



Women With Disabilities ACT
WWDACT

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

12 December 2012

Dear Madam or Sir

RE: Exposure Draft Legislation Human Rights and Anti-Discrimination Bill 2012

Women With Disabilities ACT (WWDACT) welcomes the consolidation of the currently disparate anti-discrimination legislation that exists at Commonwealth level.

WWDACT is an organisation for women with all types of disabilities in the Australian Capital Territory. WWDACT is committed to promoting and advancing the human rights and fundamental freedoms of the 31,500 ACT women and girls with disabilities. We work from a rights based framework that links gender and disability issues to a full range of civil, political, economic, social and cultural rights.

WWDACT is concerned to ensure Australian laws conform to Article 6(1) of the United Nations Convention on the Rights of Persons with Disabilities (CRDP) that states:

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

strong women, strong voices

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We therefore commend the current Exposure Draft Legislation Human Rights and Anti-Discrimination Bill 2012 for explicitly covering discrimination on the basis of a combination of attributes. This will ensure that where a person has two or more attributes (for example, an Indigenous woman with a hearing impairment), under this Bill that person will be able to demonstrate unfavourable treatment as a result of the combination of the attributes she possesses. While this would at least be partially addressed through the consolidation process and including all attributes in the same Bill, the explicit protection of discrimination based on a combination of two or more attributes recognises that people with multiple attributes often face compounded discrimination. WWDACT is also commends the Exposure Draft Legislation for creating representative complaints and a shifting burden of proof once an applicant has established a prime facie case in the Federal Magistrates Court, to recognise that the respondent is best placed to know the reason for an action and to have access to relevant evidence.

WWDACT, however, notes with disappointment that the Exposure Draft Legislation allows for the continued discrimination against a person with a disability under the Migration Act 1958 (Cth).

We are happy to follow up any further questions you may have in relation to this letter. The contact officer is Emilia Della Torre.

Thank you for your time and consideration.

Sincerely

Sue SaltHouse

Convenor

Women With Disabilities ACT