

**INQUIRY INTO UPDATING THE STANDING ORDERS TO
REQUIRE RESPECTFUL BEHAVIOUR IN THE CHAMBER,
PARTICULARLY AS THEY RELATE TO SEXISM AND
RACISM**

Organisation: Anti-Discrimination NSW

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Anti-Discrimination
New South Wales

The Hon Ben Franklin MLC
President and Chair, Procedure Committee
NSW Legislative Council

BY EMAIL: procedurecommittee@parliament.nsw.gov.au

Dear Mr Franklin,

Inquiry into updating the standing orders to require respectful behaviour in the Chamber.

Thank you for your kind invitation to make a submission to the NSW Legislative Council's Procedure Committee inquiry into updating the standing orders to require respectful behaviour in the Chamber, particularly as they relate to sexism and racism.

Anti-Discrimination NSW (**ADNSW**) works to eliminate discrimination in NSW by answering enquiries, resolving complaints, raising awareness about discrimination and its impacts, managing applications for exemptions from the *Anti-Discrimination Act 1977* (NSW) (**ADA**), and advising the government about discrimination issues.

The ADA makes it unlawful to discriminate in specified areas of public life against a person on grounds which include their sex, race, age, disability, homosexuality, marital or domestic status, transgender status, and carer's responsibilities. Sexual harassment, as well as vilification on the grounds of race, transgender status, homosexuality and HIV/AIDS is also unlawful.

The ADA also make sexual harassment unlawful in a wide range of workplaces, including in either House of Parliament. Under the provisions workers including employees, members of Parliament and other workplace participants are all covered by the ADA's protections.

Discrimination is unlawful throughout employment, including during recruitment and dismissal processes, and it is unlawful to discriminate in the terms and conditions of employment, access to opportunities for promotion, transfer, training, or other benefits associated with employment, or by subjecting a person to any detriment.

Under the *Sex Discrimination Act 1984* (Cth) it is unlawful for a person to subject another person to a workplace environment that is hostile on the ground of sex¹. While the ADA does

¹ *Sex Discrimination Act 1984* (Cth), Section 28M

not contain a directly equivalent prohibition, courts and tribunals in jurisdictions including NSW have found that a hostile work environment may give rise to unlawful discrimination in the terms or conditions of employment².

Workplaces in NSW, including the NSW Parliament, should be respectful and free from discrimination and harassment. Society looks to its elected officials to show leadership and the behaviour of all public officials should be nothing short of exemplary. The public has the right to expect the highest standards from our parliamentarians and we hope the current review will reflect these expectations and reinforce the rights of all who work at the NSW Parliament to a discrimination and harassment free workplace.

Thank you again for the opportunity to provide input to the Committee's inquiry into updating the standing orders to require respectful behaviour in the Chamber.

Sincerely,

Mia Zahra
Executive Manager
Anti-Discrimination NSW

10 May 2024

² O'Callaghan v Loder, [1983] 3 NSWLR 89