



Australian Women Against Violence Alliance

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
By email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

19 December 2012

## Online Submission

Dear Committee

### **Inquiry into the Human Rights and Anti-Discrimination Bill 2012 – Exposure Draft Legislation**

AWAVA acknowledges and welcomes the clearer and more efficient federal anti-discrimination legislation that enhances protection through the consolidation of the federal anti-discrimination laws into a single Act. However, AWAVA is extremely disappointed that status of being a victim/survivor of domestic or family violence has not been included as an additional protected attribute in the exposure draft legislation (clause 17 of the Bill). AWAVA urges that there should be an express protection for victims of domestic violence covering all areas of public life and that the consolidating of federal discrimination laws into a single act is an opportune time to include such a protected attribute. Protections are needed to assist women who have experienced/are experiencing domestic violence or sexual violence to reduce further social and financial disadvantage.

In January 2012, AWAVA formally endorsed and supported the Australian Domestic and Family Violence Clearinghouse (ADFVC) submission to the Attorney-General's Department on the consolidation of Commonwealth anti-discrimination laws. This position is consistent with the *National Plan to Reduce Violence against Women and their Children 2010-22* which promotes community involvement in responding to violence against women and promotes gender equality including through economic participation and independence.

AWAVA also strongly supports the ADFVC's submission to this parliamentary inquiry which recommends including status of being a victim/survivor of domestic or family violence as a protected attribute. AWAVA agrees with the ADFVC that the inclusion is "*absolutely necessary as employment legislation, at a federal as well as state and territory level, does not and cannot adequately protect employees from discrimination on the ground of domestic violence.*" ADFVC's submission outlines the shortcomings of the Enterprise Bargaining Agreement (EA) approach where the majority of employees under agreements only have access to domestic violence leave entitlement and no other protections against adverse action as a result of being a victim/survivor of domestic violence. While the inclusion of domestic/family violence leave in EAs is an important development, not all workers are covered by EAs. Additionally, this protection only extends to employment and not to all areas of public life, including, for example, accommodation, education and goods and services. This highlights the need for explicit protection from discrimination on the grounds of status of being a victim/survivor of domestic or family violence in the Human Rights and Anti-Discrimination Bill.

It is imperative that protections are in place for victims/survivors of domestic and family violence to avoid housing-related discrimination as outlined in the case study below provided by Domestic Violence Victoria:

## **Case Study**

*Rebecca lived with her two young children in public housing. Rebecca's former partner, Neil, was abusive towards Rebecca. He had caused damage to the property and his shouting had disturbed neighbours on several occasions. The housing provider sought to have Rebecca evicted on account of damage to the property and nuisance to other tenants.*

*Rebecca's housing worker told Rebecca that there is a high turn-away rate for women trying to access emergency accommodation and she would probably have to sleep in her car or access a rooming house if she was evicted. Given the unsuitability of these premises for children, Rebecca was worried that her children would be removed from her care.*

CEDAW General Recommendation No 19 makes clear that gender-based violence is a form of discrimination as outlined in Article 1 of the *Convention on the Elimination of Discrimination against Women* (CEDAW) and that such discrimination 'seriously inhibits women's ability to enjoy rights and freedoms.' Additionally, during Australia's 2010 CEDAW Review the CEDAW Committee recommended Australia 'develop strategies to prevent homelessness resulting from domestic violence.' Enacting domestic legislation that provides protection from discrimination for victims/survivors of domestic or family violence in all areas of public life would therefore contribute to Australia meeting its obligations under CEDAW and would demonstrate the Australian Government's commitment to addressing violence against women.

This letter is supported by three of the issues-based Commonwealth-funded National Women's Alliances: AWAVA, Equality Rights Alliance (ERA) and economicsecurity4women (eS4W) and 32 members and/or Friends & Supporters of AWAVA, see attachment 1 for organisations fully or partially endorsing the ADFVC submission.

Yours sincerely

Julie Oberin  
**Chair of AWAVA**

**Attachment 1**

**Organisations Fully or Partially Supporting Australian Domestic and Family Violence Clearinghouse Submission**



Australian Women Against Violence Alliance



economic Security4Women



Equality Rights Alliance



Annie North Inc.



Domestic Violence Legal Workers Network



Association of Women Educators (AWE)



Domestic Violence Victoria (DV Vic)



Australian Centre for Human Rights and Health



Eastern Community Legal Centre



Canberra Rape Crisis Centre (CRCC)



Ipswich Women's Centre Against Domestic Violence (IWCADV)



Centre for Non-Violence (CNV)



Kingsford Legal Centre



Coalition for Men Supporting Non-Violence



Loddon Campaspe Centre Against Sexual Assault



Coalition of Women's Domestic Violence Services of SA Inc.



National Association of Community Legal Centres Inc. (NACLCL)



National Council of Jewish Women Australia Ltd (NCJWA)



Women's Essential Service Providers (WESP)



National Council of Women of Australia



Wire Women's Information



New South Wales Women's Refuge Movement (NSW WRM)



Women's Legal Centre (ACT & Region) Inc.



North Queensland Domestic Violence Resource Service (NQDVRS)



Women's Law Centre of WA



Northern Rivers Community Legal Centre



Women's Legal Services Australia



Patricia Giles Centre Inc.



Women's Legal Services NSW



Project Respect



Women's Services Network (WESNET)



Queensland Domestic Violence Services Network (QDVSN)



Women With Disabilities Australia (WWDA)



Sister's Inside



YWCA Australia

