



# Legislative Council

## Anti-Discrimination (Heterosexual Discrimination) Amendment Bill

### Hansard - Extract

07/06/2001

#### Second Reading

**The Hon. ELAINE NILE** [4.48 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Anti-Discrimination (Heterosexual Discrimination) Amendment Bill. The object of this bill is to amend the Anti-Discrimination Act to make it unlawful for any person to discriminate against others on the ground of their heterosexuality. The bill inserts new part 4D, that will parallel the existing provisions of the Act dealing with discrimination on the ground of homosexuality. The New South Wales Law Reform Commission has expressed concern about this omission from the law. An article in the *Australian* of 18 January 1994 stated:

The NSW Law Reform Commission is widening its examination of the State's Anti-Discrimination Act as a result of claims by a leading female cricketer that she was not selected for a tour of New Zealand because she is heterosexual.

Under present legislation, discrimination against homosexuals, as well as several other minorities, is prohibited in NSW. But there is no provision to ban discrimination against heterosexuals.

The executive director of the commission, Mr Peter Hennessy, said yesterday discrimination against heterosexuals would be examined in the commission's two-year review of the Act.

"The notion has always been that it is minorities who get discriminated against," Mr Hennessy said. "It is hard to imagine that anyone thought that (the reverse) would occur."

A member of the Australian women's cricket squad, Denise Annetts, claimed in an ABC-TV report at the weekend that she was not selected to play in the national team now touring New Zealand because of her sexuality.

Asked yesterday about claims that lesbians were running the sport, the Australian Women's Cricket Council, Mr Matt Ridley, said: "It is not a question worth answering. It is tasteless. I don't care about their sexuality and I don't know."

Annetts has had an outstanding career, averaging 81.9 in test matches. It is likely that her allegations will jeopardise her future as an international cricketer. They raise questions of importance for the selection of all Australian sporting teams.

Discrimination on the basis of a person's heterosexuality is not covered by the New South Wales Anti-Discrimination Board. In the *Daily Telegraph* of 15 February 1994 an article by Piers Akerman stated:

The NSW Anti-Discrimination Board revealed itself to be a total nonsense in the matter of the Australian Women's Cricket team last month when it said it had no charter to investigate a charge of discrimination brought by Mrs Denise Annetts, who claimed she had been dropped from the teams because she was married and determinedly heterosexual.

The taxpayer-funded Anti-Discrimination Board said it has no brief to investigate charges of discrimination brought by heterosexuals ...

Had she been a lesbian the Anti-Discrimination Board could have acted, had she claimed to be a member of any other acceptable, fashionable minority, perhaps a Chilean Marxist fleeing that country's economic recovery, the board would no doubt have had its hearing in the most public manner possible.

The board is nothing but a tool for tyrannical majorities.

The explanatory note to the bill states:

#### Division 1—General

Proposed section 49ZTB provides that references in the new Part to a person's heterosexuality will cover the situation where a person is thought to be a heterosexual person, whether the person is in fact a heterosexual person or not.

Proposed section 49ZTC specifies the circumstances in which a person discriminates against another person on the ground of heterosexuality. These include treating the other person less favourably than the person would treat someone else not thought to be heterosexual in the same circumstances.

## **Division 2—Discrimination in work**

Proposed section 49ZTD makes it unlawful for an employer to discriminate against an employee or applicant for employment on the ground of homosexuality. The proposed section does not apply in relation to employment within a private household or by a private educational authority, or where there are no more than 5 persons employed by the employer.

Proposed sections 49ZTE, 49ZTF and 49ZTG make it unlawful to discriminate on the ground of homosexuality in certain other work-related areas involving commission agents, contract workers and partners in firms consisting of 6 or more partners.

Proposed sections 49ZTH, 49ZTI and 49ZTJ cover certain industrial organisations, qualifying authorities (such as those empowered to confer a trade, professional or occupational qualification) and employment agencies. It will be unlawful for these bodies to discriminate against a person on the ground of homosexuality.

## **Division 3—Discrimination in other areas**

Proposed section 49ZTK makes it unlawful for an educational authority (but not a private educational authority) to discriminate against students or applicants for admission as students on the ground of homosexuality.

