues relating to the scope of the Bill.

The role of the South Australian Commissioner for Equal Opportunity is to administer the *Equal Opportunity Act 1984* (SA). I am able to accept complaints of discrimination in areas such as employment, goods and services, housing, and education for grounds such as sexuality, chosen gender, marital or domestic partnership status, race, age, sex and disability. The Commission also has a role in providing equal opportunity training and education to the community.

Intersex and gender identity

In a previous submission about the *Human Rights and Equal Opportunity Bill 2012*, ACHRA (the Australian Council of Human Rights Agencies) recommended that intersex be included as a separate protected attribute.¹ The definition of intersex in the Bill appears to be sufficiently broad to address the concerns raised in the ACHRA submission.

The ACHRA submission also raised concerns that there was the potential for confusion between the issues of sex characteristics and gender identity. The definitions in the current Bill, including the definition of 'gender identity', appear to reduce the potential for such confusion.

Marital or relationship status

The corresponding or similar ground in the *Equal Opportunity Act 1984* (SA) is marital or domestic partnership status which

'.. means the status or condition of —

¹ Submission by ACHRA, 21 December 2012.

- (a) *being single; or*
- (b) *being married; or*
- (c) *being married but living separately and apart from one's spouse; or*
- (d) *being divorced; or*
- (e) *being widowed; or*
- (f) *being a domestic partner;²*

And, where domestic partner means

a person is the domestic partner of another if he or she lives with the other in a close personal relationship;

The definition in the Bill provides a similar and expanded coverage of that in the SA legislation.

ACHRA Submissions

I note that the Bill is primarily limited to the grounds of sexual orientation, gender Identity, intersex status, and marital or relationship status. However, I confirm that I endorse the recommendations made by ACHRA in its previous submission of 21 December 2012.

If you would like any further information regarding the above submission, please do not hesitate to contact me.

Yours sincerely,

ANNE GALE
COMMISSIONER FOR EQUAL OPPORTUNITY

² S.5 Equal Opportunity Act 1984 (SA).