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## **SUBMISSION ON REVIEW OF ANTI-DISCRIMINATION ACT**

Thank you for issuing the Discussion Paper on review of the Anti-Discrimination Act. I appreciate the opportunity to represent on my views.

I have two principal areas of comment.

### **Vilification**

Provision should be made for a vilification in the Anti-Discrimination Act (the Act) in any amendments. The issue of course is the grounds for making a vilification complaint which needs to be carefully crafted.

If the 'test' for a vilification complaint is low then the legislation will run the risk of restricting free speech. As you are aware free speech, unlike many countries, is not guaranteed in our Constitution or enshrined in a Bill of Rights. Hence any 'writing down' of what people can say or write needs to be rigorously tested before being enacted.

The Discussion Paper highlights the *Racial Discrimination Act 1975* vilification provisions as the potential model for updating the Act. You would be aware of the Federal Government attempts to replace offend, insult and humiliate with the word harass last year as it considered the vilification test too low and a limitation on free speech. This particular amendment failed in the Senate.

A low test for vilification such as 'offend' or 'insult' would, on the face of it, make complaints administration and handling more difficult through potentially a proliferation of complaints from people who felt offended or insulted.

In addition there is the precautionary principle to be followed when legislating to restrict Australians' unlegislated right to free speech.

### **Religious Exemptions**

The Section 30(2) exemption should be removed. I do not know of any school which would seek the protection of this exemption in any case.

The sexuality exemption in Section 37A should be removed. However, the remainder of Section 37A should be left in the Act.

Almost 30% of NT school students are educated in church schools.

The parents or carers who chose to send children to a religious education institution (as defined in the Act) have, as a major factor, the religious values and ethos of that school. If parents/carers see Government intruding into staff recruitment in the area of spiritual values

they will lose confidence in the school being able to reflect the spiritual values that motivated them to select the school in the first place.

This does not seem to be a productive area for Government intrusion. In fact, in public policy terms, it could be quite unproductive as discussed below.

As noted above, repealing the religious belief or activity exemption may well over the medium term weaken the differentiation of religious schools in the eyes of parents/carers. A logical outcome of this is that more demand would be placed on government schools.

This in turn would mean greater government education funding needs to be found in the NT budget, with NTG finances already under significant pressure.

Please feel free to contact me about this submission. My contact details are below.

Yours sincerely

