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**AUSTRALIAN NURSING &
MIDWIFERY FEDERATION**

NORTHERN TERRITORY

Submission

Modernisation of the Anti-Discrimination Act

By
Australian Nursing and Midwifery Federation ,
Northern Territory Branch

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Yvonne Falckh
Branch Secretary

Submission – *Modernisation of the Anti-Discrimination Act* - January 2018 – by ANMF NT

The Australian Nursing and Midwifery Federation, Northern Territory Branch, (ANMF NT), welcomes the opportunity to comment on the Discussion Paper – *Modernisation of the Anti-Discrimination Act*, September 2017.

Background

Established in 1924, the Australian Nursing and Midwifery Federation (ANMF) is the largest professional and industrial organisation in Australia for nurses, midwives and assistants in nursing. With Branches in each State and Territory, the core business of the ANMF is the professional and industrial representation of our members and the professions of nursing and midwifery.

With a membership now standing at over 270,000 nurses, midwives and assistants in nursing, our members are employed across all urban, rural and remote locations, in both the public and private health and aged care sectors. The ANMF NT has a membership of almost 3,000 nurses, midwives and Certificate iii, throughout the entire Northern Territory.

The ANMF takes a leadership role for the nursing and midwifery professions by participating in the development of policy relating to: nursing and midwifery practice, professionalism, regulation, education, training, workforce, and socio-economic welfare; health and aged care, community services, veterans' affairs, workplace health and safety, industrial relations, social justice, human rights, immigration, foreign affairs and law reform.

22 Questions within 5 categories, were posed in the Discussion Paper. ANMF NT will not be addressing every question.

Response to SUMMARY OF QUESTIONS

Modernisation Reforms

1. Is updating the term sexuality to sexual orientation without labels appropriate? Are there any alternative suggestions?

The term sexuality should be replaced with sexual orientation or gender identity

2. Should the attribute of “gender identity” be included in the Act?

Yes

3. Should intersex status be included as an attribute under the Act?

Yes.

4. Should vilification provisions be included in the Act? Should vilification be prohibited for attributes other than on the basis of race, such as disability, sexual orientation, religious belief, gender identity or intersex status?

Absolutely

5. Should the Act create rights for people experiencing domestic violence in relation to public areas of life such as employment, education and accommodation?

Yes. One does not choose to be a victim of domestic violence. Life is difficult enough for these victims, without the added bias and discrimination in their job, education and living.

8. Should “socioeconomic status” be included as a protected attribute?

We believe the question is wrong and does not make sense in the discussion paper. What does socioeconomic status have anything to do with assistance animals?

Fully supportive of the definition to be expanded to include all assistance animals, not only dogs.

9. Should the Act be broadened to include specifically trained assistance animals such as therapeutic and psychiatric seizure alert animals?

Absolutely. Need to include animals used to assist and lessen the impact of mental health issues.

New Reforms

10. Should a representative complaint model process be introduced into the Act? Should there be any variations to the process of the complaint model as described above?

The discussion paper is difficult to follow in reference to this question.

Yes, We Support the representative complaint model especially by organisations lodging on behalf of a group of affected persons limited in their ability to lodge an individual complaint.

11. Should the requirement for clubs to hold a liquor license be removed?

What has sexual harassment to do with liquor licenses?

12. Should the restriction of areas of activity on sexual harassment be removed?

Absolutely – Those that provide services should be covered under the act from sexual or other forms of harassment.

13. Should the definition of “service” be amended to extend coverage to include the workers?

Absolutely – they have rights and should have protections.

Removing Content that Enshrines Discrimination

14. Should any exemptions for religious or cultural bodies be removed?

It is sad that religious groups have such biases. The exemptions should be removed and the religious or cultural group should provide sound argument to continue to maintain the bias.

15. Should the exclusion of assisted reproductive treatment from services be removed?

Every person should have the right to access the services for reproductive treatment. This is definitely the case now that Same Sex Marriage is now legal in Australia. Love is love and family is family, no matter what the configuration is.

Clarifying and Miscellaneous Reforms

16. What are your views on expanding the definition of “work”?

There is a clear need for the act to expand the definition of work. Those with attribute should have policies, processes and opportunities put in place to enable them to enter and or remain in the workforce/education system.

17. Should section 24 be amended to clarify that it imposes a positive obligation?

Of course.

18. Is the name "Equal Opportunity Commissioner" preferred to the name "Anti-Discrimination Commissioner"? Would the benefits of a new name outweigh the financial cost that comes with re-naming an office?

Equal Opportunity Commissioner is a more positive name. Unfortunately the cost to change the title on all documentation, stationary and buildings would be quite a financial burden.

19. Is increasing the term of appointment of the ACD to five years appropriate? Should the term of appointment be for another period, if so what?

The term should be aligned with the other states to change to 5 years.

Modernising Language

20. Should definitions of "man" and "woman" be repealed?

Yes

21. Should the term "parenthood" be replaced with "carer responsibilities"?

Yes to Carer Responsibilities.

22. Should the term "marital status" be replaced with "relationship status"?

Absolutely. Less discriminatory.