

To: Senate Standing Committee on Legal & Constitutional Affairs.

Dear Senators,

Re: Human Rights and Anti-Discrimination Bill 2012

In your consideration of the Human Rights and Anti-Discrimination Bill, I strongly urge you to actively support and recommend substantial legal equality for Australians regardless of their diverse gender identities, relationship statuses and sexual orientations.

I am asking you to recommend practical measures that remove obstacles to GLBTI Australians' full and equal participation in society, and their easy access to means to report and resolve any problems they experience with discrimination.

Proposed exemptions

I am especially concerned about exemptions to the law that have been claimed by some religious employers and service providers.

As a gay man who has been working and paying taxes since 1981, I feel very strongly (and I think reasonably) that vital health, education and aged care services that receive funds from governments must as a condition of their funding be prohibited from discriminating in any way against those they provide services to. It's everyone's money being spent, so these services should be available to everyone.

Of course, there are some reasonable limits to this. There are limited circumstances where discrimination may be reasonable, but protecting the prejudiced from "offence" is not one of them.

Neither is it reasonable to accede to the claimed right to limit the spending of public money according to diverse and contradictory religious belief. There are GLBTI Australians practicing in every faith, and the claim that discrimination is a "vital" or "necessary" part of religious practice or belief is (1) without consensus (or in some cases even without a majority opinion) within these religions; (2) in the case of Christianity, yet to be established; and in either case (3) no basis on which to form government policy.

The right of all citizens to be employed or access government funded services, even those provided by religious organisations, must be evidence-based and according to need (services) or ability (employment). These universal rights of access are far greater than the claimed 'right' of a limited number to 'not be offended', for example by the proximity of GLBTI students or clients.

We are entitled to expect reasonable codes of behaviour for employees, students, patients and clients. There are laws on harassment that limit unwelcome and offensive behaviour in employment and goods and services. We ban the behaviour, not the person.

Allowing exemptions sends a message that there are not just unwelcome behaviours, there

unwelcome people - people who can legitimately excluded and alienated because of an inherent and unchangeable aspect of themselves. This is prejudice pure and simple, and must never be endorsed by government through the provision of funding, any funding.

If such prejudicial exclusion is genuinely and deeply held as essential by a religious or other service provider, then let them find the resources to fund it entirely themselves. And even then, such a self-funded service must extend quality service to its clients the right to be treated, taught or cared for by the best qualified and most skilled staff available, regardless of the relationship status, sexual orientation of the staff.

Australians rightly recognise our workplace and community obligation to make reasonable changes to accommodate the practices associated with disability, race and sex e.g. translating important information into other languages, making investments in ramps and other to allow participation.

In the same way, we should reject those who claim the 'right' to exclude GLBTI students, patients or aged care residents because "I find them offensive". Personally, and I am a bit ashamed to admit this, I find close proximity to those with disabilities sometimes makes me uncomfortable. I doubt I am alone. But my discomfort should never lead me to deny someone the goods and services I am employed to provide.

Further, government rightly expects that I take reasonable measures to amend my professional practice (ramps, elevators, carer supports) to allow people with disabilities to access the professional services I provide. And the same principle applies to those I work with.

Laws that reasonably and uniformly restrict behaviour in employment and goods and services are the way to handle such "offence". Not blanket exclusions based on inherent and immutable characteristics.

Please support the Bill without exemptions. Australians then can have a government and a community where "a fair go for all" is apparent consistently from words through to actions.

Yours sincerely,

Chris Gill
