

EQUALITY AND DISCRIMINATION LAW IN AUSTRALIA: AN INTRODUCTION

Equality and Discrimination Law in Australia: An Introduction explores four decades of anti-discrimination laws in Australia. Beth Gaze and Belinda Smith argue that effective laws protecting against and deterring discrimination are vital for a fair future, and emphasise the theoretical and social contexts that underpin this area of the law.

Their ground-breaking approach begins by analysing equality as a goal of the law, and acknowledges that to prevent discrimination, modern laws must challenge the beliefs, practices, systems and structures that enable it. The text is divided into three sections: the first addresses the social and conceptual context, history and framework of anti-discrimination laws; the second analyses the main elements of the law and the processes of enforcement; and the third explores broader avenues for pursuing equality beyond simply prohibiting discrimination. This book provides readers with a clear understanding of the development of Australia's anti-discrimination laws, and builds a foundation for critical assessment of their strengths and limitations in addressing discrimination and promoting equality.

Written in a clear and concise style, *Equality and Discrimination Law in Australia: An Introduction* is a vital resource for students, practitioners, and anyone who wants to understand this important field of law.

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Beth Gaze , Belinda Smith

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Please be aware that this publication may contain several variations of Aboriginal and Torres Strait Islander terms and spellings; no disrespect is intended. Please note that the terms 'Indigenous Australians' and 'Aboriginal and Torres Strait Islander peoples' may be used interchangeably in this publication.

CONTENTS

<i>Acknowledgements</i>	x
<i>Abbreviations</i>	<i>xi</i>
<i>Table of cases</i>	<i>xiii</i>
<i>Table of statutes</i>	<i>xix</i>
Introduction	1
PART 1 INTRODUCTION	7
1 Equality, discrimination and law	9
1.1 Introduction: Equality as a fundamental value	10
1.2 Structure of this chapter	13
1.3 Concepts of equality and discrimination, and the law	14
1.3.1 Equality	16
1.3.2 Discrimination	22
1.4 Discrimination and law	26
2 Historical background to anti-discrimination law	29
2.1 Introduction	30
2.2 The United Nations and non-discrimination	30
2.3 The second strand – the American civil rights movement	33
2.4 Australian social context	34
2.5 Development of legislation in Australia	36
2.6 Australian constitutional context	38
2.6.1 Commonwealth power to adopt anti-discrimination laws	39
2.6.2 Section 109: Conflicts between Commonwealth and state laws	40
2.6.3 Other constitutional aspects: The limits of federal powers	43
2.7 Development and reform of the law over time	45
2.8 Conclusion	46
3 Basic framework of legislation	47
3.1 Introduction	48
3.2 Choices in designing legislation against discrimination	48
3.3 Anti-discrimination laws	51
3.3.1 Prohibiting discrimination	51
3.3.2 Enforcement and remedies	56
3.4 <i>Fair Work Act 2009</i> (Cth)	59
3.5 Positive duties	61
3.6 Human rights legislation	61
3.7 Conclusion	63

PART 2	ANTI-DISCRIMINATION LEGISLATION	65
4	The attributes	67
4.1	Introduction	68
4.2	Structure and variation across legislation	68
4.3	Formulating and conceptualising attributes	70
4.3.1	Why these attributes?: Pragmatism and principle	71
4.3.2	Symmetrical or asymmetrical: Liberal or substantive equality	76
4.3.3	Terminology: Grounds, attributes, characteristics	78
4.3.4	Width of protection: The attribute as status, activity, manifestation	79
4.3.5	Multiple and intersectional discrimination	84
4.4	The attributes	85
4.4.1	Race and related attributes	86
4.4.2	Sex and related attributes	90
4.4.3	Disability	98
4.4.4	Other attributes	100
4.5	Conclusion: The way forward	102
5	Prohibited conduct	104
5.1	Introduction	105
5.2	Discrimination	105
5.2.1	Direct discrimination	108
5.2.2	Indirect discrimination	118
5.3	Reasonable adjustments	125
5.4	Disability standards and action plans	129
5.5	Harassment	131
5.6	Vilification	134
5.7	Associated prohibitions	137
5.7.1	Accessory liability	137
5.7.2	Advertising	138
5.7.3	Seeking information	139
5.7.4	Victimisation	140
5.8	Conclusion	141
6	Areas	142
6.1	Introduction	143
6.2	General scope of prohibition on discrimination	143
6.3	Specific areas in which discrimination is prohibited	145
6.3.1	Work	145
6.3.2	Education	151
6.3.3	Goods and services	152
6.3.4	Other areas	154

6.4	Harassment prohibitions and exceptions	154
6.5	Common exceptions and defences	155
6.5.1	Reasonableness	156
6.5.2	Special measures	156
6.5.3	Statutory authority	157
6.5.4	Religious beliefs	157
6.5.5	Unjustifiable hardship	160
6.5.6	Work exceptions	161
6.5.7	Other categories of exceptions	163
6.5.8	Temporary exemptions	164
6.6	Types of liability	165
6.6.1	Personal liability	165
6.6.2	Vicarious or attributed liability	166
6.6.3	All reasonable steps defence	167
6.7	Distinctive features of the <i>Racial Discrimination Act</i>	169
6.8	Conclusion	172
7	Making rights effective: Institutions, procedures and remedies	173
7.1	Introduction	174
7.2	Processes and institutions of enforcement	175
7.2.1	Making a complaint	178
7.2.2	Time limits	179
7.2.3	Choosing which avenue to pursue	180
7.3	Investigation and conciliation of complaints	183
7.3.1	Confidentiality of conciliation	186
7.3.2	After conciliation	187
7.4	Adjudication	188
7.4.1	Applying to a court or tribunal	188
7.4.2	Interim orders and interlocutory proceedings	190
7.4.3	Mediation	190
7.4.4	Procedure and evidence at adjudication	191
7.4.5	Proof	191
7.4.6	Access to legal representation and the role of agencies	193
7.4.7	Remedies	194
7.4.8	Costs and the risks of litigation	196
7.5	Evaluating enforcement	199
7.6	Conclusion	200
PART 3	ALTERNATIVE APPROACHES AND OPTIONS	201
8	Positive action	203
8.1	Introduction: What is positive action?	204
8.2	When is positive action allowed?	207

8.2.1	Tests for special measures	209
8.2.2	Illustration using SDA	212
8.2.3	Distinctive approach of the RDA	214
8.3	When is positive action required?	218
8.3.1	<i>Workplace Gender Equality Act (WGE Act)</i>	219
8.3.2	Public service duties	223
8.4	Conclusion	224
9	Employment discrimination and the <i>Fair Work Act</i>	226
9.1	Introduction	227
9.2	Background: <i>Fair Work Act</i> and general protections	227
9.3	Section 351: 'Discrimination'	230
9.3.1	Which employees are covered?	231
9.3.2	Attributes	231
9.3.3	What is prohibited by s 351?	232
9.3.4	Exceptions to s 351(1)	241
9.3.5	Exercising a workplace right	243
9.4	Enforcement	244
9.4.1	Who can take enforcement action?	244
9.4.2	Dispute resolution processes	245
9.4.3	Sanctions	246
9.5	Interaction with awards/agreements	246
9.6	Conclusion	247
10	Government action to advance equality: Human rights and positive measures	249
10.1	Introduction	250
10.2	Protecting equality through bills of rights	250
10.3	Constitutional context	251
10.3.1	Constitutional bills of rights	252
10.3.2	Constitutional or statutory bills of rights	254
10.3.3	Constitutional rights protection in Australia	255
10.3.4	Australia's lack of constitutional protection against discrimination	256
10.4	Statutory bills of rights and equality protection	257
10.4.1	The rights protected and their limits	258
10.4.2	Parliament – making legislation	261
10.4.3	The courts – interpreting legislation	261
10.4.4	The Executive – obligations on public authorities	263
10.4.5	Bringing an action to protect Charter rights	264
10.4.6	The limits of statutory protection of human rights	266
10.5	Positive duties	266
10.6	Procurement – the executive power	268
10.7	Conclusion	270

