

Knowing Your Rights

Disability & LGBTIQ+
Australians



This guide was developed by a team of LGBTIQ+ people with disability as part of a project funded by the National Disability Insurance Agency's ILC program.

Thorne Harbour Health and Inclusion Designlab acknowledge the Wurundjeri and Boon Wurrung peoples of the Kulin nation, the traditional owners of the unceded lands on which this guide was prepared. We pay our respects to their elders past, present and emerging.

This resource is dedicated to our late team member, Ayman Barbaresco, a proud and resilient friend whose contributions to the LGBTIQ+ community will never be forgotten.

A digital version of this guide is available from the Thorne Harbour Health and Inclusion Designlab websites.

VICTORIA, April 2022

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In Australia, there are many laws and regulatory standards that protect the human rights of Lesbian, Gay, Bi+, Trans, Gender Diverse, Intersex, Queer and/or Asexual+ (LGBTIQ+) people living with disabilities. These laws and standards protect LGBTIQ+ people when discrimination happens.

This means that if;

- ▶ a support worker says something rude about your sexuality,
- ▶ a workplace does not support your accessibility needs,
- ▶ a disability support provider won't work with you because it's "too hard" to be inclusive for LGBTIQ+ people,

there are people you can talk to and laws that can help you deal with these situations.

“Human rights recognise the value of each person, regardless of background, where we live, what we look like, what we think or what we believe. They are based on principles of dignity, equality and mutual respect, which are shared across cultures, religions and philosophies. They are about being treated fairly, treating others fairly and having the ability to make genuine choices in our daily lives.”

-Australian Human Rights Commission

We made this guide to help you understand your rights and what you can do to defend them if you're treated unfairly. In this guide you can find:

- ➔ the important laws and documents that protect your rights
- ➔ how to know if someone is going against your rights
- ➔ how to make a complaint and who can help you
- ➔ how to make sure your rights are respected when you engage with the NDIS

Intersectionality

People have many social identities at the same time. Intersectionality describes how social identities - particularly minority identities - overlap in different ways.

Often, people with many of these identities have complex challenges as they can experience more barriers. LGBTIQ+ people with disability are an example of this. The laws, rights and standards in this guide address some of the barriers and experiences faced by LGBTIQ+ communities.

Professor Kimberle Crenshaw created the term intersectionality in 1989 to describe how black women in the USA experienced racism differently to black men and sexism differently to white women.



Part 1. Standing up for your rights

Has a colleague ever made a joke that made you uncomfortable? Has a teacher or doctor made assumptions about you? Has a support worker ever said something judgemental about your personal life? Discrimination, bullying and harassment can happen anywhere:

▶ When you are getting support from a disability organisation



▶ In the workplace



▶ At schools, universities and places of learning



▶ In the community



▶ At events



▶ At home



▶ Purchasing products and services



Discriminating against someone on the basis of their sexual orientation, gender identity, sex characteristics or disability is not legal under state and federal laws. In some states or territories, it is also against the Charter of Human Rights. If you think you've been treated unfairly, then you have every right to get more information, make a complaint, and see evidence that it is being taken seriously.

There are many ways to get help and support along the way!

This section of the guide will cover:

- What discrimination can look like
- How to make a complaint
- How to get legal help
- Other organisations that can support you

Examples of problems and complaints

NDIS provider: Frank has an NDIS plan, and one of his goals is to be part of more LGBTQIA+ social events. Every time Frank tries to organise a support worker to go to an event, his service provider is unable to provide one, or books for the wrong time. After missing three events because of this, Frank makes a complaint to the service provider's direct support manager and points out that they signed a contract promising they had the skills to help him achieve all his goals. The manager denies that there is a problem and tells Frank they are working on a solution. However, after three months pass with no change, Frank contacts the NDIS Commission to report the issue. They ask for his permission to contact the service provider for an investigation and offer to support him to find a new provider.

