



Express law fast track information for clients

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Consolidation of Commonwealth anti-discrimination laws

The Commonwealth has recently released an exposure draft of the proposed new consolidated Commonwealth anti-discrimination law.

Human Rights and Anti-Discrimination Bill 2012

The Human Rights and Anti-Discrimination Bill 2012 (the Bill) will consolidate all Commonwealth anti-discrimination laws into one Act. It will replace the *Age Discrimination Act 2004*, the *Disability Discrimination Act 1992*, the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984* and the *Australian Human Rights Commission Act 1986*.

The 5 current anti-discrimination Acts being replaced are set at different standards, with different definitions and different compliance rules. By consolidating these laws into a single Act, the Government will both simplify federal anti-discrimination law and ensure that the highest current standards are consistently applied and enforced across all areas of public life.

Continuation of current protections

As with current anti-discrimination law, the Bill will:

- make discrimination, sexual harassment and racial vilification unlawful
- provide a mechanism for making complaints in relation to this unlawful conduct or other Commonwealth conduct contrary to human rights
- provide for the continuing operation of the Australian Human Rights Commission.

Changes to current Commonwealth anti-discrimination laws, including new and additional protections

It is not intended for the Bill to make significant changes to what is unlawful and what is not. However, the Bill makes a number of improvements to the existing anti-discrimination law framework to produce a clearer and simpler law.

The most significant changes from existing Commonwealth anti-discrimination law made by the Bill are as follows:

- a single, simplified test for discrimination applying to all attributes
- coverage for additional protected attributes, including protections against sexual orientation and gender identity discrimination, and extension of protections against relationship discrimination to same-sex couples in any area of public life
- recognition of discrimination on the basis of a combination of attributes

- coverage of discrimination and sexual harassment in any area of public life
- a streamlined approach to exceptions, including the introduction of a general exception for conduct which is 'justifiable'
- additional measures to assist and promote voluntary compliance with the Bill, including certification by the Australian Human Rights Commission of codes and special measures developed by industry or specific organisations
- improvements to the complaints process to improve access to justice
- rationalisation of some functions of the Australian Human Rights Commission, including removing the position of Human Rights Commissioner, which has not been separately funded or filled since 2000.

Next steps

The Government has asked the Senate Legal and Constitutional Affairs Committee to inquire into and report on the Bill and seek public consultation. The Committee is currently seeking submissions from interested stakeholders. The deadline for submissions is 21 December 2012 and the reporting date is 18 February 2013.

Further information

The [exposure draft of the Human Rights and Anti-Discrimination Bill 2012 and the accompanying explanatory notes, fact sheet and regulation impact statement](#) are available on the Attorney-General's Department website. The [Senate Legal and Constitutional Affairs Committee inquiry page](#) is on the Parliament of Australia website.

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