11	Equality rights into the future	271
11.1	Introduction	272
11.2	What role can and should law play in promoting equality?	273
11.3	Alternative directions	278
11.3.1	Unified definition of discrimination	281
11.3.2	Duty to make reasonable adjustments	284
11.3.3	Shifting burden of proof	285
11.3.4	Enabling compliance: Codes of practice or guidelines	287
11.3.5	Costs	289
11.3.6	Expanding sanctions and public enforcement powers	289
11.4	Conclusion	294
	<i>Appendix</i>	295
	<i>Index</i>	328

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Our underlying aim with this book is to widen understanding in Australia of this complex area of law in its context and conceptual framework. The challenges of writing a succinct discussion covering fifteen major pieces of legislation around the country need no explanation. In this book we have generally focused on the laws that have been the subject of the major cases, largely the federal laws and those from NSW and Victoria, where the majority of case law is decided. To complete references to all legislation, we have included an appendix that provides links to comparable provisions in all the laws.

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ABBREVIATIONS

AA Act	<i>Affirmative Action (Equal Opportunity for Women) Act 1986</i> (Cth)
ACAT	ACT Civil and Administrative Tribunal
ADA	<i>Age Discrimination Act 2004</i> (Cth)
ADANSW	<i>Anti-Discrimination Act 1977</i> (NSW)
ADANT	<i>Anti-Discrimination Act 1992</i> (NT)
ADAQ	<i>Anti-Discrimination Act 1991</i> (Qld)
ADAT	<i>Anti-Discrimination Act 1998</i> (Tas)
ADB	Anti-Discrimination Board of NSW
ADC	Anti-Discrimination Commission (Queensland, NT)
AHRC	Australian Human Rights Commission, formerly known as the Human Rights and Equal Opportunity Commission (HREOC)
AHRCA	<i>Australian Human Rights Commission Act 1986</i> (Cth)
CEDAW	<i>Convention on the Elimination of all forms of Discrimination Against Women</i>
CERD	<i>Convention on the Elimination of all forms of Racial Discrimination</i>
Charter	<i>Charter of Human Rights and Responsibilities Act 2006</i> (Vic)
CROC	<i>Convention on the Rights of the Child</i>
CRPD	<i>Convention on the Rights of Persons with Disabilities</i>
DAACT	<i>Discrimination Act 1991</i> (ACT)
DDA	<i>Disability Discrimination Act 1992</i> (Cth)
ECHR	European Court of Human Rights
ECJ	European Court of Justice
EOASA	<i>Equal Opportunity Act 1984</i> (SA)
EOAV	<i>Equal Opportunity Act 2010</i> (Vic)
EOAWA	<i>Equal Opportunity Act 1984</i> (WA)
EOC	Equal Opportunity Commission (SA, WA)
EOWW Act	<i>Equal Opportunity for Women in the Workplace Act 1999</i> (Cth)
EU	European Union
FCA	Federal Court of Australia
FCCA	Federal Circuit Court of Australia, formerly the Federal Magistrates Court of Australia (FMCA)
FMCA	Federal Magistrates Court of Australia, now known as the Federal Circuit Court of Australia (FCCA)
FWA	<i>Fair Work Act 2009</i> (Cth)
FWC	Fair Work Commission
FWO	Fair Work Ombudsman
HCA	High Court of Australia
HRA	<i>Human Rights Act 2004</i> (ACT)
HREOC	Human Rights and Equal Opportunity Commission, now known as the Australian Human Rights Commission
ICCPR	<i>International Covenant on Civil and Political Rights</i>

ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
ILO	International Labour Organisation
ILO 111	<i>International Labour Organisation Convention concerning Discrimination in Respect of Occupation and Employment (1958)</i> (No 111)
NCAT	NSW Civil and Administrative Tribunal
NTCAT	NT Civil and Administrative Tribunal
QCAT	Queensland Civil and Administrative Tribunal
RDA	<i>Racial Discrimination Act 1975 (Cth)</i>
RRTAV	<i>Racial and Religious Tolerance Act 2001 (Vic)</i>
SAEOT	SA Equal Opportunity Tribunal
SDA	<i>Sex Discrimination Act 1984 (Cth)</i>
TASADT	Tasmanian Anti-Discrimination Tribunal
UDHR	<i>Universal Declaration of Human Rights</i>
UN	United Nations
VCAT	Victorian Civil and Administrative Tribunal
VEOHRC	Victorian Equal Opportunity and Human Rights Commission
WASAT	WA State Administrative Tribunal
WGE Act	<i>Workplace Gender Equality Act 2012 (Cth)</i>
WGEA	Workplace Gender Equality Agency

TABLE OF CASES

- AB v New South Wales* (2005) 194 FLR 156, 151
AB v NSW Minister for Education [2003] FMCA 16, 89
AB v Registrar of Births, Deaths and Marriages [2007] FCAFC 140, 154
AB v WA (2011) 244 CLR 390, 98
Abdulrahman v Toll Pty Ltd [2006] NSWADT 221, 167
Access for All Alliance (Hervey Bay) Inc v Hervey Bay City Council [2004] FMCA 915, 122
Access for All Alliance (Hervey Bay) Inc v Hervey Bay City Council [2007] FCA 615, 129, 189
Aitken v Virgin Blue Airlines and Vandeven v Virgin Blue Airlines [2013] FCCA 981, 231
Aldridge v Booth (1988) 80 ALR 1 (1988) EOC 92–222, 40, 133
ALHMWU v Liquorland (Aust) Pty Ltd (2002) 114 IR 165; [2002] FCA 528, 235
AMC v Wilson (1996) 68 FCR 46, 115, 121
AMP v Goulden (1986) 160 CLR 330, 42
Ansett Transport Industries (Operations) Pty Ltd v Wardley (1980) 142 CLR 237; [1980] HCA 8; (1984) EOC 92–003, 42, 81, 109, 129, 148
Applicant N v Respondent C [2006] FMCA 1936, 151
Arizona Governing Committee v Norris 463 US 1073 (1983), 164
Australian Iron and Steel Pty Ltd v Banovic (1989) 168 CLR 165; [1989] HCA 56, 78, 115, 119, 120, 121, 150, 179
Australian Medical Council v Wilson (1996) 68 FCR 46, 89, 90, 107, 115, 121
AWU v BHP Iron Ore Pty Ltd (2000) 106 FCR 482; [2001] FCA 3, 235
BAE Systems Australia Limited [2012] VCAT 349, 63, 260
Baird v State of Queensland [2006] FCAFC 162, 109
Barclay v Board of Bendigo Regional Institute of Technical and Further Education (2010) 193 IR 251, 238
Bevilacqua v Telco Business Solutions (Watergardens) Pty Ltd [2015] VCAT 269, 93, 100, 193
Black Coal Mining Industry Award 2010 [2015] FWCFB 2192, 247
Bliss v Attorney-General of Canada [1979] 1 SCR 183, 80
Board of Bendigo Regional Institute of Technical and Further Education v Barclay (2012) 248 CLR 500; [2012] HCA 32, 59, 230, 234, 236, 237
Boehringer Ingelheim Pty Ltd v Reddrop (1984) 2 NSWLR 13, 95
Brandy v HREOC (1995) 183 CLR 245, 44, 88
Brannigan v Department of Foreign Affairs and Trade [2000] HREOCA 10, 44
Briginsbaw v Briginsbaw (1938) 60 CLR 336, 117, 192
British Columbia (Public Service Employee Relations Commission) v BCGSEU [1999] 3 SCR 3, 129, 234, 281, 283, 285
Bropbo v HREOC (2004) 135 FCR 105, 242
Brown v Board of Education of Topeka 347 US 483 (1954), 26, 33, 253, 277
Bruch v Commonwealth [2002] FMCA 29, 216
Bunning v Centacare (2015) 293 FLR 37, 96, 97
Burgess v Director of Housing [2014] VSC 648, 265
Bush & Campbell Pty Ltd (Enforcable Undertaking, FWO, 5 November 2012), 183, 291
C v Commonwealth [2015] FCAFC 113, 145
Cain v The Australian Red Cross Society [2009] TASADT 3, 154

