

Dear Senator,

DEFGLIS SUBMISSION FOR EXPOSURE DRAFT OF HUMAN RIGHTS AND ANTI-DISCRIMINATION BILL 2012

This submission from DEFGLIS – the Defence Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Information Service – is on behalf of its members regarding the Exposure Draft of the Human Rights and Anti Discrimination Bill (HRAD) (2012). DEFGLIS is a network that supports and represents LGBTI Australian Defence Force personnel and their families. This submission represents only the views of DEFGLIS. It does not represent the official position of the Department of Defence. Further information about DEFGLIS can be found at: www.defglis.com.au. Questions can be directed to the chair:

DEFGLIS supports the HRAD Bill and asks the Committee to recommend it be passed in this parliamentary term. We believe that all Australians, regardless of sexual orientation or gender identity should be protected from discrimination. LGBTI people, including those in the Australian Defence Force still experience discrimination and harassment at work and within the community.

It is important to ensure that a national law sets a national standard by including protections on the grounds of sexual orientation and relationship status. We believe that changing ‘marital status’ to ‘relationship status’ helps ensure that same-sex relationships are protected from discrimination. The proposed definition of sexual orientation protects lesbian, gay and bisexual people without using these labels.

DEFGLIS recommends using the 2012 Tasmanian definition of "Gender Identity" (which is inclusive of Gender Expression/Presentation). Any definition protecting transgender people should include gender expression (such as mannerisms, appearance etc). In addition, the requirement that transgender people identify on a "genuine basis" is unacceptable and legally confusing. DEFGLIS encourages the committee to use the definition preferred by the Tasmanian Parliament.

We recommend including "Intersex" as a protected attribute, using the 2012 Tasmanian definition. We noted that Intersex individuals are partially protected in the draft Bill under Part B of Gender Identity, however this is not correct. Intersex is not a matter of identity; it is a matter of biological fact. An intersex individual may have hormones, chromosomes or sex organs that are either - not wholly male or female; both male or female or neither. It is important to note that Australian Government policy, such as the National LGBTI Ageing and Aged Care Strategy and other mental health initiatives are inclusive of intersex people. Intersex Australians should be protected from discrimination through a standalone protected attribute, which will make it clearer to understand for business and Australians that intersex people are protected.

We recommend all Government funded services are restricted from discriminating, including religious organisations.

DEFGLIS encourages the creation of a commissioner responsible for sexual orientation and gender identity discrimination within the Australian Human Rights Commission. We believe that it is important that this position be created in legislation.

Yours Faithfully,

Vince Chong

Chair - Defence LGBTI Information Service

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