

There are several key things i want to raise for consideration in the harmonisation of anti-discrimination legislation.

On matters of terminology and labels and identities and groups vs traits discriminated against:

Where possible anti-discrimination legislation should refer to a human trait that may be discriminated against and then list sample labels etc to make it clear that this must be applied to everyone and not just some narrow groups. This is vital because terms and labels and groups and discriminatory biases may all change within society.

So for example instead of being worded that it's illegal to discriminate against a person for being "Gay, Lesbian, Bisexual, Transgender or Intersex" It would be better worded it's illegal to discriminate against a person "on grounds of their Sexuality, Gender Identity, Gender Expression and Sex Characteristics including but not limited to people who are Gay Lesbian Bisexual, Transgender or Intersex."

Note that done this way it also protects people who are Heterosexual or Cisgender from being discriminated against and therefore is more consistent and fair towards all peoples human rights. Of course it should have allowances for Affirmative Action policies where they are needed. To ensure fairness perhaps those affirmative action policies could be tied to ABS figures so that when parity or better is reached for a significant duration, such as 2 censuses perhaps, that the affirmative action may be ceased unless the parity declines again significantly. This way seems a very simple and fair one to protect everyone's rights from the perception or actuality that affirmative action may result eventually in disparity rather than parity.

It also is vital that all relevant traits may be covered so that ways around protections against discrimination.

For example if the legislation says a person may not be discriminated against because they are Lesbian but more lesbians have shorter hair and don't wear makeup compared to heterosexual women then the gender-expression of those Lesbians could be used as an excuse to discriminate against them that may not be protected against.

Therefore it is vital that the following be categories included in harmonised antidiscrimination legislation:

**Sexuality:** Definition must include all romantic and sexual acts and expressions where all participants are fully-informed consenting humans at and above the age of consent and the identity orientations of those not yet at age of consent.

**Sex:** the definition of which must include the reality of Intersex and Transgender including those who do not consider themselves men or women and those who consider themselves either or both.

**Sex Characteristics:** many people face discrimination because of their bodies sex characteristics. This was something raised during the AHRC roundtable discussion on the harmonisation in Sydney. This is not just covering discrimination against Transgender people and Intersex people but it also covers circumstances where women may face discrimination because of aspects of their bodies too. This must also include each individual's reproductive rights which should not be coercively forced to be traded away to avoid systemic discrimination in identity documents etc.

**Gender Identity:** this must include everyone. It must include Cisgender people and Transgender and Intersex. It must include those who do not identify as either men or women as those who identify as both or neither. This too must also include each individual's reproductive rights which should not be coercively forced to be traded away to avoid systemic discrimination in identity documents etc.

Gender Expression: this must be again all-inclusive as my example regarding excuses to discriminate against gays and lesbians shows as well as the wide variety of forms of Transgender as well as the Sistagirl Indigenous cultural traditions and the cultural traditions of some of our pacific neighbours.

The next issue i need to contribute to is the important area of exemptions.

Religious rights are important and there is much confusion about how far they validly should or should not extend when in conflict with antidiscrimination legislation. I propose this is far simpler than many have argued and to explain this i shall use a very simple example.. a police officer.

The police officer when off-duty may worship how they please according to the religion of their choice or upbringing. In the performance of their duties however they do not decide which laws they should enforce and which not based on their religious tenents nor may they decide who they enforce the law for or on based on those religious tenents. That would surely be a dereliction of duty and might even be considered corruption. This is not because the police officer is an employee of the state. The same rule would apply to a private fire-fighter or security guard. We would not accept for example a fire-fighter refusing to save the lives of people who their personal religious faith described as immoral.

This analogy gives us a fairly clear principle when it comes to religious exemptions.

The acts of worship and religious ritual in a private religious circumstance clearly must be exempt. Areas specifically for religious worship and ritual function such as Churches Temples Synagoges Mosques etc certainly must be exempt and it's quite reasonable for example for the cleaners of a church to have to be members of that congregation etc.

However when a service is being provided to the community at large such as a charity or when a bussiness arrangement is in place that involves any work outside an imediate dedicated ritual area then like the police officer they must acknowledge the rights of the rest of the public and no exemption should occur.

Now this is likely to be objected to by some religious groups but as i have already heard of people i know having faced some discrimination from some medical professionals because of the medical professionals personal religious beliefs regarding homosexuality and transgender this is a growing concern so a clear and consistent and reasonable line needs to be drawn before we end up with this encroachment becoming entrenched. We need a clear fair and reasonable line so that it may be seen by anyone and everyone where a religious exemption may occur and where it may not. And it must include a reasonable onus on the parts of religious individuals and bussinesses and organisations for their duty of care to customers, recipients of charity, employees, the rights of children in their care such as in schools etc without impeding their ability to conduct religious ritual according to their faiths tenents.

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