

**Sent:** Thursday, 30 November 2017 8:48 AM  
**To:** Policy AGD  
**Subject:** Comments Regarding Proposed Amendments to the Anti-Discrimination Act

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Department of the Attorney-General and Justice,

Thank you for the opportunity to make comment on potential future amendments to the Anti-Discrimination Act.

In regards the questions posed in the discussion paper our comments are as follows.

**Question 2: Should the attribute of "gender identity" be included in the Act?**

While it is important to protect persons of various gender identities, the term 'sex' (biological) should be retained and defined as an important attribute in the Act to allow for specific discriminations including the use of toilets and participation in activities that are specifically male or female.

**Question 3: Should intersex status be included as an attribute under the Act?**

If the term 'sex' were to be defined as biological, this would negate the need to include intersex. The term intersex is already defined as a biologically characteristic as per the Sex Discrimination Act 1984, so it follows that this could easily be incorporated into the definition of 'sex'.

**Question 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?**

While we believe that it is important to protect against vilification, we note that the suggested terms of 'offend' and 'insult' are highly subjective. Should these words be placed into the Act, sufficient protections must be made to prevent frivolous or petty claims against people of opposing values and views. If the words 'offend' and 'insult' are to remain, freedom of opinion, expression and religion must be maintained, and not impinged upon. However, this provision is able to remain strong and able to protect, even with the exclusion of these words.

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

This proposed amendment is very good and much needed. As medical research continues and as more people are realising the value of such assistance animals, the current definitions require updating.

**Question 14: Should any exemptions for religious or cultural bodies be removed?**

We do not believe that these exemptions should be removed from the Act.

As per the Universal declaration of Human Rights, freedom of thought, conscience and religion, freedom of opinion and expression, and freedom of peaceful assembly are all basic human rights. As rights, they belong to all people everywhere.

The freedoms (of religion and association) that we currently have must be tenaciously upheld.

Under the proposed changes, these rights become mere privileges or perks that must be applied for. With the prevailing concept of the separation of Religion from the State, and under such proposed changes, what capacity does the State have to make deliberations and decisions based on religious grounds?

We believe that the Anti-Discrimination Act does require updating, however above all, it must be in place to ensure that the rights and freedoms of all are upheld.

The Act must be used to protect, not to oppress.

Sincerely,

