



Australian Capital Territory

Discrimination Amendment Act 2018

A2018-48

An Act to amend the *Discrimination Act 1991*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Discrimination Amendment Act 2018*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Legislation amended

This Act amends the *Discrimination Act 1991*.

**4 Religious bodies
Section 32 (d)**

after 1st mention of

act or practice

insert

(other than a defined act)

5 New section 32 (2)

insert

(2) In this section:

defined act, by a religious body, means an act or practice in relation to—

- (a) the employment or contracting of a person by the body to work in an educational institution; or
- (b) the admission, treatment or continued enrolment of a person as a student at an educational institution.

**6 Educational institutions conducted for religious purposes
Section 33**

omit

**7 Religious educational institutions
New section 46 (2) to (5)**

after the note, insert

(2) Section 10 or section 13 does not make unlawful discrimination on the ground of religious conviction in relation to staff matters at an educational institution if—

- (a) the institution is conducted in accordance with the doctrines, tenets, beliefs or teaching of a particular religion or creed; and
- (b) the discrimination is intended to enable, or better enable, the institution to be conducted in accordance with those doctrines, tenets, beliefs or teachings.

(3) Subsection (1) does not apply unless—

- (a) the educational institution has published its policy in relation to student matters; and

- (b) the policy is readily accessible by prospective and current students at the institution.
- (4) Subsection (2) does not apply unless—
 - (a) the educational institution has published its policy in relation to staff matters; and
 - (b) the policy is readily accessible by prospective and current employees and contractors of the institution.
- (5) In this section:
 - staff matters**, in relation to an educational institution, means—
 - (a) the employment of a member of staff of the institution; or
 - (b) the engagement of a contractor to do work in the institution.
 - student matters**, in relation to an educational institution, means the admission of a student at the institution.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 1 November 2018.

2 Notification

Notified under the [Legislation Act](#) on 6 December 2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Discrimination Amendment Bill 2018, which was passed by the Legislative Assembly on 27 November 2018.

Clerk of the Legislative Assembly

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