

WE ARE ALL EQUAL

Roadmap to Rights

GetUp is strongly committed to human rights and the principle of equality. Our movement wants an Australia where everyone has the opportunity to contribute and achieve their full potential no matter what their race, sex, ability, age, gender identity, or sexual orientation. Discrimination and vilification contribute to inequality and entrench disadvantage as well as being immensely hurtful to people who experience them. There is no place for discrimination and vilification in our community. We support the Federal government's draft human rights and anti-discrimination bill^[1] and want to see the bill made law before the election. But we believe that some changes to the bill could make it more robust and improve our system for discrimination protection.

Creating the kind of strong, healthy and cohesive communities that we all want to live in takes work. It doesn't happen by accident or without paying attention. That's why our movement supports strong legal protection from discrimination and vilification and a strong and well-resourced human rights agency. We also want Australia to be a good international citizen and keep our promises to the international community by ensuring that human rights are respected and protected within Australia. We will campaign to maintain and expand the attributes that are currently protected by discrimination law and narrow the exemptions that allow people to legally discriminate.

Broad exemptions for the obligation not to discriminate undermine a strong system of protection from discrimination and are inconsistent with our vision for an Australia that respects and protects human rights. While there are certainly situations in which there needs to be exceptions from anti-discrimination obligations, those exceptions should be specific, reasonable and limited, in line with international best practice. Because we believe that the religious exemption is unnecessary and unreasonable,^[2] we will campaign for its removal so that church linked hospitals, schools, and community services will no longer be able to discriminate with impunity. At the very least every organisation that accepts federal government funding to provide services to the community should be under an obligation not to discriminate.

Gay, lesbian, bisexual, transgender and intersex people are equally deserving of dignity and equality. For that reason, we support and welcome the expansion of Federal human rights and anti-discrimination law to include sexual orientation and gender identity.^[3] However, we think that protection should extend to all people of diverse sex and gender, including intersex people.

GetUp will campaign for the adoption of the terms of the Tasmanian *Anti-Discrimination Amendment Bill 2012*^[4] with regards to gender identity and intersex, which are more inclusive, providing protection to intersex people. With this amendment, all people will be covered by discrimination law, regardless of their sex, gender identity or sexual orientation.

We don't believe that human rights should ever take a backward step and our movement believes in the rehabilitation of people who have been convicted of criminal offences^[5]. That's why we don't support the removal of discrimination protection for people with a criminal record where that record is not relevant. Criminal record discrimination can be especially difficult for groups in society who are over-represented in the criminal justice system, such as Indigenous people, young people and people with intellectual disabilities. There are certainly situations where criminal record discrimination is justifiable and appropriate. A criminal record may make someone unsuitable for some employment, programs or other opportunities. However, discrimination in circumstances where that criminal record is not relevant creates unnecessary barriers to employment and participation in society, encourages reoffending and creates hardship for people who may be trying to turn their lives around. We will campaign to see criminal record protected in the same way as other attributes under discrimination law where that record is not relevant. At the very least we think that the current complaint process should be reinstated for people who have experienced discrimination based on their irrelevant criminal record.

We think it is important to consolidate and strengthen Australia's human rights and anti-discrimination protections by passing this legislation. However, this is a once in a generation opportunity to improve our system for discrimination protection and we want to make sure that as a community, we get it right. That's why we're campaigning for simple changes to the current draft bill.

GetUp's position:

- Remove the exemption for religious organisations
- Adopt the Tasmanian *Anti-Discrimination Amendment Bill 2012* definition of gender identity and intersex to ensure all people of diverse sex and gender are protected
- Make irrelevant criminal record a protected attribute from discrimination
- Pass the Human Rights and Anti-discrimination Bill before the Federal election

[1] Exposure Draft of the *Human Rights and Anti-Discrimination Bill 2012* (Cth).

[2] Subdivision C of the Draft Bill contains the exceptions related to religion.

[3] Clause 17 of the Draft Bill include sexual orientation and gender identity as new protected attributes.

[4] *Anti-Discrimination Amendment Bill 2012 (2012) (Tas)*. The Bill was introduced to the Tasmanian Parliament in September 2012 and has passed in its lower house.

[5] Clause 17 of the Draft Bill removes the jurisdiction of the Australian Human Rights Commission to receive complaints of discrimination on the basis of a person's irrelevant criminal record in employment and occupation. Australia has obligations in international law to have a policy on criminal record discrimination under the International Labour Organisation Convention (No. 111) concerning discrimination in respect of Employment and Occupation.