Workplace: Rachael needs to spend a bit longer in the bathroom than most people. When she speaks to her manager, they tell her that every employee receives 10 minutes of paid 'toilet breaks' per shift, and if she takes longer than 10 minutes, she will get her pay docked. Rachael is pretty sure this is unfair but is too nervous to argue. She contacts the Fair Work Commission to get advice. The Commission confirms that Rachael has the right to extra time and asks if she wants support to speak to her manager, but Rachael has the confidence to do it herself now that she has the information.

At an event: Jaspreet is a wheelchair user who decides to go to a queer women's speed dating night when she sees it is advertised as accessible. When she arrives at the venue, Jaspreet notices that there are steps leading up to the entrance. One of the event organisers tells her to wait while they set up a removable ramp. It takes over half an hour for the event organisers to find the ramp and set it up, so Jaspreet has to wait outside in the cold and misses the start of the event. The next day, Jaspreet tells a friend about everything that happened. Her friend helps her contact the event manager so Jaspreet can share her experience. The event manager apologises and promises that they will inspect venues to make sure they are fully wheelchair accessible before they book for future events.

Purchasing products and services: Linh, who is vision impaired, is shopping at a liquor store and goes to pay. The store clerk asks for their driver's licence to check their age. Linh offers their Proof of Age card instead, but the store clerk will not accept other forms of identification. Linh leaves the store and calls the Equal Opportunity & Human Rights Commission to tell them what happened. With Linh's permission, the Commission contacts the store's manager and facilitates a conversation with them and Linh. The outcome is that Linh receives an apology, and the store manager commits to disability inclusion training for all the store's staff.

Making a complaint

1. Do you want support through the complaints process? Advocates can speak or write on your behalf and support you in meetings. You can find a list of advocacy organisations in this guide.
2. Do you want to complain directly to the business, service, person or organisation, or to a Commission?
3. If you make your complaint directly, some organisations and businesses will tell you how to make complaints on their website. If they don't have a contact information for making complaints, you can use their general contact details. Once you have made your complaint, you should always expect a response that tells you what they have done to address the problem. It can help to ask how long it will take to investigate, and to get the name and contact details of the person you spoke to so you can contact them again if they do not respond. Your complaint should also be treated confidentially. However, they may need to speak to other people or organisations to get more information.
4. If you are not happy with the outcome of your complaint, you can ask for it to be reviewed. This means that a person with more authority will look at your complaint.
5. If you do not get a response, or if you do not think your complaint is being treated properly, you should speak to a Commission. The Commission you contact will depend on who your complaint is about.



Here is a brief table to help you choose who to contact:

Place	Who to complain to
Any situation that involves discrimination	<ul style="list-style-type: none"> ▶ Australian Human Rights Commission ▶ Disability Discrimination Commissioner ▶ Victorian Equal Opportunity and Human Rights Commission, ▶ Your State or Territory's Equal Opportunity or Anti-discrimination Commission
Schools, TAFEs, universities, other places of learning	<ul style="list-style-type: none"> ▶ Directly to education body ▶ Tertiary Education Quality and Standards Agency ▶ Consumer Affairs Victoria
Workplaces	<ul style="list-style-type: none"> ▶ Directly to workplace body ▶ Fairwork Commission ▶ Your union
Business, shops, entertainment venues, or service providers	<ul style="list-style-type: none"> ▶ Direct to business ▶ Your State or Territory's Consumer Protection Agency. For example, Consumer Affairs Victoria
Health Services Providers	<ul style="list-style-type: none"> ▶ Your State or Territory's Health Service Complaints Commission. For example, Victorian Health Complaints Commissioner
NDIS Service Providers	<ul style="list-style-type: none"> ▶ NDIS Quality and Safeguards Commission

The way you make your complaint can impact the way people can support you. Here are some examples:



Phone call: Let the person know if you need support. This can include more time to explain your experience, or having someone you know do some of the talking.



Meetings: Ask to talk face to face, or via video chat software like Zoom. You can bring someone with you as support.



Email or online forms: Some organisations will use online contact or complaint forms. If you do not feel comfortable using an online form, ask an advocate, a friend or a support worker to fill in the online form or write an email.



