



TransGender Victoria Inc

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Scrutiny of Acts and Regulations Committee

By email: andrew.homer@parliament.vic.gov.au

Chairperson

Scrutiny of Acts and Regulations Committee

Parliament of Victoria

Parliament House

Melbourne VIC 3002

18 March 2010

Dear Andrew

Thank you for the opportunity to comment on the Equal Opportunity Bill.

TransGender Victoria supports submissions from the Federation of Community Legal Centres and the Victorian Gay and Lesbian Rights Lobby. As such, we choose to focus largely on areas specific to transgender issues.

1. Previous s27B employment exemption

We welcome the removal of the previous s 27B exception relating to employment and the gender identity attribute.

We believe the situation where a person affirms their identity and keeps the same job is now so well documented and successfully undertaken this provision is clearly antiquated.

We refer as examples to:

- The practical transition guidelines developed by TransGender Victoria in conjunction with VECCL and Seahorse Club of Victoria (a transgender social and support group). Input to these guidelines was also received from an employer in remote Victoria who had no assistance whatsoever in dealing with an employee's transition and did very well on human principles and common sense.
- The successful outcomes achieved by Metropolitan Fire Brigade and Sharon Warfe.
- A large inner Melbourne manufacturing plant managed an employee's transition successfully in 2005. Feedback was received from other employees re the company's efforts stating how it was a great place to work due to the company's combination of humanity and professionalism.

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- The conservative and respected management journal Harvard Business Review in 2008 published an article on the issue in 2008, demonstrating how far the issue had come.

2. Extension of role of the commission

We welcome the extension of the Act “changing the Commission from being primarily a complaints handling body to one that educates, and facilitates dispute resolution, best practice and compliance and offers fast and flexible dispute resolution giving the Commission more effective options to respond to systemic discrimination, such as allowing the Commission to:

Investigate serious systemic discrimination where there is a possible breach of the Act and conduct public inquiries with the consent of the Attorney-General when this is in the public interest “(as per the Attorney General’s letter to members of the Attorney-General’s ministerial Advisory Committee on GLBTI issues).

We strongly believe that such measures, supported by adequate resources, can make a major contribution to improving the quality of life of all Victorians, including transgender Victorians, by preventing discrimination and the resulting negative consequences.

3. Sport

We express disappointment the exception remains in relation to the gender identity attribute and competitive sport and argue for its abolition. We believe all situations can be dealt with on their merits without this exception.

4. Gender identity definition

TransGender Victoria clearly acknowledges the current definition has definitely helped change lives for the better for nearly 10 years. However, newer developments in our communities mean that revision is now due. The largely “binary” nature of the definition i.e. male and female now needs to keep pace with people who identify differently to monogendered i.e. some identify as gender queer and others as bi-gendered. We would welcome any steps in this direction (in combination with any necessary to the Births, Deaths and Marriages Registration Act 1996). In particular, we would welcome implementation of the recommendations of the Sex Files report released by the Australian Human Rights Commission in as much as those recommendations affect the State government. Implementation of these recommendations could pave the way for further development of the definition.

We note also the recent announcement by the NSW government of issuing a birth certificate with a non-specified gender as per the following reports in relation to this matter

<http://www.smh.com.au/nsw/sexless-in-the-city-a-gender-revolution-20100311-q1l2.html>

<http://news.ninemsn.com.au/national/1028220/nsw-person-becomes-officially-genderless>

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5. Religion

We strongly express our rejection of the two-tiered approach to the religious exemption as contrary to the concept of human rights and raise concerns as to possible conflict with the Charter of Human Rights. We express concern that an undemocratic minority of fundamentalist organisations has presumptuously spoken for all religion on this issue. We request the inclusion of a clause giving the ability for a religious organisation to formally "opt out" of the exemption.

6. Volunteers

We strongly welcome the intention to include volunteers. A significant proportion of transgender people often seek to volunteer as a starting point to paid employment, yet find that path blocked due to discrimination. Anything that unblocks that path can only be helpful.

In summary, we support the progressive thrust of the bill and simultaneously express our strong disappointment at the treatment of the religious exemptions

Please contact me with any query.

Yours sincerely

SALLY GOLDNER
Spokesperson