

**Submission
No 11**

EQUALITY LEGISLATION AMENDMENT (LGBTIQA+) BILL 2023

Organisation: Local Government NSW

Date Received: 12 April 2024

Our ref: R24/0024

12 April 2024

**Mr Clayton Barr MP
Chair
Legislative Assembly Committee on Community Services**

By email: communityservices@parliament.nsw.gov.au

LGNSW Draft Submission: Inquiry into Equality Legislation Amendment (LGBTIQ+) Bill

Thank you for the invitation for Local Government NSW (LGNSW) to make a submission in response to the Inquiry into the Equality Legislation Amendment (LGBTIQ+) Bill 2023.

Please note that this submission remains in draft form until endorsed by the LGNSW Board. Any amendments will be forwarded in due course.

Terms of reference

The NSW State Parliament is undertaking an inquiry that will examine the provisions of the Equality Legislation Amendment (LGBTIQ+) Bill 2023, including any operational issues for government agencies and ways to improve the safety and wellbeing of the LGBTIQ+ community.

The Terms of Reference for the inquiry are that the Committee on Community Services inquire into and report on the Equality Legislation Amendment (LGBTIQ+) Bill, including:

- 1) The provisions of the Bill.
- 2) Operational issues for government agencies raised by the Bill.
- 3) Additional ways of improving the safety and wellbeing of the LGBTIQ+ community.

The Committee is to report by 3 June 2024.



Background

The LGNSW Policy Platform sets out the Fundamental Principles for local government, as endorsed at the LGNSW Annual Conference each year. These principles include that local government is committed to the principles of:

- Equity - fair distribution of resources
- Rights - equality for all people
- Access - to services essential to quality of life
- Participation - of all people in their community
- Recognition - of the unique place of Aboriginal people in NSW and the right of Aboriginal people to be involved in all decisions affecting Aboriginal communities, and
- Health and safety - for all in the community.

LGNSW supports amendments to legislation that will better protect people from discrimination, better protect our community from violence, provide equal protection and equality under the law, and work towards a society that is free from prejudice, hate and discrimination.

All councils play an essential part in safeguarding the health and safety of their communities and provide many essential services that support residents and create vibrant communities.

Recent years have seen an alarming trend of extremism and organised disruption targeting local governments, mayors, councillors and council staff, as well council meetings and events. Recent civic events, in NSW and interstate, have resulted in members of the LGBTIQ+ community being abused or vilified or fearing for their safety.

It is unacceptable that councils have been placed in positions where they are compelled to cancel community events due to threats to the safety of council staff and elected representatives.

Such threats are damaging to the social cohesion that councils and communities work so hard to build, and corrosive to local democracy.

While all levels of government have been the target of various threats in recent years, local government does not enjoy the resourcing and capabilities of other levels of government to respond.



LGNSW has written to the NSW Police Commissioner to escalate these concerns and has also raised them at the national level through the Australian Local Government Association, noting that these are not challenges faced only in NSW. LGNSW was pleased to receive a response advising that the NSW Police Force will support council officials and staff with initiatives to address any security issues.

LGNSW supports all councils being able to safely hold inclusive events for the communities they represent.

Comment on specific provisions for local government

Among other provisions, the Bill seeks to amend provisions of the *Anti-Discrimination Act 1977* (NSW) related to discrimination in the employer/employee relationship (including in councils), discrimination by local government councillors, and discrimination by industrial organisations, for reasons of variation in sex characteristics or on the ground that the person is or has been a sex worker.

In our line with our LGNSW Fundamental Principles, LGNSW supports the amendments that make it unlawful to discriminate against local government employees and councillors on these grounds. LGNSW also supports amendments seeking to prevent vilification. In addition LGNSW notes and supports the proposed operative provisions, which are consistent with the structure of existing provisions such as sections 38C, 38G and 38H of the *Anti-Discrimination Act 1977* (NSW).

While the Bill also proposes amendments to the Government Sector Employment Act and Rules, this legislation does not apply to local government.

~

Thank you for the opportunity to make a submission to this inquiry. For further information, please email [REDACTED]