Other helpful support: You can also seek support from an organisation like Thorne Harbour Health, Inclusion Melbourne, or VALiD.

You can also contact the Human Rights or Equal Opportunity Commission in your State or Territory at any point during the complaints process. They can tell you what your rights are.











Advocacy and legal support

Victoria has a network of legal support organisations that provide guidance and advice. Most Victorian disability legal services view LGBTQIA+ people with disability as priority groups, so 'means testing' usually does not apply. You can call them directly.

Victorian legal support and advocacy organisations:

Organisation	Website	Contact details
The Disability Discrimination Legal Service	Information, education and training about legal rights and responsibilities under disability discrimination laws for people with disability and the general community. For people with disability, services are provided free of charge.	<ul style="list-style-type: none"> 📞 (03) 9654 8644 TTY: 03 9654 6817 ✉ info@ddls.org.au 🌐 www.ddls.org.au
Victoria Legal Aid	Information and free legal or service.	<ul style="list-style-type: none"> 📞 1300 792 387 🌐 www.legalaid.vic.gov.au/contact-us
Villamanta Disability Rights Legal Service	Information, legal assistance and casework for disability related legal problems, and assistance with NDIS matters and appeals.	<ul style="list-style-type: none"> 📞 (03) 5227 3338 📞 1800 014 111 🌐 www.villamanta.org.au/contact
Mental Health Legal Centre	Legal support with a focus on psycho-social and mental health.	<ul style="list-style-type: none"> 📞 (03) 9629 4422 📞 1800 555 887 🌐 www.mhlc.org.au
St Kilda Legal Service	LGBTIQ legal service. Free legal service to residents in Cities of Port Phillip, Stonnington and Bayside.	<ul style="list-style-type: none"> 📞 (03) 8598 6635 ✉ info@skls.org.au 🌐 www.skls.org.au/contact

Fitzroy Legal Service	Legal advice and representation, LGBTIQ specialists: focus on family law for City of Yarra residents.	 (03) 9419 3744  enquiries@fls.org.au  fls.org.au
VALiD	Advocacy support for navigating the legal system.	 (03) 9416 4003  office@valid.org.au  www.valid.org.au/ contact-us
Court Network	A volunteer program to support people at court.	 1800 681 614  courtnetwork.com.au/ contact

These organisations have LGBTIQA+ support capabilities and can offer advice and support in a range of ways. For example, they can:

- Provide information
- Understand how your experiences connect with the law
- Understand your options
- Find support if you have been a victim of crime
- Potentially attend court



Other organisations that can support you with complaints

Federal Ombudsman:

The Ombudsman's office can help you sort out problems with Australian Government agencies. This includes programs that are specifically for people with disability including:

- the National Disability Insurance Scheme
- the Disability Support Pension
- Disability Employment Services

They also take complaints about other Government programs for people with disability. This includes complaints about Centrelink payments, child support, Medicare, Australia Post and immigration.

For more information, see:
 www.ombudsman.gov.au/what-we-do/working-with-people-with-disability

NDIS Quality and Safeguards Commission:

The NDIS Commission makes sure that NDIS registered service providers provide supports that are high quality and safe. They make sure that service providers follow the rules and help to fix problems. If you have a complaint about an NDIS registered service provider, you can contact the Commission.

For more information, see:
 www.ndiscommission.gov.au/about/complaints

Human Rights and Equal Opportunity Commissions:

If you have experienced a breach of State or Territory equal opportunity, human rights or anti-discrimination legislation, you can contact the Commission in your state or territory to make a complaint.

You can also contact the Australian Human Rights Commission. Equal Opportunity and Human Rights Commissions can help you to:

- Draft a complaint
- Understand your rights, work out which of your rights has been broken, and explain which law/s apply
- Find legal and advocacy organisations
- Access mediation and support for resolution

For more information, see:

www.humanrights.gov.au/sites/default/files/GPGB_quick_guide_to_discrimination_laws_0.pdf

Contacts details for lodging complaints under Federal, State and Territory Human Rights and Anti-Discrimination legislation are listed below.

