

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 27 July 1993

HUMAN RIGHTS BILL

Proposed Amendments

(In substitution for those set out in Supplementary Order Paper No. 182)

Hon. KATHERINE O'REGAN, in Committee, to move the following amendments:

Clause 34: To insert, after line 7 on page 25, the following subparagraph:

(vii) The presence in the body of organisms capable of causing illness:

To insert, after line 23 on page 26, the following paragraph:

(m) Sexual orientation, which means a heterosexual, homosexual, lesbian, or bisexual orientation.

Clause 40: To omit from line 29 on page 31 the words "or political opinion", and substitute the words "political opinion, or sexual orientation".

To omit from line 10 on page 32 the words "or ethnic or national origins", and substitute the words "ethnic or national origins, or sexual orientation".

Clause 59: To omit from line 18 on page 46 the words "or ethnic or national origin", and substitute the words "ethnic or national origin, or sexual orientation".

Clause 73: To omit from lines 21 and 22 on page 53 the words "or ethnic or national origin", and substitute the words "ethnic or national origin, or sexual orientation".

Second Schedule: To insert on page 131, after the item relating to the Human Rights Commission Amendment Act 1985, the following item:

1986, No. 33—The Homosexual Law Reform Act 1986: Section 8.

EXPLANATORY NOTE

The amendments set out in this Supplementary Order Paper are in substitution for those set out in Supplementary Order Paper No. 182.

Clause 34: One of the new prohibited grounds of discrimination provided for in *clause 34* is disability, which means—

- (i) Physical disability or impairment:
- (ii) Physical illness:
- (iii) Psychiatric illness:
- (iv) Intellectual or psychological disability or impairment:
- (v) Any other loss or abnormality of psychological, physiological, or anatomical structure or function:
- (vi) Reliance on a guide dog, wheelchair, or other remedial means.

The first of the proposed amendments to *clause 34* amends the term “disability” by bringing within the meaning of that term “The presence in the body of organisms capable of causing illness”.

The second of the proposed amendments to *clause 34* adds to that clause a further prohibited ground of discrimination. That further ground is “sexual orientation, which means a heterosexual, homosexual, lesbian, or bisexual orientation”.

Clause 40: Under the proposed amendment *clause 35* (which relates to employment) is not to prevent different treatment based on sexual orientation where the position is one of domestic employment in a private household.

Clause 59: Under the proposed amendment nothing in *clause 58* (which relates to the provision of goods and services) prevents the holding of courses, or the provision of counselling, restricted to persons of a particular sexual orientation where highly personal matters, such as sexual matters or the prevention of violence, are involved.

Clause 73: Under the proposed amendment nothing in *clause 71* (which relates to educational establishments) is to prevent the holding or provision, at any educational establishment, of courses or counselling restricted to persons of a particular sexual orientation, where highly personal matters, such as sexual matters or the prevention of violence, are involved.

Second Schedule: The proposed amendment will repeal section 8 of the Homosexual Law Reform Act 1986. That section provides that homosexual behaviour remains, despite the passage of the Homosexual Law Reform Act 1986, an offence under section 42 (b) of the Armed Forces Discipline Act 1971 (which relates to behaving in a disgraceful and indecent manner). The effect of the amendment is that homosexual behaviour in itself will no longer be an offence under that section.