



Ms Sarah Witham
Director, Legal Policy
Department of the Attorney-General and Justice
GPO Box 1722
DARWIN NT 0801
Email: Policy.AGD@nt.gov.au

26th November 2017

Dear Ms Witham,

Thank you for the opportunity for us to have input into the modernisation of the Anti-Discrimination Act (September 2017). We would like to provide the following views on the discussion paper. Note we have not commented on all aspects or questions under consideration.

Question 2

We believe that by not having 'sex' defined in the Act allows space for various interpretations. If 'gender identity' is added, 'sex' should remain as an attribute and should allow for certain discriminations. Some examples of where discrimination on the basis of sex is appropriate are the use of toilets and the participation of certain activities that are gender specific – male or female. We must recognise that men are different to women and it is appropriate to differentiate.

Question 3

We agree that vilification provisions need to be included in the NT legislation. However, if sex is removed, why include intersex? If sex is not removed and sex is not currently defined, why not include intersex? It would be appropriate to include intersex as an option of sex, where it is required on forms.

Question 4

Further to our Question 3 comments, we are in agreement that vilification provisions need to be included in the NT legislation. We support the extensions to people under threat or experiencing domestic violence. However, we believe the words 'offend' and 'insult' can only be interpreted subjectively and leave scope for frivolous claims. We believe this provision can remain strong even with omission of these words. If the words 'offend' and 'insult' are to remain; protections under the act should be extended to statements made in relation to religious beliefs.

Question 7

As a general principle we do not believe people should be discriminated against because of the kind of work they do. So access to housing for example, should not be impeded. However, religious institutions that provide accommodation services should not be compelled to make their accommodation available to people whose activities are contrary to their individual or corporate religious beliefs. These groups need to protect themselves from the abuse of their facilities for purposes that are condoned within their religious beliefs.

Question 11

We agree that the original intention and culture that this distinction was put in place back in the 1980's has changed. However we believe that the exemptions under the various organisations this could include in the future need to be considered. Will this mean that churches will be included as clubs in the future? If this is the case, will exemptions be given to allow a church to discriminate on who is a member based on our church's doctrinal statement? Will we be able to hold gender specific events without being seen as discriminating towards a specific gender or intersex?

Question 12

We agree with this removal. This form of harassment is unacceptable; however there maybe times distinctions between people may be appropriate.

Question 14

We do not believe these exemptions should be removed. At present, religious freedoms are enjoyed as a human right. Under proposed changes they become privileges for which the entity must apply. What capacity does the State (Northern Territory) have to make deliberations based on religious grounds? Who would be qualified to make these rulings?

Question 15

We feel very strongly on this matter. We do not believe this exemption should be removed. Our view is that a child should ideally have the right to a mother and a father. There will be exceptions to this as circumstances of life effect the raising of children. We believe to open up the door further to government funded services to same sex couples to have medically supported fertilisation of children, is a direction that our society overall does not accept.

Question 20

We were disappointed that the paper sees the terms of man and woman as 'offensive'. We believe it is important to recognise our gender and specific strengths that come with our gender. We do not want people to be excluded from protection if they feel they do not belong to either gender. It appears to us that repealing the definitions of a man and woman will have little impact on the effect of the Act. We believe the understanding of these terms will fall back to their ordinary meaning as understood by society.

Thank you for taking the time to consider our thoughts on this matter. We wish you and the team working through the 'modernisation' of the Act, all wisdom in this challenging task.

Kind regards,