- Carr v Boree Aboriginal Corp* [2003] FMCA 408, 88
Castlemaine Toobey's Ltd v South Australia (1990) 169 CLR 436, 22
Castles v Secretary, Dept of Justice [2010] VSC 310, 261
Catch the Fire Ministries v Islamic Council of Victoria (2006) 15 VR 207, 137
Catholic Care (Diocese of Leeds) v Charity Commission of England and Wales [2012], UKUT (TCC) 395
Catholic Education Office v Clarke [2003] FCA 1085, 210
Centennial Northern Mining Services Pty Ltd v CFMEU (No 2) [2015] FCA 136, 247
CFMEU v Anglo Coal (Dawson Services) Pty Ltd (No 2) [2015] FCA 265, 244
CFMEU v BHP Coal Pty Ltd [2014] HCA 41, 237, 239, 241
CFMEU v Endeavour Coal Pty Ltd [2015] FCAFC 76, 241, 244, 248
Christian Youth Camps v Cobaw Community Health Services Ltd [2014] VSCA 75, 154, 158, 159, 166
Citizens United v Federal Election Commission, 558 US 310 (2010), 254
City of Casey – Casey Aquatic & Recreation Centre [2012] VCAT 893, 212
City of Los Angeles, Department of Water and Power v Manhart 435 US 702 (1978), 164
Clarke v Catholic Education Office (2003) 202 ALR 340, 152
Clarke v Nationwide News [2012] FCA 307, 135
Cobaw Community Health Services v Christian Youth Camps Ltd & Anor [2010] VCAT 1613, 158
Coco v R (1994) 179 CLR 427, 62, 252
Coleman v Attridge Law (European Court of Justice Case C-303/06) [2008] IRLR 722, 83
Colyer v State of Victoria (1998) 3 VR 759, 210
Commissioner of Police v Mobamed [2009] NSWCA 432, 153
Commonwealth v Anti-Discrimination Tribunal (Tasmania) (2008) 169 FCR 85; [2008] FCAFC 104, 44, 182
Commonwealth v Evans [2004] FCA 654, 113, 150
Commonwealth v HREOC (1993) 46 FCR 191, 113
Commonwealth Bank of Australia v HREOC (1997) 80 FCR 78, 122, 124, 150
Constantine v Imperial Hotels Ltd [1944] KB 693, 26
Cooper v HREOC (1999) 93 FCR 481, 138
Croome v Tasmania (1997) 191 CLR 119, 43
Daniels v Hunter Water Board (1994) EOC 92–626, 83, 96, 131
Dao v Australian Postal Corporation (1987) 162 CLR 317, 42, 84
Davies v Victoria [2000] VCAT 819, 100
Dekker v VJV-Centrum Plus (European Court of Justice, C-177–88, 8 Nov 1990), 80
Department of Health v Arumugam [1988] VR 319, 192
Dbarmalingham v Western NSW Local Health District [2015] NSWCATAD 74, 150
Director of Housing v Sudi [2011] VSCA 266, 265
Dopking v Dept of Defence (1992) EOC 92–421, 110
DPP v Kaba [2014] VSC 52, 262
Duncan v Chief Executive, NSW Office of Environment and Heritage (No 2) [2013] NSWADT 78, 116
Ealing London Borough Council v Race Relations Board [1972] AC 342, 89
Eatock v Bolt (2011) 197 FCR 261 [2011] FCA 1103, 135, 136, 179, 196
Elliott v Nanda & the Commonwealth (2001) 111 FCR 240, 133, 138
Employment Services Australia v Poniatowska [2010] FCAFC 92, 110, 149
Escobar v Rainbow Printing Pty Ltd [2002] FMCA 22, 121
Evans v NCA [2003] FMCA 375, 147
Executive Council of Australian Jewry v Scully (1998) 79 FCR 537, 189
Fares v Box Hill College of TAFE (1992) EOC 92–391, 84
Fernwood Fitness Centres (1996) EOC 92–782, 78
Finance Sector Union v Commonwealth Bank (1999) 89 FCR 417, 189
Finney v Hills Grammar School [1999] HREOCA 14, 152
Fisher v University of Texas 570 US_(2013), 254
Fisher v University of Texas 579 US_(2016), 254
Font v Paspaley Pearls Pty Ltd [2002] FMCA 142, 133
Fratas v Drake International Ltd [2000] EOC 93–038, 100, 131

- FWO v Theravanish Investments Pty Ltd & Ors* [2014] FCCA 1170, 231
FWO v Wongtas [2012] FCA 30, 246
Gama v Qantas (2008) 167 FCR 537, 100
Gelduldig v Aiello 417 US 484 (1974), 80
General Electric Co v Gilbert 429 US 551 (1976), 80
General Motors-Holden's Pty Ltd v Bowling (1976) 12 ALR 605, 234
Gerbardy v Brown [1985] HCA 11; (1985) 159 CLR 70, 43, 88, 170, 205, 209, 210, 215, 216
Gluyas v Google Inc [2010] VCAT 540, 44
Goode v Common Equity Housing [2014] VSC 585, 265
Griggs v Duke Power Co, 401 US 424 (1971), 26, 34, 54, 118, 233
Haines v Leves (1987) 8 NSWLR 442, 109, 151
Hall v A & A Sheiban Pty Ltd (1989) 20 FCR 217, 58, 133, 195
Hanover Welfare Services Ltd [2007] VCAT 640, 98
Haraksin v Murrays Australia Ltd [2010] FCA 1133, 198
Haraksin v Murrays Australia Ltd (No 2) [2013] FCA 217, 129, 153
Heidt v Chrysler Australia Ltd (1976) 13 ALR 365, 239
Hein v Jacques Ltd (1987) EOC 92–188, 101
Heraud v Roy Morgan Research Ltd [2016] FCCA 185, 239
Hickie v Hunt & Hunt (1998) EOC 92–910, 92, 121, 147
Hills Grammar School v HREOC (2000) 100 FCR 306, 160
Hodkinson v Commonwealth (2011) 248 FLR 409, 231, 232, 236, 248
Horne v Press Clough Joint Venture (1994) EOC 92–591, 149, 151, 167
Howard v Geradin Pty Ltd v/a Harvard Securities (2004) EOC 93–358, 168
Howe v Qantas Airways Ltd (2004) 188 FLR 1, 157
Hozack v Church of Jesus Christ of Latter-Day Saints (1997) 79 FCR 441, 242
HREOC v Mount Isa Mines (1993) 46 FCR 301, 115
Huntley v State of NSW, Department of Police and Justice (Corrective Services NSW) [2015] FCCA 1827, 163
Hurst v Queensland (2006) 151 FCR 562, 122, 152
Hurst & Devlin v Queensland [2005] FCA 405, 152
Ibrahim v Australian Dental Council [2012] FMCA 612, 89
Iloff v Sterling Commerce (Australia) Pty Ltd [2007] FMCA 1960, 113
Ingram v QBE Insurance (Australia) Ltd [2015] VCAT 1936, 164, 193
Innes v Rail Corporation of NSW (No 2) [2013] FMCA 36, 126, 129, 130, 153, 177, 178, 181
IW v City of Perth [1997] HCA 30; (1997) 191 CLR 1, 80, 110, 153, 284
Jacomb v Australian Municipal Administrative Clerical & Services Union (ASU) (2004) 140 FCR 149, 205, 209, 210, 212
Jamieson v Benalla Golf Club Inc [2000] VCAT 1849, 100
Jones v Queensland Tertiary Admissions Centre Limited (No 2) (2010) 186 FCR 22, 235
Jones v Queensland Tertiary Admissions Centre Ltd (2009) 190 IR 218, 246
Jones v Scully (2002) 120 FCR 243, 87, 179
Jones v Toben [2002] FCA 1150, 179, 189
Juwa v Blue Cross Animals Society of Victoria (2015) FWC 5476, 183
Kapoor v Monash University (2001) 4 VR 483, 90
Kartinyeri v Commonwealth (1998) 195 CLR 337, 39, 257
Khan v Commissioner of the NSW Department of Corrective Services [2001] NSWADTAP 1, 88
King v Jetstar [2012] FCA 413, 198
King v Jetstar Airways Pty Ltd (No 2) [2012] FCA 8, 153, 161
King-Ansell v Police [1979] NZLR 531, 533–4, 87
Klein v Metropolitan Fire and Emergency Services Board (2012) 208 FCR 178; [2012] FCA 1402, 233, 236
Konrad v Victoria Police [1999] FCA 988, 145
Koowarta v Bjelke-Petersen (1982) 153 CLR 168, 39, 48, 109
Koppen v Commissioner for Community Relations (1986) 11 FCR 360, 183

