

In reply please quote  
Enquiries  
Your reference

A.B.N. 75 815 980 522

21-12-2012

Ms J Dennett  
Committee Secretary  
Senate Standing Committee on  
Legal and Constitutional Affairs  
Parliament House  
CANBERRA ACT 2600

Darebin City Council  
Customer Service Centre  
274 Gower Street, Preston  
Postal Address  
PO Box 91, Preston  
Victoria 3072

Telephone (03) 8470 8888  
Facsimile (03) 8470 8877  
TTY (03) 8470 8696  
mailbox@darebin.vic.gov.au  
www.darebin.vic.gov.au

BY EMAIL: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

**Submission to the Senate Standing Committee on Legal and Constitutional  
Affairs  
Response to the Exposure Draft of the *Human Rights and Anti-Discrimination Bill  
(2012)* by Darebin Sexuality, Sex, and Gender Diversity Advisory Committee**

Dear Secretary,

Darebin Sexuality, Sex and Gender Diversity (SSGD) Advisory Committee thanks this Committee for the opportunity to provide feedback on the Exposure Draft of the *Human Rights and Anti-Discrimination Bill (2012)*.

The City of Darebin is located in the inner north of Melbourne, Victoria with diverse population of 143,057 residents, including 263 couples reported living in same sex relationships (ABS 2011) and a large sexuality, sex and gender diverse community.

The Darebin Sexuality, Sex and Gender Diversity (SSGD) Advisory Committee supports Darebin City Council's commitment to achieving social inclusion; recognizing sexual orientation, sex and gender diversity as significant aspects of community diversity, and to enhancing the capacity of Council to address barriers to equality that face SSGD communities.

The purpose of Darebin's SSGD Advisory Committee is to advise Council on issues and barriers to equality affecting people in the City of Darebin who identify as gay, lesbian, bisexual, transgender or intersex. Members of Darebin's SSGD Advisory Committee also promote and advocate for equality and social inclusion of the SSGD community within the wider context of the Darebin community, and raise awareness about sexual orientation and gender diversity as facets of social diversity.

We welcome the introductory inclusion of the attributes of sexual orientation and gender identity which have, until now, been unprotected against discrimination in Commonwealth legislation, to the Exposure Draft of the *Human Rights and Anti-Discrimination Bill (2012)*.

**Recommendation 1: That sexual orientation and gender identity be accepted as protected attributes under the consolidated Act.**

**Recommendation 2: That gender identity be defined as it is in the Tasmanian Act**

**Recommendation 3: That the definition of intersex as a protected attribute in the Tasmanian Act be adopted**

We believe that the permanent religious exceptions and exemptions granted to religious organisations under most states' *Equal Opportunity Acts* are detrimental to the health and wellbeing of gay, lesbian, bisexual, transgender and intersex citizens and taxpayers of Australia.

**Recommendation 4: That the religious exception regarding discrimination against GLBTIQ people in government-funded aged care be rescinded**

**Recommendation 5: That protection, on the basis of sexual orientation and gender identity, be extended to employees in government-funded aged care.**

**Recommendation 6: That all government-funded service provision be discrimination-free**

**Recommendation 7: That, in addition to rescinding the religious exception regarding GLBTIQ people in aged care, service provision to other marginalised and vulnerable people, such as the homeless and users of mental health, youth, and disability services should also be discrimination-free.**

**Recommendation 8: That no organisation that receives government funding should be able to discriminate against people on the basis of sexual orientation or gender identity.**

**Recommendation 9: That, if a government-funded organisation relies upon any religious exception regarding discrimination on the basis of sexual orientation or gender identity, it be required to register that fact with the Australian Human Rights Commission and publicise that fact on its website**

**Recommendation 10: That, where a government-funded organisation relies upon a religious exception, it publicise that fact in all job descriptions and employment contracts**

**Recommendation 11: That gender identity and intersex be added to the list of protected attributes regarding sexual harassment**

**Recommendation 12: That, since other protected attributes such as race, sex, age, and disability each have an Australian Human Rights Commission (AHRC) Commissioner assigned to them, that a Sexual Orientation and Gender Identity Commissioner be appointed by the AHRC.**

Again, we thank this Committee for the chance to comment upon the Exposure Draft of the *Human Rights and Anti-Discrimination Bill (2012)* and we would welcome the opportunity to further elaborate upon these points at any future consultations.

Yours sincerely,

**Cr Trent McCarthy and Cr Angela Villella**

**Co-Chairs**

**Darebin Sexuality, Sex and Gender Diversity (SSGD) Advisory Committee**