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TO THE DEPARTMENT OF THE ATTORNEY-GENERAL AND JUSTICE:

Thank you for your efforts and care in updating the Anti-discrimination Act. Thank you for the consultation meetings and the opportunity to give feedback. I have used the "Summary of Questions" from the discussion paper as a frame for my responses, which are highlighted below.

Respectfully submitted,



25<sup>th</sup> November, 2017

## SUMMARY OF QUESTIONS

### Modernisation Reforms

1. Is updating the term sexuality to sexual orientation without labels appropriate? Are there any alternative suggestions? Okay, but should then be defined with its previous labels in the definitions section.
2. Should the attribute of "gender identity" be included in the Act? Yes, but some of the protections may best vary from protections offered on the basis of biological attributes, e.g. use of public toilets (it seems that single unisex toilets will need to be available).
3. Should intersex status be included as an attribute under the Act? Yes, alongside 'male' and 'female'.
4. Should vilification provisions be included in the Act? Should vilification be prohibited for attributes other than on the basis of race, such as disability, sexual orientation, religious belief, gender identity or intersex status? It's a difficult area to qualify. No one should be vilified. Definition of what vilification consist of, including whether it is intended or not, should be included. But things such as being 'offended' or 'insulted' are too individual and subjective. Anyone, for whatever reason, could make a case, saying they were 'offended' or 'insulted', causing great expense and trauma to an innocent party. In this world we are expected to cope with a certain amount of offense, often unintentional.
5. Should the Act create rights for people experiencing domestic violence in relation to public areas of life such as employment, education and accommodation? Perhaps, but the rights of the employer, the educator, and the accommodation provider also need to be protected. They will want to engage those who will be reliable. But on another level all the stops should be pulled out in helping people suffering domestic violence. And employment, education and accommodation will be a part of that, as well as good counselling and behaviour-training, perhaps a coordinated government-sponsored program??
6. Should the Act protect people against discrimination on the basis of their accommodation status? Difficult. Accommodation status could be one of the criteria used in evaluating potential reliability.
7. Should "lawful sex work" be included as an attribute under the Act? Possibly, but the rights of the one providing accommodation, for example, should not be contravened. He may want to guard against his property being used for this work.
8. Should "socioeconomic status" be included as a protected attribute? Possibly. But applicants would still need to be in a position to fulfil requirements.

### New Reforms

14. Should any exemptions for religious or cultural bodies be removed? No. Religious and cultural bodies should always be able to employ staff and to provide services compatible with their beliefs.

15. Should the exclusion of assisted reproductive treatment from services be removed? No. It is important that providers of Assisted Reproductive Treatment should retain the right to assess applicants for suitability. The prime concern should be a safe and stable home for the child, with a mother and father.

### **Clarifying and Miscellaneous Reforms**

#### **Modernising Language**

20. Should definitions of "man" and "woman" be repealed? No, I don't think so. These definitions should remain as the starting point. They are what people measure from, whatever other classifications may be added.

21. Should the term "parenthood" be replaced with "carer responsibilities"?  
Yes.

22. Should the term "marital status" be replaced with "relationship status"?  
Yes and No. How will we know what kind of relationship we are talking about if we don't use the word 'marital'?