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## LGBTI groups welcome the passage of “historic” national discrimination laws.

Lesbian, gay, bisexual, trans\* and intersex (LGBTI) groups today welcomed the passage of national discrimination laws, that will provide LGBTI Australians with new protections from discrimination.

The *Sex Discrimination (Sexual Orientation, Gender Identity and Intersex Status) Amendment Bill 2013* passed its final hurdle on Tuesday night when the House of Representatives approved the bill for a second time, including the amendments opposed by the Opposition in the Senate on Monday night.

The new law introduces protections in Commonwealth anti-discrimination law on the new grounds of ‘sexual orientation’, ‘gender identity’, ‘intersex status’ and ‘marital or relationship status’. The bill ensures that all Commonwealth-funded aged care services, including those run by religious organisations, provide their services in a non-discriminatory manner.

Critically, intersex people (who are born with physical differences of sex anatomy), have for the first time, been specifically recognised and will now be protected from discrimination across the country.

Commenting on the historic importance of this legislation, **Morgan Carpenter, Secretary of Organisation Intersex International (Oii)**, asserted, “Intersex people face discrimination because we have queer bodies. We face discrimination in access to healthcare, employment and schooling.”

**President of Oii Australia, Gina Wilson**, added: “The legislation comes after a strenuous and exhausting process of educating and lobbying. We acknowledge with great thanks all of those who helped, particularly our LGBT allies, who went to the trouble of understanding and including intersex in their own efforts to bring about this historic legislative change.”

Commenting on the importance of the removal of religious exemptions in the context of Commonwealth funded aged-care services, **Justin Koonin, Co-convenor of the NSW Gay and Lesbian Rights Lobby (NSW GLRL)**, stated: “The removal of religious exemptions for Commonwealth funded aged-care services will play a critical role in ensuring that older LGBTI people, many of whom came of age in an era marked by violence and social exclusion, can age with the dignity and respect that all human beings are entitled to.”

The law also provides protections from discrimination for trans\* people, through the introduction of a nationally-consistent definition of gender identity.

**Sally Goldner, Transgender Victoria Spokesperson** asserted, “The passage of the bill into law represents a major long-term achievement with huge benefits for LGBTI people and Australia as a whole. We urge all state and territory governments to consider updating their laws by using the new simple, comprehensive and effective federal definition of ‘gender identity’.”

**A Gender Agenda Executive Director, Peter Hyndal** added “90% of transgender and intersex people experience discrimination, with almost 40% experiencing discrimination on at least a weekly basis, across every aspect of their lives. These experiences have a profoundly negative effect on the mental health outcomes for transgender and intersex people. This legislation will make a very real difference to the lives of so many transgender and intersex people within our community.”

**Anna Brown, Convener of the Victorian Gay and Lesbian Rights Lobby** reflected on the passage of these laws as an historic advance for the rights of LGBTI Australians and their families: “After 17 years of discussion by Australia’s Parliament, today’s laws finally deliver legal protections from discrimination at a national level. While there was not bipartisan support of protections for vulnerable people in aged care, we acknowledge and thank all parties for their support of the remainder of the bill. Importantly, these laws ensure that same-sex defacto couples can no longer be discriminated against on the basis of their relationship status.”

It is anticipated the new laws will come into effect by 1 August 2013. After this time discrimination claims may be considered by the Australian Human Rights Commission and Federal Court of Australia.

#### **Summary of the new changes:**

- ‘Intersex status’ - World first use of specific intersex protections in discrimination laws.
- ‘Gender identity’ - National best-practice definition, covering the gaps between existing state laws.
- ‘Sexual Orientation’ – Replaces ‘sexual preference’ definition and ensures protections from discrimination by federal government (something not covered by existing state laws)
- ‘Marital or Relationship Status’ – ensures same-sex defacto couples are not discriminated against in the delivery of goods and services.
- Aged Care – The bill ensures that Commonwealth-funded Aged Care Services run by religious organisations are not able to discriminate in the delivery of their services.

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