

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 27 July 1993

HUMAN RIGHTS BILL

Proposed Amendments

HON. GRAHAM LEE, in Committee, to move the following amendments:

Clause 34: To insert in subparagraph (vii) of paragraph (h) of subclause (1) (as set out on Supplementary Order Paper No. 238), after the word "body", the words " , as a result of acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV),".

Clause 40A: To insert, after line 20 on page 32, the following clause:

40A. Exception in relation to sexual orientation—It shall not be a breach of **section 35** of this Act—

- (a) To refuse or omit to employ any person who has a homosexual, lesbian, or bisexual orientation; or
- (b) To dismiss or retire any person from his or her position by reason of the fact that that person has a homosexual, lesbian, or bisexual orientation,—

if the duties of the position in respect of which the refusal or omission or dismissal or retirement takes place are those of a health professional or those of a person charged with the care of children under the age of 12 years or those of a person employed on a programme, or by an organisation, maintained wholly or principally for the benefit of persons under the age of 18 years.

EXPLANATORY NOTE

Clause 34: The new subparagraph (vii) of subclause (1) (h) (as set out on Supplementary Order Paper No. 238) brings within the meaning of the term "disability" the presence in the body of organisms capable of causing illness.

The amendment proposed in this Supplementary Order Paper will limit the application of that subparagraph to cases in which the organisms capable of causing illness result from AIDS or HIV.

The subparagraph would then read as follows:

- (vii) The presence in the body, as a result of acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV), of organisms capable of causing illness:

Clause 40A: The effect of the new *clause 40A* is that it is not to be a breach of *clause 35* (which relates to employment)—

- (a) To refuse or omit to employ any person who has a homosexual, lesbian, or bisexual orientation; or
- (b) To dismiss or retire any person from his or her position by reason of the fact that that person has a homosexual, lesbian, or bisexual orientation,—

if the duties of the position in respect of which the refusal or omission or dismissal or retirement takes place are those of a health professional or those of a person charged with the care of children under the age of 12 years or those of a person employed on a programme, or by an organisation, maintained wholly or principally for the benefit of persons under the age of 18 years.