- Kruger v Commonwealth* (the *Stolen Generations* case) (1997) 190 CLR 1, 45
Kubat v Northern Health [2015] FCCA 3050, 241
Kuyken v Chief Commissioner of Police [2015] VSC 204, 100, 259, 262
Lai v Symantex (Australia) Pty Ltd [2013] FCCA 625, 231
Leeth v Commonwealth (1992) 174 CLR 455, 45
Lewis v Qantas Airways Ltd (1981) 54 FLR 101, 239
Lifestyle Communities Ltd (No 3) [2009] VCAT 1869, 63, 209, 260, 264
Lightning Bolt Co v Skinner [2002] QCA 518, 101
Loscialpo v NSW Police Service [2000] EOC 93–042, 100
Mabo v Queensland (No 1) (1988) 166 CLR 186, 39, 43, 62, 170, 171
Mabo v Queensland (No 2) (1992) 175 CLR 1, 43
Macabenta v Minister for Immigration and Multicultural Affairs (1998) 90 FCR 202, 89
Macedonian Teachers' Association of Victoria Inc v Human Rights and Equal Opportunity Commission [1998] FCA 1650; (1998) 91 FCR 8, 115, 192
Maloney v R [2013] HCA 28; (2013) 298 ALR 308, 43, 215, 216
Mandla v Dowell Lee [1983] 2 AC 548, 88, 121
Marsden v HREOC [2000] FCA 1619, 100
Mayer v ANSTO [2003] FMCA 209, 121, 147
McBain v Victoria [2000] FCA 1009, 43, 62, 154, 171
McBride v Victoria (No 1) [2003] FMCA 285, 149
McCormack v Commonwealth [2007] FMCA 1245, 134
McDougall v Kimberly-Clark Australia Pty Ltd [2006] VCAT 1563, 100
McGlade v Lightfoot (2002) 124 FCR 106, 196
McIlwain v Ramsey Food Packaging Pty Ltd (2006) 154 IR 511, [2006] FCA 828, 235
McIntyre v Special Broadcasting Services Corporation [2015] FWC 6768, 242
McLeod v Power (2003) 173 FLR 31, 88
Members of the Board of the Wesley Mission Council v OV (No 2) [2009] NSWADTAP 57, 242
Miller v Wertheim [2002] FCAFC 156, 87
Mobazab v Dick Smith Electronics Pty Ltd (No 2) (1995) 62 IR 200, 235
Momcilovic v The Queen [2011] HCA 34; (2011) 245 CLR 1, 262
MUA v Patrick Stevedores (No 1) Pty Ltd (1998) 79 IR 281, 235
Multani v Commission Scolaire Marguerite-Bourgeoys [2006] 1 SCR 256, 89
Nagle v Feilden [1966] 2 QB 633, 26
National Tertiary Education Union v Royal Melbourne Institute of Technology [2013] FCA 451, 239
New South Wales v Amery (2006) 230 CLR 174, 120, 149
Nojin v Commonwealth [2012] FCAFC 192; (2012) 208 FCR 1, 149, 179, 181
NSW Registrar of Births, Deaths and Marriages v Norrie (2014) 250 CLR 490, 91
NSW v Commonwealth (2006) 229 CLR 1, 40
O'Callaghan v Loder [1983] 3 NSWLR 89; (1984) EOC 92–023, 132, 133, 150
OV & OW v Wesley Mission Council [2010] NSWCA 155, 158
OV and anor v QZ and anor (No 2) [2008] NSWADT 115, 154
Penhall-Jones v State of NSW [2008] FMCA 832, 134
Philip v NSW [2011] FMCA 308, 86, 90
Plessey v Ferguson 163 US 537 (1896), 33
Poppy v Service to Youth Council Inc (2014) 317 ALR 195, 82, 113, 150, 181
Proudfoot v ACT Board of Health (1992) EOC 92–417, 78, 154, 156
Pulis & Banfield v Moe City Council (1986) EOC 92–170, 78
Purvis v State of New South Wales [2003] HCA 62; (2003) 217 CLR 92, 40, 99, 109–115, 125, 126, 152, 232, 240, 268, 282
Qantas Airways Ltd v Christie (1998) 193 CLR 280, 101, 150, 162, 241
Qantas Airways Ltd v Gama [2008] FCAFC 69; (2008) 167 FCR 537, 85, 117, 131, 149, 192
Queensland v Mabommed [2007] QSC 18; (2007) EOC 93–452, 154
R v Drybones [1970] SCR 282, 253

