

## **Anti-Discrimination Act Amendments 16 August 2017**

Changes to the Tasmanian *Anti-Discrimination Act 1998* are soon to come before the Legislative Council.

These amendments are put forward as being necessary to correct a perceived imbalance between providing protection for freedom of speech for religious purposes and protection from unlawful discrimination.

In my opinion the changes proposed are unnecessary and have the potential to cause undue and unnecessary harm to children, young people and their families in Tasmania.

At the moment, our anti-discrimination law recognises that speech and actions that target a person or group because of their race, disability, age, gender, religious belief, sexual orientation, because they are pregnant or of a particular sex etc, can and do cause real and lasting harm. I believe the current laws are adequate.

During my conversations with many children and young people around Tasmania, a common message I have heard from them has been the need for all people to be treated with equality and respect – regardless of factors such as race, religion, gender, disability, nationality or age. This is an important message from Tasmanian young people which has clear application in the context of debate around these proposed changes to our anti-discrimination law.

Our anti-discrimination laws have a really important role to play in setting the ground rules for respectful public conduct and protecting the basic human rights that we all have. To excuse or allow actions because they are done for religious purposes – even if this causes harm to certain groups of people – is to undermine the basic human rights of those affected by those actions. Yet this is what is being proposed.

We know for example that disability is identified as the alleged basis for discrimination in about half of the complaints made to the Anti-Discrimination Commissioner, but the proposed amendments could protect those who express derogatory views about children with disability where those views are expressed for ‘religious purposes’.



I am particularly concerned at the message these amendments send to children and young people, especially those with disability or who are, for example, from a different racial or cultural background or sexual orientation, and who are seen as “different” and can be ridiculed, harassed or insulted on the basis of that attribute. We all know that words do hurt and can cause extreme damage and distress to children.

I am worried that these amendments send a message to the wider community that it’s okay and acceptable to say upsetting things about or to a child, who is perceived as being different. As the Commissioner for Children and Young People it is my obligation to raise concerns about issues that have the potential to harm children, and this is one such issue.

We are in a time of increasing marginalisation of those who are seen as different; who don’t fit mainstream norms and beliefs or who come from different racial and cultural backgrounds.

These groups of children and young people and their families are already under increasing pressure and at greater risk. Let’s not make it worse for them.

**Mark Morrissey**  
**Commissioner for Children and Young People (Tas.)**