



10 August 2022

Director, Legal Policy

Department of the Attorney-General and Justice

GPO Box 1722

DARWIN NT 0801

By email: [Policy.AGD@nt.gov.au](mailto:Policy.AGD@nt.gov.au)

Dear Director,

**SUBMISSION - ANTI-DISCRIMINATION AMENDMENT BILL EXPOSURE DRAFT 2022 (NT)**

1. Youth Law Australia thanks the Department of the Attorney General and Justice for the opportunity to contribute to the Exposure Draft Bill of the [Anti-Discrimination Amendment Bill 2022](#)

**About Youth Law Australia**

2. Youth Law Australia (YLA) (formerly the National Children's and Youth Law Centre) is an accredited community legal centre dedicated to helping children and young people under the age of 25 years and their supporters to understand their legal rights and find solutions to their legal problems. YLA is Australia's only national, technology-based community legal service, providing legal services through options including email, phone and live chat.
3. We have significant experience and expertise in advising children and young people and their advocates on issues including employment and discrimination. We acknowledge the disproportionate, ongoing and intergenerational harm experienced by First Nations children and young people. We also acknowledge the many young people who have been courageous in sharing their experiences with us.



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**Youth Law Australia**

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## Overview of Submission

4. We note that the scope of our submission is primarily focussed on the impact of the proposed legislation on children and young people (under 25).
5. We support and endorse the *Anti-Discrimination Bill 2022*, with the below additional recommendations:
6. In summary we recommend:

### Recommendation 1: Gender Identity

- (a) That “gender identity” be included as a protected attribute under section 19.
- (b) That “gender identity” be defined in the same terms as [section 4](#) of the [Sex Discrimination Act 1984](#) in order to clearly include trans-gender and non-binary genders as follows -

*gender identity means the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person’s designated sex at birth.*

### Recommendation 2: Who may complain

#### Bystander complaints

7. That section 60 be expanded to allow a bystander or witness to prohibited conduct to make a complaint to the Commissioner.
8. In the alternative, that a “person aggrieved by prohibited conduct” is clearly defined to include a bystander or witness who is aggrieved by prohibited conduct.
9. In our experience, there are many instances where a victim of prohibited conduct decides not to make a complaint. Victims often express extreme reluctance to put themselves through the psychological strain of making a complaint, and the indignity of not being believed. Victims of discrimination are often reluctant to invite conflict or risk jeopardizing relationships by making a complaint, for example in a workplace setting.
10. In our experience, allowing bystander complaints is critical to meeting the Objects in proposed section 3(b) and serving the Purpose of proposed Part 2A to provide for the taking of positive action to eliminate discrimination, sexual harassment and victimisation to the greatest extent possible.

If you would like to discuss this submission, please contact Matthew Keeley, Director on (02) 9067 6510 or via [matthew.keeley@yla.org.au](mailto:matthew.keeley@yla.org.au)

Yours faithfully,  
**Youth Law Australia**

**Matthew Keeley**  
**Director**  
**Youth Law Australia**