- R v Equal Opportunity Board; Ex parte Burns* [1985] VR 317, 132
R v Kirby; Ex parte Boilermakers' Society of Australia (1956) 94 CLR 254, 44
R v Momcilovic [2010] VSCA 50, 262
Rainsford v Victoria (No 2) (2004) EOC 93–353, 154
Ramos v Good Samaritan Industries (No 2) [2011] FMCA 341, 236
Re City of Brunswick (1992) EOC 92–450, 78
Re Morodara [1998] VADT 90, 165
Re Prezzi v Discrimination Commissioner and Quest Group (1996) 39 ALD 729, 114
Regents of the University of California v Bakke 438 US 265 (1978), 24
Richardson v ACT Health and Community Care Service (2000) 100 FCR 1, 210
Richardson v Oracle Corp Australia Pty Ltd (No 2) [2014] FCAFC 139, 195, 198, 290
Richardson v Oracle Corp Australia Pty Ltd [2013] FCA 102, 197
Richardson v Oracle Corporation Australia Pty Ltd [2014] FCAFC 82, 134, 196
Richbold v State of Victoria, Department of Justice [2010] VCAT 433, 95, 129
Rispoli v Merck Sharpe & Dohme (Australia) Pty Ltd [2003] FMCA 160, 147
Ross v University of Melbourne (1990) EOC 92–170, 78
Sapevski v Katies Fashions (Australia) Pty Ltd [1997] IRCA 219, 233
Sayed v Construction, Forestry, Mining and Energy Union [2015] FCA 27; [2016] FCAFC 4, 101, 231, 232, 235, 242, 246
Scott v Telstra (1995) EOC 92–117, 160
Secretary, Department of Foreign Affairs v Styles (1989) 23 FCR 251, 122, 123, 124
Sharma v Legal Aid (Qld) [2002] FCAFC 196, 117, 192
Silke-Karin Mahlburg v Land Mecklenburg-Vorpommern (European Court of Justice, C-207/98, 3 Feb 2000), 80
Sivananthan v Commissioner of Police, NSW Police Service [2001] NSWADT 44, 150
Sklavos v Australasian College of Dermatologists [2016] FCA 179, 126
Slattery v Manningham City Council [2013] VCAT 1869, 114, 265
Slattery v Manningham City Council [2014] VCAT 1442, 195
South Pacific Resort Hotels v Trainor [2005] FCAFC 130, 166, 167
Stanley v Service to Youth Council Inc (2014) 225 FCR 317, 82, 150, 181
State of Victoria (Office of Public Prosecutions) v Grant [2014] FCAFC 184, 59, 112, 231, 240
Stephens v Australian Postal Corporation (2011) 207 IR 405, 232
Stevens v Fernwood Fitness Centres [1995] VADT 7, 164
Stokes v Royal Flying Doctor Service (2003) 176 FLR 66, 189
Strickland v Rocla Concrete Pipes Ltd (1971) 124 CLR 468, 40
Styles v Murray Meats Pty Ltd (2005) EOC 93–387, 168
Sullivan v Dept of Defence (1992) EOC 92–421, 110
SUPRA v Minister for Transport [2006] NSWADT 83, 89
Tanevski v Fluor Australia Pty Ltd [2008] NSWADT 217, 90, 109
Thomson v Orica Australia Pty Ltd [2002] FCA 939; (2002) 116 IR 186, 82, 92, 93, 113, 147, 149
Tleyji v The TravelSpirit Group Pty Ltd [2005] NSWADT 294, 90, 150
Toll Pty Ltd t/as Toll Express v Abdulrahman [2007] NSWADTAP 70; [2008] EOC 93–482, 89, 131
Toonen v Australia (HRC, Views: Communication No 488/1992, 50th sess, UN Doc CCPR/C/50/D/88/1992 (4 April 1994), 43, 95
Trapman v Sydney Water Corporation & Ors [2011] FMCA 398, 131
Travers v New South Wales (2001) 163 FLR 99, 122
Turley v Alders Department Stores [1980] ICR 66, 80
Ucchino v Acorp Pty Limited (2012) 218 IR 194, 231
United States v Carolene Products Co, 304 US 144 (1938), 38, 72
University of Ballarat v Bridges [1995] 2 VR 418, 116
University of Wollongong v Metwally (1983) 158 CLR 447, 41
Vata-Meyer v Commonwealth [2015] FCAFC 139, 109
Vergara v Ewin [2014] FCAFC 100, 133, 134, 155, 165, 167
Vickers v Ambulance Service of NSW [2006] FMCA 1232, 148

- Victoria v Macedonian Teachers Association of Victoria* (1999) 91 FCR 47; [1999] FCA 1287, 115, 118, 192
- Victoria v McKenna* [1999] VSC 310, 117
- Victoria v Schou* [2001] VSC 321; (2004) 8 VR 120; [2004] VSCA 71, 95, 123, 147
- Victoria v Simnapan (No 2)* [1995] 2 VR 242, 151
- Virgin Blue Airlines v Hopper* [2007] QSC 75, 101
- Viskauskas v Niland* (1983) 153 CLR 280, 40
- Walker v Cormack* [2011] FCA 861, 141
- Walker v Victoria (Department of Education and Early Childhood Development)* (2011) 279 ALR 284, 107
- Wardley v Ansett Transport Industries* (1984) EOC 92–002, 81, 82, 83, 92
- Ware v OAMPS Insurance Brokers Ltd* [2005] FMCA 664, 151
- Water Conservation & Irrigation Commission (NSW) v Browning* [1947] HCA 21; (1947) 74 CLR 492, 26
- Waterhouse v Bell* (1991) 25 NSWLR 99, 83, 95
- Waters v Public Transport Corporation* (1991) 173 CLR 349, 80, 107, 115, 119, 122, 123, 124, 153, 284
- Watts v Australian Postal Corporation* [2014] FCA 370, 126
- Western Australia v Commonwealth* (1995) 183 CLR 373, 43
- Western Australia v Ward* (2002) 213 CLR 1, 43
- Whitehead v Criterion Hotel, Geelong* [1985] EOC 92–129, 92
- Wik Peoples v Queensland* (1996) 187 CLR 1, 257
- Wilkie v National Storage Operations Pty Ltd* [2013] FCCA 1056, 231
- Williams v Tandanya Cultural Centre* (2001) 163 FLR 203, 88
- Willmott v Woolworths Ltd* [2014] QCAT 601, 148
- Wintle v RUC Cementation Mining Contractors Pty Ltd (No3)* [2013] FCCA 694, 231
- Wolfe v Australia and New Zealand Banking Group Limited* [2013] FMCA 65, 231
- Wollongong City Council v Bonella* [2002] NSWADTAP 26, 150
- Wroughton v Catholic Education Office Diocese of Parramatta* [2015] FCA 1236, 243
- X v Commonwealth* (1999) 200 CLR 177, 148, 162, 241
- X v McHugh* (1994) 56 IR 248, 112
- Zareski v Hannanprint Pty Ltd* [2011] NSWADT 283, 195

TABLE OF STATUTES

Commonwealth

- Acts Interpretation Act 1901
 ss 2D–2F, 95
 s 15AA, 80, 231, 233, 263, 281, 284
 s 15AB, 231, 233
- Affirmative Action (Equal Opportunity for Women) Act 1986, 219, 220, 267
 s 3, 220
 s 6, 220
 s 8, 221
 s 12, 220
 s 13, 220
 s 19, 220
- Age Discrimination Act 2004, 37, 51, 52, 54, 113
 s 5, 100
 s 10, 40
 s 12, 41
 s 12(3), 41
 s 14, 182
 s 15(2), 122
 s 18(2), 146
 s 18(4), 56
 s 25, 139
 s 32, 139
 s 33, 209, 211
 s 35, 158
 s 39, 56
 s 39(8), 157
 s 44, 164, 211
- Australian Human Rights Commission Act 1986,
 15, 37, 51, 61, 70, 101, 129, 133, 164, 176,
 181, 247
 s 3, 137, 190
 s 3(1), 61, 70, 102, 178, 179
 s 4, 152
 s 11(1)(f), 61
 s 11(1)(g)–(o), 61
 s 11(1)(o), 194
 ss 19A–29, 61
 s 21, 185
 s 31, 102
 s 31(b), 70, 102
 s 31(b)(ii), 70
- s 46P, 152
 s 46P(1), 178
 s 46P(2), 178
 s 46P(4), 178
 s 46PB, 179
 s 46PC, 179
 s 46PH, 179, 188
 s 46PH(1)(b), 179
 s 46PH(1)(h), 179
 s 46PH(1)(i), 187
 s 46PI, 185
 s 46PJ, 185
 s 46PK, 185
 s 46PK(2), 185, 186
 s 46PK(5)–(7), 185
 s 46PM, 185
 s 46PO, 188, 189
 s 46PO(1), 178
 s 46PO(2), 179
 s 46PO(3), 188
 s 46PO(4), 58, 194, 195
 s 46PO(6), 190
 s 46PP, 190
 s 46PQ, 190
 s 46PR, 191
 s 46PS, 186
 s 46PT, 188
 s 46PU, 181
 s 46PV, 184, 194
 s 46PW, 247
 s 49, 186
 s 49(1)–(2), 186
 sch 1, 108
- Australian Human Rights Commission
 Regulations 1989
 reg 4, 70, 102
- Commonwealth Electoral Act 1918, 35
- Conciliation and Arbitration Act 1904, 42
 s 9, 230
- Constitution, 38
 s 25, 266
 s 27, 35
 s 51, 38

