



MEDIA RELEASE

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Anti-Discrimination protections under threat

The Tasmanian *Anti-Discrimination Act 1998* (the Tasmanian Act) is a law of which all Tasmanians should be proud. By virtue of the breadth of protections afforded to all Tasmanians, the Tasmanian Act is the envy of many Australian States and Territories. It is an Act that deserves to be promoted, applauded and protected. Any attempts to diminish it must be vigorously opposed.

A major threat to the application of the Act has emerged in the form of the Federal Government's *Religious Discrimination Bill 2019* (the Federal Bill). In the event that the Federal Bill were to be passed into law it would expose many Tasmanians to the risk of being treated unlawfully without recourse to the protections of the Tasmanian Act. This would be because the Federal Bill explicitly overrides section 17(1) of the Tasmanian Act.

Section 17(1) of the Tasmanian Act prohibits any conduct which offends, humiliates, intimidates, insults or ridicules a person on the basis of certain attributes. These include age, race, gender, disability and sexual orientation. The protections offered by section 17(1) are wide reaching and worthy of safeguarding.

Section 17(1) has recently been the subject of exhaustive and robust community consultation and political debate in Tasmania. At the conclusion, attempts to water down the section were defeated by the Tasmanian Parliament. It had become clear that if the section was weakened the vulnerability of Tasmanian people to offensive etc. conduct on the basis of age, race, disability, marital status, sexual preference or gender identity, to name a few, would significantly increase.

If the Federal Bill were to become law, a person could arguably assert that a person with a disability is punishment for wrongdoing or sin. The impact of such a statement on a child or parents hearing this in the schoolyard, may cause considerable distress.

If the Federal Bill were to become law, an unmarried woman seeing a doctor about contraceptives could arguably be turned away, or told that they will be punished for engaging in sexual activity out of wedlock. Many women would find such a situation intimidating when they are simply wishing to make safe choices about their sexual health and wellbeing.

Again, if the Federal Bill were to become law, then a landlord of a defacto couple could arguably say to them that they are living in sin and will burn in hell.

From the point of view of State sovereignty it is concerning that a Federal Bill, founded on the government of the day's own agenda brazenly interferes with the laws of a State. It does this by explicitly interfering with and limiting legislative protections that apply to every Tasmanian.

To acquiesce to the overreach by the Federal Government into Tasmanian law may well send us on a slippery slope, resulting in the insidious loss of the Tasmanian Act's current and future purpose to benefit the State and its people, and our enviable reputation.

For further information contact:

Sarah Bolt, Anti-Discrimination Commissioner

Equal Opportunity Tasmania

Phone: (03) 6165 7515

E-mail: office@equalopportunity.tas.gov.au