Name of federal, state or territory Commission	Website and contact details
<p>Federal</p> <p>Australia does not have a Federal Bill of Rights</p> <ul style="list-style-type: none"> - Human Rights Act 2004 (ACT) - Charter of Human Rights & Responsibilities 2006 (Vic) - Human Rights Act 2019 (Qld) <p>Australian Human Rights Commission</p>	<ul style="list-style-type: none"> humanrights.gov.au www.humanrights.gov.au/complaints/make-complaint 1300 656 419 infoservice@humanrights.gov.au
<p>Australian Capital Territory</p> <p>Discrimination Act 1991(ACT)</p> <p>ACT Human Rights Commission</p>	<ul style="list-style-type: none"> hrc.act.gov.au hrc.act.gov.au/complaints (02) 6205 2222 or TTY (02) 6205 1666 human.rights@act.gov.au
<p>New South Wales</p> <p>Anti-Discrimination Act 1977 (NSW)</p> <p>Anti-Discrimination NSW</p>	<ul style="list-style-type: none"> www.antidiscrimination.justice.nsw.gov.au/ www.antidiscrimination.justice.nsw.gov.au/Pages/adb1_makingacomplaint/adb1_makingacomplaint.aspx (02) 9268 554 or 1800 670 812 complaintsadb@justice.nsw.gov.au
<p>Northern Territory</p> <p>Anti-Discrimination Act 1996 (NT)</p> <p>Northern Territory Anti-Discrimination Commission</p>	<ul style="list-style-type: none"> adc.nt.gov.au/ adc.nt.gov.au/complaints/complaints.html (08) 8999 1444 or 1800 813 846 antidiscrimination@nt.gov.au

<p>Queensland</p> <p>Anti-Discrimination Act 1991 (Qld)</p> <p>Queensland Human Rights Commission</p>	<ul style="list-style-type: none"> www.qhrc.qld.gov.au/ www.qhrc.qld.gov.au/complaints 1300 130 670 enquiries@qhrc.qld.gov.au
<p>South Australia</p> <p>Equal Opportunity Act 1984 (SA)</p> <p>Equal Opportunity Commission SA</p>	<ul style="list-style-type: none"> eoc.sa.gov.au/ eoc.sa.gov.au/what-discrimination/making-complaint (08) 8207 1977 or TTY: 133 677 then ask for AGD on 1800 177 076 EOC@sa.gov.au
<p>Tasmania</p> <p>Anti-Discrimination Act 1998 (Tas)</p> <p>Equal Opportunity Tasmania</p>	<ul style="list-style-type: none"> equalopportunity.tas.gov.au/discrimination www.equalopportunity.tas.gov.au/complaints (03) 6165 7515 or 1300 305 062 office@equalopportunity.tas.gov.au
<p>Victoria</p> <p>Equal Opportunity Act 2010 (Vic)</p> <p>Victorian Equal Opportunity and Human Rights Commission</p>	<ul style="list-style-type: none"> www.humanrightscommission.vic.gov.au/ www.humanrightscommission.vic.gov.au/discrimination/making-a-complaint 1300 292 153 or (03) 9032 3583 or TTY: 1300 289 621 enquiries@veohrc.vic.gov.au
<p>Western Australia</p> <p>Equal Opportunity Act 1984 (WA)</p> <p>Equal Opportunity Commission WA</p>	<ul style="list-style-type: none"> www.eoc.wa.gov.au www.eoc.wa.gov.au/complaints-inquiries/making-a-complaint (08) 9216 3900 or TTY: 08 9216 3936 eoc@eoc.wa.gov.au

Part 2. How Your Rights Are Protected

The United Nations Convention on the Rights of Persons with Disabilities



In 2006, the United Nations adopted the Convention on the Rights of Persons with Disabilities, or the CRPD. Australia agreed to the CRPD in 2008. This means that Australia is legally obligated to uphold these rights.