- s 51(xx), 40
- s 51(xxvi), 35, 257, 266
- s 51(xxix), 39
- s 51(xxxvi), 39
- s 52, 38
- s 80, 38, 62
- s 92, 44
- s 109, 40, 42, 43, 170–1, 180, 214, 215
- s 116, 38
- s 117, 38, 44, 251
- s 128, 38, 251
- Crimes Act 1914
 - s 4AA, 139
- Disability (Access to Premises-Buildings) Standards 2010, 99, 129
- Disability Discrimination Act 1992, 37, 40, 51, 52, 54, 68, 79, 82–8, 98, 99, 111, 113, 122, 126, 130, 134, 152, 160, 182, 207, 277
 - s 4, 126
 - s 4(1), 99, 100
 - s 5(1), 111, 126
 - s 5(2), 126
 - s 5(3), 126
 - s 6(2), 126
 - s 6(3), 122
 - s 6(4), 122
 - s 7, 99
 - ss 7–9, 82
 - s 8, 99
 - s 9, 99
 - s 11, 126, 160
 - s 12, 40
 - s 13, 41
 - s 14, 144, 182
 - ss 16–21, 145
 - s 18, 163
 - s 21A, 56, 162
 - s 21A(1)(b), 163
 - s 21A(3), 162
 - s 21B, 113, 160
 - s 22(3), 152
 - s 29A, 113, 160
 - s 30, 139
 - s 30(3), 139
 - s 31, 129
 - s 32, 129, 152
 - s 34, 130, 153
 - ss 35–39, 134, 155
 - s 42, 56
 - s 44, 56
 - s 45, 209, 210, 211
 - s 45(1)(a), 210
 - s 45(1)(b), 210
 - s 45(1)(c), 210
- s 47(1), 157
- s 55, 164, 211
- s 60, 130
- s 61, 130
- s 64, 130
- s 122(2), 167
- s 122(4), 167
- Disability Discrimination and Other Human Rights Legislation Amendment Act 2009, 176
- Disability Standards for Accessible Public Transport 2002, 129, 130, 152, 153, 177
 - sch 1, 130
 - s 1.4, 130
 - s 2.4, 130
 - s 3.3, 130
 - s 4.1, 130
- Disability Standards for Education 2005, 129, 152
- Equal Employment Opportunity (Commonwealth Authorities) Act 1987, 223
 - s 3, 224
- Equal Opportunity for Women in the Workplace Act 1999, 219, 220, 269
 - s 3(4), 220
 - s 13C, 220
- Evidence Act 1995, 192
 - s 140, 117
 - s 140(1), 117
- Fair Work Act 2009, 51, 53, 59–61, 62, 69, 70, 94, 106, 145, 180, 182, 227, 247
 - pt 2–2, 229
 - pt 2–7, 247
 - pt 3–1, 101, 227, 229, 231
 - s 3, 229, 233
 - s 3(a), 233
 - s 12, 235, 243, 247
 - s 65, 229
 - s 70, 229
 - s 96, 229
 - s 136(2), 246
 - s 136(2)(a), 157
 - s 137, 246
 - s 139, 236
 - s 150, 247
 - s 153, 236, 246
 - s 153(1), 157
 - s 186, 246
 - s 186(4), 157
 - s 194, 246
 - s 194(a), 157
 - s 194(b), 247
 - s 195, 157, 236, 246
 - s 253, 246
 - s 294, 236

- s 302, 229
- s 336, 183, 229
- s 336(1)(c), 233
- s 336(1)(d), 233
- s 338(1)(a)–(c), 231
- s 338(1)(d), 231
- s 338(1)(e), 231
- s 338(1)(f), 231
- s 338(2), 231
- s 340, 102, 227, 229, 235, 237, 238, 243, 246, 248
- ss 340–342, 59
- s 342, 59, 60, 233, 234, 235, 236, 247
- s 342(1), 59, 234, 235, 236
- s 342(2), 234
- s 346, 227, 229, 235, 237, 237–40, 246
- s 347, 240
- s 351, 59, 60, 101, 102, 162, 227, 229, 230, 232, 232–4, 237, 239, 240, 242, 243, 246, 281
- s 351(1), 59, 70, 241, 242
- s 351(2), 241, 243, 248
- s 351(2)(a), 227, 236, 242, 243
- s 351(2)(b), 241
- s 351(2)(c), 241
- s 351(3), 242
- s 352, 227
- s 356, 247
- s 360, 236
- s 361, 237, 240
- s 361(1), 237
- s 365, 244, 245
- s 366, 245
- s 368, 245
- s 369, 60, 245
- s 369(2), 245
- s 370, 245
- s 371(1), 60
- s 372, 244, 245, 246
- s 374, 60, 245
- s 386, 235
- s 386(1)(a), 235
- s 386(1)(b), 235
- s 539, 60, 246
- s 539(2), 244
- s 540, 244
- s 544, 183, 246
- s 545, 60, 246
- s 545(2)(a), 246
- s 546, 60, 246
- s 546(2)(b), 246
- s 546(3), 246
- s 570, 60, 246, 248
- s 578(c), 229
- s 682, 245
- s 723, 230, 242, 243
- s 772, 230, 231, 242
- s 772(1)(f), 231
- s 773, 230, 231
- s 774, 183
- s 783, 237
- Fair Work Regulations 2009, 236
- Federal Circuit Court Rules 2001
 - r 21.03, 198
- Federal Court of Australia Act 1976
 - pt IVA, 179
- Federal Court Rules 1979
 - r 40.08, 197
- Federal Court Rules 2011
 - r 25.14, 197
 - r 40.51, 198
- Hindmarsh Island Bridge Act 1997, 172, 256
- Human Rights Commission Act 1981, 36
- Human Rights and Equal Opportunity Commission Act 1986, 36
- Human Rights (Parliamentary Scrutiny) Act 2011, 62, 261
- Human Rights (Sexual Conduct) Act 1994, 43
- Immigration Restriction Act 1901, 38
- Industrial Relations Reform Act 1993, 228
 - s 170DF(1)(f), 228
- Life Insurance Act 1945, 42
- Marriage Act 1961, 157
- Native Title Act 1993, 61, 172
 - s 7, 257
 - s 7(2), 257
- Native Title Amendment Act 1998, 257
 - sch 1 s 3, 257
 - s 7(2), 172
- Northern Territory National Emergency Response Act 2007
 - s 6A, 217, 257
 - s 30A, 217
 - s 91A, 217
 - s 132, 217
 - s 132(1), 172
 - s 132(2), 171
- Postal Services Act 1975, 42
- Public Service Act 1999, 223
 - s 10A(1)(f), 224
 - s 10A(1)(g), 224
 - s 18, 223
- Racial Discrimination Act 1975, 13, 27, 36, 39, 44, 45, 48, 51, 52, 55, 68, 89, 108, 121, 169–72, 277
 - s 3(1), 170
 - s 5, 39, 87
 - s 6, 40, 182
 - s 6A, 41

