

From: [REDACTED]
Sent: Friday, 2 February 2018 5:55 AM
To: Chief Minister
Subject: NT must strengthen and modernise anti-discrimination laws

Chief Minister Michael Gunner
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Re: NT must strengthen and modernise anti-discrimination laws

Dear Chief Minister:

The Northern Territory Government has an historic opportunity to overhaul outdated discrimination laws so that all Territorians are equally respected for who they are.

A NT Department of Justice review of the Anti-Discrimination Act 2015 has the potential to make the Northern Territory a fairer, more inclusive society for all.

It's fantastic to see the NT Government looking to update and strengthen protections against unfair treatment, particularly when it comes to gaps in protection for sexual and gender minorities. Everyone should be equal before the law and shouldn't be turned away from a shop or sacked from a job simply because of who they are.

Recommendations include filling important protection gaps for trans, gender diverse, and intersex people.

The NT is out of step when it comes to protections from discrimination for transgender people and people with intersex variations. For example, transgender Territorians are protected from discrimination all around Australia, but not in their home territory. Including 'gender identity' and 'sex characteristics' as protected attributes would provide important protections but also bring the NT in line with international human rights standards.

The review is also an ideal time to remove outdated religious exemption laws that allow discrimination against people on the grounds of religious beliefs, activity or sexuality.

Currently, there are religious exemptions in the NT that are inappropriate and inconsistent with Australia's human rights obligations. The right to freedom of religion is of vital importance and its recognition is necessary for the full realisation of human rights. However, freedom of religion is not an absolute right and shouldn't run roughshod over other fundamental rights and freedoms.

Supported is the proposal in the Discussion Paper that permanent religious exemptions should be replaced by a system where religious bodies can apply for exemptions. Also suggested is a broad defence able to be used by religious bodies and anyone else where the actions are for a legitimate purpose and necessary and proportionate to achieving this purpose. This would provide greater certainty for religious organisations and clarity to people engaging with religious organisations that may be on the receiving end of discriminatory conduct.

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The NT Government is comprehensively reviewing its anti-discrimination laws for the first time in 25 years. International law relating to the right to freedom from non-discrimination and the right to equality has developed over time and the review provides a timely opportunity to revisit laws to better reflect the values of modern Territorians.

Drawing on the experience and expertise reflected in international human rights standards will enhance the effectiveness of anti-discrimination laws and help make the Northern Territory a fairer, more inclusive society for all.

Protection of rights doesn't stop at anti-discrimination laws. Introduce a human rights act or charter of human rights to comprehensively protect the right to equality and other fundamental rights and freedoms.

Australia is the only developed democracy without a national Human Rights Act. Human Rights Acts have great potential to address disadvantage and promote dignity. The NT Government has an opportunity to lead Australia in protecting and promoting human rights. We know that when human rights are not protected in law, they are always in danger of being eroded.

Re: HRLC's submission to the NT Department of Justice review of the Anti-Discrimination Act 2015 (NT):

<https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/5a72acc253450a892aac3be8/1517464775843/HRLC+Submission+-+Realising+the+Right+to+Equality+2017.pdf>

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,

