

12 April 2017

The Honourable Jim Wilkinson

President of the Legislative Council

Parliament House

Hobart TAS 7000

***via email:*** *jim.wilkinson@parliament.tas.gov.au*

Dear Jim,

**Re: *Anti-Discrimination Amendment Bill 2016***

Community Legal Centres Tasmania (CLC Tas) is writing to urge members of the Legislative Council to reject proposed amendments to the *Anti-Discrimination Act 1998* (Tas).

In September 2016 we were asked to provide comment on the proposed amendments to the Government’s *Anti-Discrimination Amendment Bill 2016* (Tas).The consultation period for the Bill was extremely short and as a result our response focused on the proposed section 55 defence (see attached).

We opposed the broadening of the public purpose defence to include ‘religious purposes’ on the grounds that defences are already available under both the *Anti-Discrimination Act 1998* (Tas) and the *Commonwealth of Australia Constitution Act 1900* (Tas) that persons with a religious purpose would be able to rely on and that the reform is therefore unnecessary. We remain hopeful that members of the Legislative Council will reject the amendment.

Today, we became aware of a proposed amendment to delete the words ‘offended’ and ‘ridiculed’ from section 17(1) of the *Anti-Discrimination Act 1998* (Tas). In our opinion, this is a weakening of an important human rights protection, namely the right of all members of the Tasmanian community to respect, dignity and equality regardless of race, sex, religion, impairment, political belief, sexuality, age or any other attribute.

We would also note that the proposed amendment is also inconsistent with section 17(3) of the Act which will continue to prohibit conduct that offends or ridicules. We see no good policy reason for prohibiting sexual harassment on the basis that it offends or ridicules but not discrimination on the basis of other attributes.

Finally, we are also concerned that there has been no consultation about the proposed amendment to section 17(1) of the Act. Federally, similar reforms to the *Racial Discrimination Act 1975* (Cth) have been subject to vigorous debate including the carrying out of an Inquiry by the Parliamentary Joint Committee on Human Rights.

In our opinion, if members of the Legislative Council are minded to support the amendment, the Bill should be referred to inquiry so that all persons who may be affected by the amendment can be consulted.

Please do not hesitate to contact us if you have any queries or would like to discuss our submission further.

Yours faithfully,

Jane Hutchison

Chair

**Community Legal Centres Tasmania**

cc: Members of the Legislative Council

attachment: CLC Tas response to draft *Anti-Discrimination Amendment Bill 2016*