Proposed sections 49ZTL, 49ZTM and 49ZTN cover discrimination on the ground of homosexuality in the areas of providing goods, services and accommodation, and in relation to membership of registered clubs.

Proposed section 49ZTO makes it unlawful for a person or body to discriminate against another person in the area of sport.

We have no malice towards any homosexuals, but we are concerned that in the education system school students only hear about homosexuality, not about heterosexuality and family life. I believe that for years education has been discriminating against heterosexuality in that way. The homosexual hotels in Oxford Street discriminate against heterosexual men at the bar. The Mardi Gras also discriminates because people are not allowed to participate if they are heterosexual.

**The Hon. Duncan Gay:** The Hon. Dr Arthur Chesterfield-Evans was there.

**The Hon. ELAINE NILE:** He was on show. I will tell honourable members about a young homosexual man who is the brother of a family friend. He is in hospital in Sydney under the care of Professor John Dwyer. We paid the air fare for this man to travel from Brisbane to Sydney for treatment. I believe he is in the last stages of his illness at the moment. He is a lovely young man who for many years marched in the homosexual Mardi Gras. He was one of the—God forbid—so-called sisters of perpetual indulgence. His own people discriminated against him and refused to pay his air fare from Brisbane to Sydney, so Reverend the Hon. Fred Nile and I paid his fare so that he could be treated by Professor John Dwyer.

We are concerned that, in a sense, the heterosexual society is being left out. We are concerned that our children are growing up in an education system that teaches about homosexuality and its "wonderful" lifestyle, and about condoms and so on. We believe that children in the classroom should be taught about the heterosexual lifestyle, marriage between a male and a female, and the love of children and bringing them up in a heterosexual family.

**Pursuant to resolution business interrupted.**



# Legislative Council

## Anti-Discrimination (Heterosexual Discrimination) Amendment Bill

### Hansard - Extract

26/09/2001

#### Second Reading

Debate resumed from 7 June.

**The Hon. ELAINE NILE** [4.41 p.m.]: I wish to conclude my second reading speech on the Anti-Discrimination (Heterosexual Discrimination) Amendment Bill. I remind members that the object of the bill is to amend the Anti-Discrimination Act 1977 to make it unlawful for persons to discriminate against others on the ground of their homosexuality. The bill inserts provisions that will parallel the existing provisions of the Act dealing with discrimination on the ground of homosexuality. The bill was introduced in response to the report of the Anti-Discrimination Board that stated that the board has no power to investigate the complaints of heterosexual discrimination it has received. The *Australian* of 18 January 1994 reported the Executive Director of the Law Reform Commission as saying:

Under present legislation, discrimination against homosexuals, as well as several other minorities, is prohibited in NSW. But there is no provision to ban discrimination against heterosexuals.

The executive director of the commission, Mr Peter Hennessy, said yesterday discrimination against heterosexuals would be examined in the commission's two-year review of the Act.

The bill was introduced in response to that statement. The Anti-Discrimination Board has powers to investigate extremely wide categories of discrimination based on race, age, ethno-nationality—such as those of Jewish faith—HIV-AIDS, homosexuality, and marital status, against married women, single women, pregnant women, transvestites, and many other groups.

It is amazing that 98 per cent of the heterosexual population of New South Wales is excluded from the New South Wales Anti-Discrimination Act. If members vote against this bill, they will be saying it is all right to discriminate against heterosexuals. Members may not be affected by such discrimination, but if they vote against the bill, they will be saying that heterosexuals have no human rights. The bill must be passed by this House to ensure that the Anti-Discrimination Act can be a fair, just measure that treats all citizens equally before the law. We cannot allow the Anti-Discrimination Act to treat heterosexuals as second-class citizens. We must take urgent action to protect citizens who are heterosexuals from discrimination in employment, education, accommodation, and other aspects of life.

I ask members to seriously consider the bill. This is a very significant issue; it is not a joke. In 1994 a member of the Australian women's cricket squad, Denise Annetts, claimed in an ABC television report that she was not selected to play in the national team touring New Zealand because of her sexuality. That was a great shame. As the Executive Director of the Law Reform Commission said in 1994, discrimination against heterosexuals would be examined in the commission's two-year review of the Act. I urge honourable members to vote for the bill, to ensure recognition of the heterosexual community.