

Submission regarding the "Modernisation of the Anti-Discrimination Act"

Dear Sir/Madam,

I am writing to you regarding the above mentioned discussion paper. I am very concerned about many of the proposals included in this paper.

Firstly, I would like to point out that just because other states or countries have adopted new legislation and/or modernised language in existing laws, this does not mean that these changes are necessarily best for our society and/or local communities.

The danger of the proposed (and even many of the existing) changes is the risk of subverting the effectiveness of our employment industry, our freedom of expression and/or public discussion; in short our freedom of speech. No matter how respectfully an opinion is expressed, or an employment decision is made it will not ever guarantee that another person will not feel vilified, offended or insulted on the basis of the proposed attributes, the terms are much too broad and will cause restriction of public discussion.

I would now like to address the issue of removing various exemptions for various bodies and groups in our communities, and instead argue that there should actually be more exclusions included. Forms of discrimination must exist and do occur on a day to day basis. The reason for this is due our diversity as a state, each territorian has particular characteristics, strengths and weaknesses which help to create a vibrant and flourishing community. A business owners who needs an employee who is tall so that they can operate certain machinery safely must discriminate against short people, an employer who requires an employee with certain qualification must discriminate against unqualified people, a movie or TV series which requires an actor/actress with certain physical characteristics must discriminate against all others which could be seen as racist, sexist etc. In the same way a religious institution which exists for example to educate children from their religious perspective must

discriminate against potential employees who do not hold their religious views, or else they would cease to be effective. Also any action in this direction would "prohibit the the free exercise of any religion" which is contrary to the Australian constitution and subverts our Australian culture: Section 116 of the Constitution states *'The Commonwealth shall not make any law... for prohibiting the free exercise of any religion.'*

Another concern from this paper is the changing of the term "sex" to "gender identity". The danger of enshrining this attribute in law is the fact that it is subjective. By this I mean that the person feels their gender deeply, it cannot be observed by physical characteristics or proven without a verbal expression of who they are from the person – this is their "gender identity". If gender is disconnected from physical sex in law, it is possible that other protected attributes could follow. For example, if a person felt deeply in their being that they were Aboriginal or Torres-Strait Islander, how could this be denied by the law when sex and gender are now disconnected? Dangers arise when subjective terms are introduced into law.

There is much more that could be said but I humbly ask that the proposed changes do not take place. I sincerely believe that these changes would damage our vibrant and effective Northern Territory culture of tolerance and inclusion.

Yours Respectfully,

