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Discrimination Sans Frontiers

A Melbourne Hotel Wins Right to Refuse Entry to all Women and Heterosexual Men

by Katherine Cummings

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Collingwood's Peel Hotel

Some time ago we wrote about Mission Australia, who sought, and received, an exemption from the Anti-Discrimination Board which allowed them to exclude pre-operative transwomen from their women's shelters.

If he wants to set up a private club for his preferred cronies that is another matter, but he should not pretend it is a hotel for public use.

Their success led to other women's shelters adopting the same policy, making it very difficult for some pre-operative transwomen to find emergency accommodation.

It is understandable that women who have suffered at the hands of men and sought sanctuary are likely to see pre-operative women (or as they might see it, men dressed as women but retaining their male appendages) as a threat and a

reminder of the situation they have fled.

It seems unfair, however, to punish anyone for misbehaviour they might commit, rather taking the reactive route of punishing people for the sins they have done.

We all have the potential to commit crimes and misdemeanours, but surely retribution can wait until after an offence has been committed.

Now an even more reprehensible example of discrimination has come to light, as the Peel Hotel in Collingwood, Victoria, has been granted an exemption under the Victorian Equal Opportunity Act to refuse entry to all women and heterosexual men.

The exemption will extend for three years and was granted in order to eliminate "sexually based insults and violence" towards gay men who patronise the hotel.

The manager of the hotel, Tom McFeely, is reported as having said he expected criticism from other patrons but was "not worried about it because to be frank I don't really care what heterosexuals or lesbians think." Most of us could not care less what Mr. McFeely thinks, either, but he is denying members of the public access to a public service on the basis of his prejudice and discrimination and this runs counter to any concept of social justice.

If managers of public houses, shops or other services are permitted to pick and choose their clientele on the basis of their own discriminatory attitudes, where will it end? Will people be excluded on the basis of religion, colour, age, height, weight, hair colour? I think I know one class of potential customer who would experience exclusion and discrimination and you won't need three guesses to know I am talking about the transgendered.

Mr. McFeely's exemption should be overturned if there is any legal body to whom an appeal can be made. If he wants to set up a private club for his preferred cronies that is another matter, but he should not pretend it is a hotel for public use.

Peel Hotel's Discriminatory Policy Repealed

From Same Same:

In 2007 the Victorian Civil and Administrative Tribunal (V.C.A.T.) granted iconic gay venue, the Peel Hotel, the right to deny entry to people who did not identify as "homosexual males" if staff considered the potential patron would not fit in with the gay nature of the venue.

The rather irregular and murky door policies, which have often been called unnecessarily discriminatory, is a continual sticking point with many in the community, especially women, lesbians and gay friendly straights who could be turned away at the whim of the club, with no explanation.

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repealed to comply with privacy protection provisions of Victoria's Charter of Human Rights.

In late December 2010, V.C.A.T. granted the Peel a revised three year exemption, that did not include the right to identify sexuality. According to the report, the venue did not oppose the changes.

Staff at the Peel now have to explain the gay nature of the venue to potential patrons, giving them the choice whether or not to enter. The Peel still retains the right to deny access to anyone it feels threatens the safety or comfort of patrons, or its position as an openly gay venue.

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The Gender Centre is committed to developing and providing services and activities, which enhance the ability of people with gender issues to make informed choices. We offer a wide range of services to people with gender issues, their partners, family members and friends in New South Wales. We are an accommodation service and also act as an education, support, training and referral resource centre to other organisations and service providers. The Gender Centre is committed to educating the public and service providers about the needs of people with gender issues. We specifically aim to provide a high quality service, which acknowledges human rights and ensures respect and confidentiality.