

Submission to the Senate Standing Committee on Legal and Constitutional Affairs' Inquiry into the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013*

26 April 2013

The Equality Rights Alliance (ERA) is Australia's largest network advocating for women's equality, women's leadership and recognition of women's diversity. We bring together 60 organisations with an interest in advancing women's equality. ERA is led by the YWCA Australia and is one of six National Women's Alliances funded by the Australian government's Office for Women.

ERA welcomes the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Bill 2013* ('SDA Amendment Bill') as an interim measure for extending protection against discrimination on the basis of sexual orientation, gender identity and intersex status.

ERA strongly supports extending discrimination law to provide protection against discrimination on the basis of sexual orientation, gender identity and intersex status. However, we note that the inclusion of these grounds in the *Sex Discrimination Act* must not be permitted to reduce protection against discrimination on the grounds of sex. In our view, the current Bill does *not* decrease that protection, as the definition of discrimination on the ground of sex is unchanged and section 3(b) lists the elimination of discrimination on the grounds of sex as a distinct aim of the Act. However, we urge the Committee to be wary of recommended amendments which impact on either the definition or function of the sex discrimination provisions or which conflate sex discrimination with the new grounds of discrimination.

ERA is supportive of the inclusion of sexual orientation, gender identity and intersex status in the SDA as an interim measure, pending the consolidation of Federal discrimination legislation. We note that a consolidated system of discrimination laws is a preferable vehicle

for ensuring protection against discrimination and urge the Government to introduce an amended version of the draft *Human Rights and Anti-Discrimination Bill 2012* in the winter sittings.

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