

From: [REDACTED]
Sent: Thursday, 1 February 2018 12:43 AM
To: Policy AGD
Subject: Discussion paper Modernising the Anti-Discrim Act

Follow Up Flag: Follow up
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Dear Ms Witham

> Thank you for the discussion paper on Modernising the Anti-Discrimination Act and for the opportunity to provide comments.

> Please see my comments in relation to specific questions below.

> Question 1

> Updating the term to sexual orientation without labels is appropriate. Sexual orientation was the term used previously, makes good sense and can now be used without negative connotations.

> Question 2

> Yes, the attribute of gender identity should be included in the Act. But the attribute of 'sex' referring to biological features should not be removed. Sex should continue to be recognised in the Act. Recognition of the attributes of both gender and sex is required to provide for redress against discrimination for all individuals and classes of persons.

> Question 3

> Yes, Intersex status should be included as an attribute under the Act.

> Question 4

> I am not convinced that anti-vilification laws protect the people intended. Smart policing of public order may have an impact. Vilification has to be addressed politically.

Question 5

Yes, the Act should create rights re employment, education and accommodation for people experiencing domestic and family violence.

Question 6

Yes. This may be an area of discrimination where even a little education could have a big impact. The requirement for a residential address may not be thought through.

Question 7

Yes. Sex workers and their families should be protected from discrimination.

Question 8

Socioeconomic status should not be a protected attribute. Within five minutes someone will be challenging means testing; e.g. 'I should be eligible for first home buyers grant - even though I am above the income limit/ already own property'.

Question 9

This section seems oddly worded. I don't think career assistance animals should have rights under the Act. People with disabilities should be protected from discrimination when they are using assistance animals.

Question 10

A representative complaint model could provide a means for identifying and addressing systemic failure. I think the evidence expectations for acceptance of a complaint should be high and the search for practical resolution should begin immediately. If the detail/evidence for a complaint is more difficult to establish or highly contested, energy could be sucked into this process that might be better spent on plain old advocacy and political challenge. An organisation that has discriminatory practices should be publicly identified but emphasis should be on the changes being made - make it easy for other organisations to take a lead, look at their practices and adopt similar changes.

Question 11

Yes, this sounds like an anachronism.

Question 12

Yes, protection anywhere.

Question 13

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Yes, the Act should be amended to include services provided by police.

Wouldn't the taxi driver and the bar worker already be protected under the Act? Their rights to be free from racial and sexual harassment should be as human beings - anywhere, anytime.

Question 14

Section 37A should be removed. Religious schools should not be entitled to discriminate in employment. The merit principle should apply in employment. Applicants who are willing to meet a position description should be eligible to apply. References from religious leaders should not be a requirement or an expectation. If the main purpose of the school is other than to provide a general education, the school should not be funded from the public purse. Cultural or religious sites should not be on school grounds if any employees and students would be restricted from accessing that site.

Question 15

Yes. Discrimination in provision of ART services is not justified.

Question 16

As for questions 12 and 13, perhaps the 'area of activity' concept is the problem. Complaint shouldn't have to be site based.

Question 17

Yes, the positive obligation is a good platform for community education.

Question 18

No. I think it important that the more rigorous language of anti-discrimination is continued.

Question 19

A five year term would be preferable, aligning with the other integrity commissioners in the NT. It is protective for the ADC to have a term longer than a term of government and also to have a term coinciding with at least two governments.

Question 20

Yes, the ordinary meaning is preferable as is alignment with the Sex Discrimination Act.

Question 21

No. The responsibilities of parenthood are recognised and the status should not be diluted. Instead add the term carer responsibilities.

Question 22

Relationship status seems too general. Marital status has been used to discriminate. Is it partnership status?

Thank you for the opportunity to comment Regards