



## MINISTER FOR PUBLIC EMPLOYMENT

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Mr Alan Raine  
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Senate Education and Employment Legislation Committee  
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Via email: [eec.sen@aph.gov.au](mailto:eec.sen@aph.gov.au)

Dear Mr Raine

I refer to your letter to the Hon Michael Gunner MLA, Chief Minister of the Northern Territory of 25 June 2021 regarding the *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021*. Mr Gunner has asked that I respond to you on his behalf.

The Northern Territory government appreciates the opportunity to make a submission to the Senate Education and Employment Legislation Committee on the *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021*.

Notwithstanding sex-based discrimination and sexual harassment is already prohibited in the NT under the *Anti-Discrimination Act 1992* the Northern Territory government supports the Commonwealth taking action to strengthen, simplify and streamline the legislative and regulatory frameworks that protect employees from sexual harassment and other forms of sex discrimination in the workplace. I recognise that these amendments to the existing anti-bullying jurisdiction in the *Fair Work Act* will make it clear that within that jurisdiction, the Fair Work Commission can make an order to stop sexual harassment in the workplace.

These reforms are essential for advancing safety in the workplace and ultimately economic security for employees in the NT and these amendments will ensure that more workers, particularly vulnerable workers, are protected and empowered to address unlawful conduct.

### **Explanatory Memorandum: paragraph 10**

I note that paragraph 10 of the Explanatory Memorandum states that the “new provision would not capture mild forms of inappropriate conduct based on a person’s sex that are not of a sufficiently serious nature to meet the threshold of offensive, humiliating or intimidating, as well as seriously demeaning”.

There has been some discussion in the NT about the burden of proof, and the onus on an employee to prove an act is ‘sufficiently serious’ to warrant action under the proposed legislation. There is some concern that that this may cause additional distress to employees who are already required to establish the facts of the harassment or discrimination.

### **Ongoing work in the NT**

In addition to supporting the *Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021*, the NT has implemented its first strategy to prevent and respond to sexual violence more broadly, reduce its incidence and support those who experience it to be safe and heal under the *Northern Territory’s Sexual Violence Prevention and Response Framework 2020-2022*. The Northern Territory Public Service Commissioner Vicki Telfer is also working with Chief Executives across the NT to implement a whole of government sexual harassment prevention policy which will be released later this year.

Yours sincerely

PAUL KIRBY