

2018

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Social Inclusion and Equality  
and Minister for Justice, Consumer Affairs and Road Safety)

## Discrimination Amendment Bill 2018

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### A Bill for

An Act to amend the *Discrimination Act 1991*

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

1 **1 Name of Act**

2 This Act is the *Discrimination Amendment Act 2018*.

3 **2 Commencement**

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

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

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

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

13 **3 Legislation amended**

14 This Act amends the *Discrimination Act 1991*.

15 **4 Religious bodies**  
16 **Section 32 (d)**

17 *after 1st mention of*

18 act or practice

19 *insert*

20 (other than a defined act)

1 **5 New section 32 (2)**

2 *insert*

3 (2) In this section:

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

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

10 **6 Educational institutions conducted for religious purposes**  
11 **Section 33**

12 *omit*

13 **7 Religious educational institutions**  
14 **New section 46 (2) to (5)**

15 *after the note, insert*

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

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

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

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

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

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

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

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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