In 2018, the CRPD was improved through the launch of documents called General Comments 6 and 7. These documents say that the CRPD needs to be applied to LGBTIQ+ people with disability. Here are some of the ways the CRPD includes your rights:

Article 5: Equality and non-discrimination

Equality and anti-discrimination policies must be upheld to allow for effective support for LGBTIQ+ people with disability.

Article 6: Women with disabilities

Equality for all LGBTIQ+ women with disability to lead fulfilled and meaningful lives in the community.

Article 8: Awareness raising

Awareness training and public campaigns to promote positive perceptions and inclusion, and to combat stereotypes and prejudices relating to LGBTIQ+ people with disability.

Article 12: Equal recognition before the law

Independence, inclusion and the right to have your legal capacity fully recognised, including all necessary support. Article 12 also addresses mental capacity, an area of concern for people with intellectual disability. People with intellectual disability are ensured full equality as citizens regardless of other's opinions about their capacity or autonomy.

Article 17: Protecting the integrity of the person

Avoiding the suppression, control, domination or manipulation of people with disability involved in health, medical and other systems. This is relevant for people whose body, sexuality, or identity are unjustly influenced by gatekeepers.

Article 23: Respect for home and family

Opportunity to develop and maintain intimate relationships, marry and found a family without discrimination, maintain fertility, and receive all required education and support.

Article 25: Health

Opportunity to access health care and health related services, including sex and reproductive health.

Australian laws and rules



Australia has many laws that protect LGBTIQ+ people with disability. There are also some important statements and documents about rights that declare and protect your rights.

Discrimination happens in many ways. It can mean being treated unfairly or being bullied because of your disability, sexuality, gender or all of these. It can also mean being treated unfairly because you try to stand up for your rights as a person with disability or as an LGBTIQ+ person. Here are some ways that Australian federal, state and territory laws protect you from discrimination:

1. Vilification

Vilification is when somebody says or writes unpleasant things about a group of people, causing other people to have a bad opinion of that group. Australia's vilification laws offer no strong protection for people with disability.

For more information, see:

- vcoss.org.au/policy/response-to-the-inquiry-into-anti-vilification-protections
- classic.austlii.edu.au/au/journals/AltLawJl/2010/23.pdf
- www.lawcouncil.asn.au/policy-agenda/human-rights/anti-discrimination-laws

2. Employment

The Disability Discrimination Act 1992 (Cth) provides protection for people with disability in employment. It is unlawful for an employer to discriminate against a person with a disability in deciding who should be offered a job, the terms or conditions of employment, promotion opportunities, training and other benefits. It can also be unlawful for an employer to give you a task that you are unable to complete without adjustments or assistance.

The Fair Work Act 2009 (Cth) also has rules regarding discrimination on the basis of sexual orientation, gender identity, sex characteristics and disability. You can make a complaint with the Fair Work Commission if you believe you have been discriminated against in the workplace.

For more information, see:

www.fairwork.gov.au/employee-entitlements/protections-at-work/protection-from-discrimination-at-work

3. Sex discrimination

The Commonwealth (Australian) Sex Discrimination Act 1984 prevents discrimination against people based on their sex characteristics, sexual orientation, and gender. This law is supported by Equal Opportunity and Anti-discrimination legislation in all States and Territories.

For more information, see:

humanrights.gov.au/complaints/complaint-guides/information-people-making-complaints/complaints-under-sex-discrimination-act

4. Consumer law

The Australian Consumer Law (ACL, Competition and Consumer Act 2010) protects you when you buy goods or services. This includes disability support products or services. If you pay for a service that is supposed to support you, you are protected from discrimination by consumer law. Guides are available to assist consumers with disability to understand their consumer rights.

For more information, see:

www.accc.gov.au/disabilityresources

Your rights in the NDIS

While the NDIS Practice Standards do not explicitly mention LGBTIQ+ inclusion, they outline a range of requirements that cover our communities.

You can read about the NDIS Practice Standards on the NDIS Commission's webpage

For more information, see:

www.ndiscommission.gov.au/providers/ndis-practice-standards
(The Standards that are relevant to LGBTIQ+ rights and inclusion are Standards 6, 7, 8, 9, 17, 19, 20, 21, 22, 24, and 68.)