- s 6A(1), 41
- s 6A(2), 41
- s 8, 210, 214, 215, 216, 236
- s 8(1), 171, 215
- s 9, 36, 39, 43, 108, 109, 169, 170, 214, 215, 216
- s 9(1), 36, 69, 87, 106, 108, 109, 115, 121
- s 9(1A), 121
- s 9(1A)(c), 121
- s 9(2), 151
- s 10, 43, 62, 106, 144, 157, 170-2, 214, 215, 216, 217, 256
- ss 11–15, 43, 108, 169, 214, 216
- ss 11–17, 36
- s 12(3), 163
- s 15(5), 163
- s 17, 137
- s 18C, 45, 82-8, 135, 136
- s 18C(2), 135
- s 18D, 135
- s 132, 257
- Racial Discrimination Amendment Act 1980, 36
- Racial Discrimination Amendment Act 1981, 36
- Sex Discrimination Act 1984, 35, 37, 39, 43, 44, 45, 51, 52, 54, 55, 68, 69, 72, 77, 79, 81, 90–1, 92, 94, 97, 98, 113, 121, 123, 132, 133, 138, 154, 171, 182, 207, 236, 243, 277
- s 4, 97, 189
- s 4(1), 40, 91, 95, 96, 98, 145
- s 4A, 94
- s 4B, 93
- s 5(1), 81–8, 108
- s 5(2)–(3), 119
- s 5A(1), 81-8
- s 7A, 94
- s 7B, 122
- s 7B(2), 123
- s 7C, 122
- s 7D, 56, 156, 208, 211, 212, 213
- s 7D(1), 212
- s 7D(2), 212
- s 7D(3), 210, 212, 213
- s 7D(4), 212, 214
- s 9, 40
- s 9(10), 39
- s 10, 41
- s 10(3), 180
- s 10(4), 180
- s 11, 41
- s 12, 144, 182
- s 14, 55
- s 14(1)–(2), 146
- s 14(2), 146
- s 14(3), 163
- ss 15–20, 145
- s 17, 163
- s 19, 212
- s 21(2)(c), 151
- s 21(3), 152
- s 21(4), 151
- s 22, 189
- s 23(3A), 159
- s 23(3)(a), 163
- s 23(3)(b), 157
- s 27, 139
- s 28A, 132
- s 28A(1A), 134
- s 28A(2), 133
- s 28B, 132, 134, 155
- ss 28B–28L, 155
- s 28B(6), 155, 165
- s 28B(7), 155, 165
- s 30, 163
- s 30(2), 56
- s 31, 94
- s 37, 56, 97
- ss 37–38, 158
- s 37(1)(a)–(c), 158
- s 37(1)(d), 158
- s 37(2), 159
- s 38, 56, 97
- s 40, 56, 157, 247
- s 40(1)(g), 157
- s 41A, 164
- s 41B, 164
- s 43, 164
- s 44, 56, 164, 211
- s 45, 164
- s 86, 138
- s 94, 140, 243
- s 94(3), 140
- s 105, 138
- s 106(1), 166
- s 106(2), 167
- Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010, 217
- Stronger Futures in the Northern Territory Act 2012, 171, 217
 - s 7, 172
 - s 33, 172
 - s 37, 172
- Vietnam Era Veterans' Readjustment Assistance Act 1974, 269
- Work Health and Safety Act 2011
 - s 32, 218

- Workplace Gender Equality Act 2012, 51, 61,
207, 218, 219–23, 267, 269, 270
- s 3, 222
 - s 3(1), 221
 - s 3(2A), 221
 - s 13, 221
 - s 13A, 221
 - s 13C, 222
 - s 14, 222
 - s 16(1), 222
 - s 16(2), 222
 - s 16A, 222
 - s 16B, 222
 - s 18, 222, 269
 - s 19, 222
 - s 19(2), 221
 - s 19(3), 221
 - s 19C, 222
- Workplace Gender Equality (Matters in relation
to Gender Equality Indicators) Instrument
2013 (No 1)
- sch 1, 222
- Workplace Gender Equality (Minimum
Standards) Instrument 2014, 222
- Workplace Relations Act 1996, 101
- s 568(2)(e), 246
 - s 659(2)(f), 228
- ACT**
- Discrimination Act 1991, 102, Appendix
296–327
- s 7, 78
 - s 27, 211
- Human Rights Act 2004, 15, 54, 62–3, 257
- s 8, 63, 258
 - s 23, 258
 - s 27, 258
 - s 27A, 258
 - s 28, 63, 260
 - s 31, 261
 - s 40, 263
 - s 40A, 263
 - s 40B, 263
 - s 40C, 264, 265
- Public Sector Management Act 1994
- ss 39–41, 224
 - s 84, 97
- New South Wales**
- Aboriginal Land Rights Act 1983
- s 4(1), 81–8
- Anti-Discrimination Act 1977, 40, 41, 55, 69, 89,
94, 115, 207, 211, Appendix 296–327
- pt 9A, 224
 - s 4(1), 145, 153
 - s 20C, 136
 - s 21, 211
 - s 25(1A), 94
 - s 25(2A), 94
 - s 25(2)(C), 150
 - s 25(3), 56
 - s 35, 211
 - s 40(3), 56
 - s 49D, 56
 - s 49ZYN(2)(b), 211
 - s 49ZYR, 211
 - s 50, 140
 - s 50(2), 140
 - s 51(1), 139
 - s 52, 138
 - s 53(3), 167
 - s 54, 56, 149
 - s 54(1)(d), 157
 - s 87A, 179
 - s 87B, 179
 - s 87C, 178
 - s 92, 287
 - ss 93A–94A, 188
 - s 96, 190, 287
 - s 104, 210
 - s 108(2), 182
 - s 108(2)(e), 195
 - s 120A, 288
 - s 126, 164, 211
 - s 126A, 164, 211
- Births, Deaths and Marriages Registration Act
1995, 91
- Civil and Administrative Tribunal Act 2013
- s 38(2), 191
 - s 60, 57, 182
 - s 60(3), 57
- Government Sector Employment Act 2013,
224
- s 63(2), 224
- Northern Territory**
- Anti-Discrimination Act 1992, Appendix 296–327
- s 20, 106, 108
- Anti-Discrimination Regulations
- reg 2, 182
- Public Sector Employment and Management
Act
- s 5A, 224
 - s 5E, 224
 - s 16, 224

Queensland

- Anti-Discrimination Act 1991, 78, 101,
 Appendix 296–327
 s 7, 78
 s 103, 211
 s 105, 211
 s 155, 189
 s 164A, 188
 s 166, 188
 ss 194–200, 179
 s 209(1)(f), 195
 Liquor Act 1992, 171
 Public Service Act 2008
 s 31, 224
 QCAT Rules 2009
 r 86, 197
 Queensland Coast Islands Declaratory Act 1985,
 43, 171

South Australia

- Equal Opportunity Act 1984, Appendix 296–327
 s 95C, 193
 Pitjantjatjara Land Rights Act 1981, 42, 215–16
 Prohibition of Discrimination Act 1966, 36, 56
 Public Sector Act 2009
 s 65, 224

Tasmania

- Anti-Discrimination Act 1998, 44, 78,
 Appendix 296–327
 s 14(2), 81–8
 s 15(2), 81–8
 s 51, 159
 ss 51–52, 182
 s 52, 159
 s 60, 178
 s 60(2), 189
 s 89(1)(h), 195
 State Service Act 2000, 224

