

26 April 2013

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

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

Dear Senator Crossin,

Submission to Standing Committee on Legal and Constitution Affairs

Inquiry into the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013.

Thank you for the opportunity to comment on the Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013 ("the Bill"). The Northern Territory Anti-Discrimination Commission commends the introduction of amendments which provide protections for sexual orientation, gender identity and intersex status in federal discrimination law. They rectify a gap which has existed in Australian law.

The definitions which the amendments included in the Bill reflect best practise in Australia.

However an area of concern in the Northern Territory (NT) is that as currently drafted the Bill will not apply to Commonwealth-funded aged care due to the majority of providers of services in this area in the Northern Territory being religious organisations.

Whilst we have no NT specific evidence of discrimination occurring in Aged Care facilities in the NT against gay lesbian, bisexual, transgender and intersex (LGBTI) people. It is clear that the bulk of providers are religious organisations, particularly in Alice Springs and remote community's services are only provided by religious organisations.

The anecdotal evidence is that older LGBTI people have concerns at this time of great vulnerability in using services provided by religious organisations. It can be extrapolated that legislation which then exempts the provision of discrimination law to these providers would further amplify these concerns.

Older LGBTI people are entitled to be able to access appropriate Commonwealth-funded aged care services in their communities, have their relationships recognised etc.

The matter could be resolved by the inclusion in Section 37 of the Bill to exclude Commonwealth-funded aged care services from the operation of the religious exemptions. This would also require a definition of Commonwealth-funded aged care in section 4 of the Bill.

I commend these amendments to the Committee.

Yours sincerely

 Sally Sievers
Anti-Discrimination Commissioner
Northern Territory Anti-Discrimination Commission