How To Use Your Goals to Safeguard Your Rights

You are allowed to ask for funded supports that will enable you to express your gender identity and sexuality and live a full life in LGBTIQ+ inclusive communities. For example, you can ask for funds to support you to attend LGBTIQ+ community events and to improve your social and community participation skills.

A goal that clearly states your desire to participate fully in the LGBTIQ+ community will ensure your rights as an LGBTIQ+ person will be taken into account. Here are some examples of goals:

- I want to connect with the LGBTIQ+ community more through events, festivals, regular visits to venues, and attending social and self-advocacy groups
- I want to learn more about my sexuality, gender and body as a queer person

Even if you do not have a clear LGBTIQ+ related goal in your plan, organisations need to take the time to get to know you when planning your supports.

Participants in the NDIS have the same consumer rights as anyone else who pays for a product or service or signs a contract with a service provider. If an NDIS registered provider has signed a service agreement with an NDIS participant, they have to prove that they are working towards the participant's goals.

Understanding your rights in the NDIS can make a huge difference to how you navigate the NDIS. If you ever feel worried about not being heard or respected, you can ask an advocate or friend to help, or to come to any meetings you have with the NDIS or an NDIS service provider.



Responsibilities of Disability Support Organisations

Disability support organisations that are NDIS Registered Providers must follow Federal, State and Territory equal opportunity and anti-discrimination laws in the way they do business, provide services, hire staff, and communicate with people. They must also follow the rules of the NDIS Quality and Safeguards Commission. These rules are called the NDIS Practice Standards. All of this means that organisations that support people with disability need to follow these principles:

- Uphold the rights of people with disability in all areas of their life.
- Ensure staff and volunteers have the training and education they need to support people with disability in a wide variety of ways. This includes addressing the needs of LGBTIQ+ people.
- Organisations are responsible for providing training to volunteers and paid staff about supporting LGBTIQ+ people, including conflict resolution and ethical standards. Staff and volunteers should be able to advocate for inclusion within their own organisation, health organisations, advocacy groups, guardians, families and members of a person's network.
- Organisations should ensure that volunteers, staff and leaders can be confident in respectfully building professional support relationships with LGBTIQ+ people with disability. They should know how to use evidence-based practices when supporting them. Some of these practices include:
 - ▶ Supported Decision Making: A set of practices that allow a person with disability to build the knowledge, relationships, experience and communication skills required to make their own informed decisions.
 - ▶ Positive Behaviour Support: A practice model that allows people with disability to manage and overcome unhelpful behaviours with minimal use of restrictions.
 - ▶ Person-Centred Active Support: A practice model that focuses on living independently, with the right amount of support and guidance.

If an NDIS registered provider does not provide this support, you can contact the NDIS Quality and Safeguards Commission on **1800 035 544** or go to www.ndiscommission.gov.au/about/contact.

Your rights in the LGBTIQ+ community

LGBTIQ+ businesses and health organisations are demonstrating more allyship and inclusion to community members with disability. However, many LGBTIQ+ people with disability struggle to find acceptance, inclusion and belonging within the broader LGBTIQ+ community.

The idea that people with disability are either asexual, heterosexual or unable to manage their sexuality persists even in the LGBTIQ+ community. Some LGBTIQ+ places and spaces do not cater for people with disability or acknowledge their desire to regularly attend queer events. For example:

- LGBTIQ+ people with intellectual disability have been discouraged from participation in adult activities in the LGBTIQ+ community because it's assumed that they cannot consent, despite being informed, consenting adults
- LGBTIQ+ community events and services are often not accessible for people with disability, increasing isolation and the risk of negative mental health outcomes
- LGBTIQ+ people with disability are less likely to see and connect with peers, are less likely to be represented at events, in media, and at community gatherings

All LGBTIQ+ businesses and community groups must follow Equal Opportunity, Anti-Discrimination, and Disability legislation. Internal disability inclusion rules and messages should be developed within LGBTIQ+ community groups, organisations, and event planning teams.

