



Homosexual discrimination

What it is

Homosexual discrimination is when someone is treated less favourably because they are:

- gay or lesbian or someone thinks they are gay or lesbian
- a relative, friend or colleague of someone who is gay or lesbian.

Indirect discrimination is also against the law. This is when a rule or requirement is the same for everyone but unfairly affects people who are gay or lesbian, and is not reasonable in the circumstances.

Act under review

The NSW Law Reform Commission has been asked to review and report on the *Anti-Discrimination Act 1977* (NSW).

Anti-Discrimination NSW supports amending the grounds in the Act to include protection based on:

- sexual orientation
- gender identity
- intersex (or sex characteristics).

Learn more about the Law Reform Commission's process at lawreform.nsw.gov.au

Where it's against the law

Homosexual discrimination is against the law in certain public places, including:

- **workplaces**, such as when you apply for a job or while you are at work
- **employment agencies**, such as when you use recruitment companies
- **when you access goods and services**, such as when you go shopping, do your banking or access medical services
- **state education**, such as when you apply for study and during your studies
- **accommodation**, such as when you rent accommodation
- **industrial organisations**, such as membership of a union
- **qualifying bodies**, such as an institute which issues qualifications
- **at registered clubs**, such as when you try to enter or join a club that sells alcohol or has gambling machines.



What to do if you experience homosexual discrimination

If you think you have experienced homosexual discrimination, you can first try speaking to the person or organisation responsible to let them know you have been treated unfairly. If you don't feel comfortable doing this, or if it isn't appropriate, you can contact us to make a complaint of discrimination. You can write your complaint in your language, and we will have it translated for free into English. If writing your complaint is difficult, you can contact us to discuss other ways to submit your complaint.

You can contact our enquiry service if you need more information or are unsure if you have experienced homosexual discrimination.

Useful contacts

Translating and Interpreting Service – 131 450

Law Access – 1300 888 529

Complaint case study

Janine* applied for a rental accommodation with a real estate agent.

Janine was refused the accommodation when she informed the real estate agent that she was intending to live with her female partner.

Janine lodged a complaint of homosexual discrimination with ADNSW.

ADNSW contacted the agent and explained that discriminating against Janine because of her lesbianism was against the Anti-Discrimination Act.

The complaint was resolved when the agent offered Janine alternative accommodation and agreed to review all the office policies for possible discriminatory practices.

*Name has been changed to protect the privacy of the individual.

This fact sheet has general information about discrimination and there are exceptions to the law. Please contact us if you have questions about homosexual discrimination or you would like information about how to make a complaint.

Anti-Discrimination NSW

Enquiries

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