

HOW indiscriminate should anti-discrimination laws be? When it comes to homosexuality, there are sections of the community concerned that there should be limits to the concept of equal rights. These concerns are reflected in the divisions in the coalition parties, federally over the Human Rights (Sexual Conduct) Bill, and in Victoria, over the proposed amendments to the Equal Opportunity Act to ban discrimination on the basis of sexual preference.

Four coalition MPs **crossed the floor**, eight abstained, and several others were absent on Tuesday when the House of Representatives voted on the legislation to counter Tasmania's archaic anti-sodomy laws. The defectors' motives were mixed, ranging from hostility to homosexual practices to protection of state rights. However, most Australians now accept, as the Opposition Leader, Mr Downer, finally recognised, that the criminal law has no place in the bedrooms of consenting adults, and that individual rights should come before state sovereignty.

In Victoria, the coalition Government wants to extend its anti-discrimination law to cover sexual preference to bring it into line with similar laws in most other states. Some Government backbenchers are objecting on the ostensible grounds that this could give homosexuals access to IVF technology and adoption of children. It is not clear whether the amended law would have these consequences, but the dissidents' campaign appears to be delaying its introduction.

Again, most people now accept that equal opportunity and anti-discrimination laws are worthwhile: to uphold individual rights, reduce prejudice and offer remedies to those who suffer unreasonable and injurious discrimination in access to employment, housing, education, health care, recreation and the like. We strongly believe that such laws should also apply, in general terms, to sexual preference - clearly sexual preference ought to be irrelevant when it comes to having access to something as basic as a job or a home.

But when it comes to IVF programs and adoption, the rights of the individual have to be balanced against other considerations. IVF technology and children for adoption are both subject to rationing as a scarce resource and strict regulation by responsible authorities to ensure the best possible outcomes. More important, they involve not only the desires of the applicants, but the welfare of the children to be conceived or adopted.

Society must ensure that the children's welfare comes first. Although each case should be judged on its merits, there is a strong case for giving preference to suitable married couples so that the child may have a mother and father in a secure home environment. That is why heterosexual de facto couples are at present excluded from IVF, and it would be anomalous if homosexual de facto couples or single women could gain prior access through the Equal Opportunity Act.

The Kennett Government should go ahead with its proposed legislation, but exempt IVF and adoption from its scope. Criteria and choices for eligibility should be left to those responsible for administering these programs.