In Melbourne, Thorne Harbour Health has hosted several disability inclusion projects, while queer venues host disability forums and events during the annual Midsumma Carnival. The LGBTIQ+ community is small enough to set its own higher standards of inclusion and self-representation, but large enough to drive cultural change.



Just in case...

Here is a list of Australian Federal, State and Territory laws about rights and discrimination relating to disability, sexuality, gender, sex characteristics, and employment.

Australian federal discrimination laws

- **Disability Discrimination Act 1992** (Cth)
- **Sex Discrimination Act 1984** (Cth) – the Sex Discrimination Act specifically references discrimination on the grounds of sexual orientation, sexual identity and intersex persons (ss 5A, 5B, 5C).
- **The Fair Work Act 2009** (Cth) also includes some protections from discrimination on the basis of sexual orientation and intellectual disability. People who feel their rights have been infringed at work can contact the Fair Work Commission at www.fwc.gov.au. You can ask someone to help you if you need to.

Disability and disability services laws

There are Federal, State and Territory laws that cover discrimination on the basis of sexual identity and/or disability.

- Disability Services Act (1986) (Cth) – Assists persons with disabilities to gain employment
- National Disability Insurance Scheme Act 2013 (Cth)
- Australian Capital Territory: Disability Services Act 1991 (ACT)
- New South Wales: Disability Inclusion Act 2014 (NSW)
- Northern Territory: Disability Services Act 1993 (NT)
- Queensland: Disability Services Act 2006 (Qld)
- South Australia: Disability Services Act 1993 (SA) soon to be replaced with Disability Inclusion Act 2018 (SA)
- Tasmania: Disability Services Act 2011 (Tas)
- Victoria: Disability Act 2006 (Vic)
- Western Australia: Disability Services Act 1993 (WA)

Charters of Rights

Australia does not have a Federal Charter of Rights. Some states have a Charter of Rights, however these do not apply to federal services like the NDIS and Centrelink. These Charters are:

- Human Rights Act 2004 (ACT)
- Charter of Human Rights & Responsibilities Act 2006 (Vic)
- Human Rights Act 2019 (Qld)

State and Territory Anti-Discrimination and Equal Opportunity laws:

- **Australian Capital Territory:** Discrimination Act 1991 (ACT)
- **New South Wales:** Anti-Discrimination Act 1977 (NSW)
- **Northern Territory:** Anti-Discrimination Act 1996 (NT)
- **Queensland:** Anti-Discrimination Act 1991 (Qld)
- **South Australia:** Equal Opportunity Act 1984 (SA)
- **Tasmania:** Anti-Discrimination Act 1998 (Tas)
- **Victoria:** Equal Opportunity Act 2010 (Vic)
- **Western Australia:** Equal Opportunity Act 1984 (WA)

Conversion Practices

At time of writing, the ACT and Victoria have passed laws prohibiting the use of practices that attempt to change or suppress the sexual orientation or gender identity of a person. These are often called 'conversion practices'. People with a disability who experience attempts to suppress their sexual orientation or gender identity are now protected by these laws. Conversion practices include formal practices, like counselling or psychology, or informal practices, like those that might occur in supported accommodation or community groups that some people with disability may heavily rely on. For more information, contact the Equal Opportunity and/or Human Rights Commissions in the ACT and Victoria using the details above.

- Sexuality and Gender Identity Conversion Practices Act 2020 (ACT)
- Change or Suppression (Conversion) Practices Prohibition Act 2021 (Victoria)
 - ▶ www.humanrights.vic.gov.au/change-or-suppression-practices

thorneharbour
health*

Address: 200 Hoddle Street Abbotsford VIC 3067

Toll Free Phone : 1800 134 840 Email: enquiries@thorneharbour.org

Web: www.thorneharbour.org  www.facebook.com/thorneharbour  www.twitter.com/ThorneHarbour



 www.instagram.com/thorneharbour  www.youtube.com/c/ThorneHarbourHealth

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