

12 August 2025

Hon Tom Bathurst AC KC
Chair
NSW Law Reform Commission
Review of the Anti-Discrimination Act (NSW) 1977

By email: nsw-lrc@dcj.nsw.gov.au

By email: ADAreview@dcj.nsw.gov.au

Dear Sir

Re: Anti-Discrimination Act (1977): Law Reform Commission Review

The Australian Services Union NSW & ACT (Services) Branch (**ASU**) thanks the Committee for the opportunity to provide this input to the New South Wales Law Reform Commission's review of the Anti-Discrimination Act 1977 (NSW) (the Act).

ASU supports reform of anti-discrimination laws to address and prevent discrimination, harassment, and vilification.

The Australian Services Union NSW & ACT (Services) Branch (ASU) represents workers in NSW and the ACT throughout the not-for-profit and the social and community services sector. Our members work in local community services, regional and state-wide organisations, community partnerships and hubs, all the major charitable organisations and trusts, all the social and community sector peak organisations, campaigning and advocacy organisations and all of the major faith-based organisations.

The ASU proudly represents and advocates for a highly diverse workforce. Our members are highly skilled practitioners, working with employed as specialist practitioners, peer support workers and advocates in organisations that work with individuals, families and communities impacted by blood borne diseases, including HIV, hepatitis, and other viruses, specifically referenced in the proposed legislation. Our members are employed by organisations that work with people who are members of LGBTIQ+ communities, people who are homeless, in the youth justice system or penal system, First Nations peoples, young people, and people living with intellectual, cognitive, and physical disabilities, including mental health issues. The Union is therefore in a unique position to respond to the terms of reference for this Inquiry.

When we asked their views, our members in these organisations have told us that they want their Union, the ASU to support the proposed legislation. Many of our members and the organisations for which they work have also made their own detailed submissions, or written letters of support, based upon their professional expertise. We respect the experience and skill of our members expressed in those submissions and letters.

In August 2023, the *Equality Legislation Amendment (LGBTQIA+) Bill 2023* and *Conversion Practices Prohibition Bill 2023* were introduced into NSW Parliament by Independent MP Alex Greenwich. The ASU supported introduction of this legislation because of the very important principles it introduced. Since that time, reforming legislation has been introduced in 2024 and now we are writing to support the important work being undertaken by the Law Reform Commission's Review of the Anti-Discrimination Act (NSW) 1977 (ADA).

Many of our members and the organisations for which they work participated in the development of their own submissions to this Review, contributing their experience and expertise to develop draft legislation that would properly reflect not only the lived experience of discrimination, but the hopes and aspirations for something better from the clients and communities with whom they work.

Despite the reforms introduced by this current government, it is a shameful fact that after more than a decade of conservative governments in NSW, members of LGBTQIA+ communities and their families have lived and continue to live with outdated, irrelevant, and often ineffective discrimination laws.

Everyone deserves to be treated with dignity and respect, no matter where they work, study or access goods and services. NSW needs a new antidiscrimination framework that protects people from discrimination, harassment and vilification, no matter where they work, study or access goods, services, and accommodation.

In this submission, we address our priorities for reform so that anti-discrimination laws in NSW work to address and prevent discrimination, harassment, and vilification for everyone who experiences it, including LGBTQIA+ people. Our priorities are:

Expanding protections Improving and expanding the protected attributes and associated definitions so that all LGBTQIA+ people and others who experience discrimination are protected.

Removing unfair exemptions: Removing unfair exemptions for religious bodies and private educational institutions that allow discrimination against LGBTQIA+ people and those who refuse to hold discriminatory beliefs about us as a condition of employment, education or the general provision of goods, services and accommodation.

Bringing NSW into line with best practice: Addressing outliers in NSW which allow legal discrimination against LGBTQIA+ people or transgender people more specifically in:

- ✓ adoption services,
- ✓ superannuation, and
- ✓ sport in ways which are not reasonable or proportionate.

Getting the fundamentals right: Improving the discrimination framework overall so it works to protect people who have suffered discrimination, harassment and vilification in all areas of public life and shifts the burden from affected individuals to those who have the power, resources and responsibility to prevent discrimination, harassment, vilification and victimisation from happening in the first place.

Given its many fundamental deficiencies, it is time for NSW to repeal and replace the current Anti-Discrimination Act with a new Equality Act that reflects best practice and meets contemporary needs. LGBTQIA+ people have many intersecting identities and experiences, and we support extending protections to all people who experience discrimination, harassment and vilification, and need these legal protections.

While not included in the Terms of Reference, However, we would be happy to make further submissions or speak to you separately on the critical issue of reforms necessary to the anti-vilification protections in NSW to ensure that they

work effectively. We take this opportunity to state that **we support extensive changes to the way that anti-vilification and anti-hate protections as they are framed and enforced in NSW.** With respect, we hope that given the contingency of these issues, we can work with you in the future to help inform your own work in NSW on anti-vilification laws.

While our brief submission is not intended to be comprehensive or the final word on the reforms which may be necessary with regard to anti vilification or Anti-Discrimination legislation in NSW, we wanted to provide it to you in a timely way to help inform your research and deliberations, and as an unequivocal statement of our support for reform.

We also support the extensive and detailed work done by Equality Australia, an organisation which operates very effectively as a peak advocate for the community, and which proudly employs ASU members.

The community looks to you for leadership on these important reforms and we strongly urge you to work with Government to ensure their passage into legislation at the first opportunity.

Yours sincerely

Angus McFarland
Branch Secretary
Australian Services Union NSW ACT (Services) Branch