

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: 1.1

Question No. BE15/089

Senator Collins asked the following written question from the 27 and 28 May 2015 hearing:

1. Under the Labor Government, states and territories were given a 12 month exemption from new provisions added to the Sex Discrimination Act in 2013 to allow them to achieve compliance with the amended Act. In July 2014, the Attorney-General provided a 12 month extension to this exemption. Why was this extension provided?
2. Will the exemption be renewed again? If so, why?
3. What steps has the Attorney-General or his Department taken to ensure that states and territories are working towards full compliance?

The answer to the honourable senator's question is as follows:

1. The July 2014 extension was provided to allow states and territories additional time to review and identify laws which discriminate on the new grounds of sexual orientation, gender identity and intersex status under the *Sex Discrimination Act 1984*.

At the same time, the Attorney-General proposed the establishment of a working group of state and territory officials led by the Commonwealth to assist jurisdictions to progress the identification and possible amendment of discriminatory laws.

2. The Government does not intend to exempt any state and territory laws from complying with the protections from discrimination under the Act on an ongoing basis.

However, to facilitate the amendment of any discriminatory laws identified by the officials working group, the exemption for state and territory laws has been extended for a final 12 months until 31 July 2016.

The Attorney-General has advised states and territories that he does not intend to extend this exemption beyond 31 July 2016, and asked that as a matter of priority, discriminatory laws be amended to comply with the Act.

3. The Attorney-General's Department led the officials working group to assist states and territories to identify discriminatory laws.

The Attorney-General has also invited jurisdictions to raise this matter at the next Law, Crime and Community Safety Council meeting on 5 November 2015 if they wish to maintain discriminatory laws on an ongoing basis.