Victoria

- Charter of Human Rights and Responsibilities
 Act 2006, 15, 54, 62–3, 114, 257
 s 4(1), 263
 s 4(2), 263
 s 4(4), 263
 s 7, 63
 s 7(2), 260, 264
 s 8, 63, 258, 259, 265
 s 8(1), 259
 s 8(2), 259
 s 8(3), 259

- s 8(4), 63, 259, 260, 264
 s 15, 265
 s 18, 265
 s 19(2), 258
 s 20, 258
 s 25(1), 262
 s 28, 261
 s 29, 261
 s 30, 261
 s 31, 261
 s 32, 261, 262, 265
 s 33, 262
 s 36, 262
 s 37, 262
 s 38, 263
 s 39, 63, 264
 s 39(3), 264
 s 41, 265
 Corrections Act 1986, 259
 Equal Opportunity Act 1977, 42, 45
 s 116(d), 41
 Equal Opportunity Act 1984, 69, 78, 90, 115
 s 340, 102
 Equal Opportunity Act 2010, 128, 159, 210, 259,
 265, 278, Appendix 296–327
 pt 9, 57, 184, 268, 293
 s 3, 15, 54
 s 3(1), 63, 259
 s 4, 182
 s 4(1), 5, 94, 101, 102
 s 5, 144
 s 6, 259
 s 7(1), 260
 s 7(1)(b), 128, 266
 s 7(2), 260
 s 8(1), 114
 s 9(3), 124
 s 9(3)(e), 268, 285
 s 10, 115
 s 12, 156, 211, 212
 s 12(6), 210
 s 15, 169
 s 15(2), 219, 267
 s 15(3)–(4), 219
 s 17, 94, 128, 160
 s 19, 94, 128, 129
 s 19(1), 129
 s 20, 128
 s 22, 94, 128, 208
 s 23, 128
 s 32, 94, 128
 s 33, 128
 s 34, 128
 s 40, 128

s 41, 128
 s 45, 128
 s 46, 128
 ss 82–84, 158
 s 84, 97, 159
 s 89, 212
 ss 89–91, 164
 s 90, 212, 260
 s 103, 140
 s 104, 210
 s 104(1)(g), 140
 s 105, 138
 s 107, 139
 s 108(1), 139
 s 110, 167
 s 114, 178
 s 114(1), 179
 s 117, 186
 s 122, 178, 188
 s 123(2)(b), 189
 s 124, 189
 s 127, 189
 s 148, 131, 288
 ss 148–150, 175
 s 149, 131
 s 152, 131
 s 152(3), 131
 ss 155–160, 184
 s 159, 194
 s 160, 194
 Equal Opportunity (Amendment) Act 1993, 184
 Infertility Treatment Act 1995, 43
 Public Administration Act 2004, 224
 s 8, 224
 Racial and Religious Tolerance Act 2001, 55
 Residential Tenancies Act, 265
 Victorian Civil and Administrative Tribunal Act
 1998, 196
 s 109, 182

Western Australia

Equal Opportunity Act 1984, 196,
 Appendix 296–327
 pt IIAA, 98
 pt IXA, 223
 s 85, 184
 s 93, 184
 s 93(2)(a), 193
 s 93A, 184
 s 127, 182
 s 140, 223
 s 145, 223
 s 146, 223

Gender Reassignment Act 2000, 98

Canada

Canadian Bill of Rights SC 1960 c 44, 33, 253,
 255
 Canadian Charter of Rights and Freedoms, 33,
 69, 254
 art 1, 63
 pt II, 254
 s 15(1), 254
 s 15(2), 254
 s 28, 254
 Canadian Human Rights Act 1977, 85
 Canadian Human Rights Act 1985, RSC 1985, c
 H-6
 s 3, 69, 78
 Constitution Act 1982, 33
 pt 1, 254
 s 1, 255
 Indian Acts
 s 94(b), 253
 Ontario
 Human Rights Code, RSO 1990, c H-19
 s 34, 176
 Racial Discrimination Act SO 1944 c 51, 33
 Saskatchewan; Bill of Rights 1947, 33

New Zealand

Human Rights Act 1993
 s 21, 69
 New Zealand Bill of Rights Act 1990 (NZ), 62, 255

South Africa

Constitution of the Republic of South Africa Act
 1996
 s 9(2), 255
 s 9(3), 69, 255
 Promotion of Equality and Prevention of Unfair
 Discrimination Act 2000
 s 6, 69

UK

Canada Act 1982
 c 11, sch B pt I, s 15(1), 69
 Civil Procedure Rules 1998
 SI 1998/3132, pt 44, rr 44.13–44.17, 198
 Equality Act 2010, 78
 s 1(1), 12
 s 4, 69, 78
 s 14, 85, 275
 s 19(2), 123

- s 29, 159
 s 136, 286
 s 149, 15-20
 s 149(1), 267
 Fair Employment (Northern Ireland) Act 1989, 267
 Human Rights Act 1998, 62, 255, 258
 Northern Ireland Act 1998
 s 75, 267
 Race Relations Act 1976, 34, 37
 Sex Discrimination Act 1975, 34, 37
- US**
- Age Discrimination in Employment Act 1967, 34
 Americans with Disabilities Act 1990, 34
 Civil Rights Act 1964, 27, 34, 72
 s 703, 123
 Title VII, 34
 Constitution
 14th Amendment, 69, 253
 Pregnancy Discrimination Act 1978, 34
 Rehabilitation Act 1973s
 s 503, 269
- EU**
- European Convention on Human Rights 1950, 253
 European Social Charter 1961, 253
 European Union Charter of Fundamental Rights 2000, 253
- International Treaties and Conventions**
- Constitution of the International Labour Organisation
 Preamble, art 1, 31
 Convention on the Elimination of all forms of Discrimination Against Women (1979) (CEDAW), 13, 32, 70, 76, 77, 213
 art 1, 281
 art 2, 174
 art 4, 209
 art 15, 174
 Convention on the Elimination of all forms of Racial Discrimination (1965) (CERD), 13, 32, 36, 55, 87, 92, 108, 156, 169, 214, 216, 257
 art 1, 281
 art 1(1), 87, 216
 art 1(2), 87
 art 1(3), 87
 art 1(4), 209, 210, 214
 art 2, 174
 art 4, 135
 art 5, 109, 169, 171, 174
 art 5(e)(v), 151
 art 6, 174
 Convention on the Rights of the Child (1989) (CROC), 32
 Convention on the Rights of Persons with Disabilities (2006) (CRPD), 13, 32, 98-9
 art 2, 281
 art 4(1), 174
 art 5, 174
 art 12, 174
 art 13, 174
 Declaration concerning the Aims and Purpose of the ILO (1944), 31
 Declaration of Philadelphia (1944), 31
 Declaration on Social Justice for a Fair Globalization (2008), 31
 Equal Remuneration Convention 1951 (ILO No 100), 228
 ILO Convention No 111 Concerning Discrimination in Occupation and Employment (1958), 13, 31, 32, 108, 228
 International Bill of Rights, 32
 International Covenant on Civil and Political Rights (1966) (ICCPR), 13, 32, 43, 251, 258, 259
 art 2, 13, 61
 art 2.2, 251
 art 2.3, 251
 art 18, 157
 art 20(2), 135
 art 26, 13, 32, 61, 96, 102, 174, 259
 International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR), 13, 32
 Treaty of Peace between the Allied and Associated Powers and Germany (Treaty of Versailles) (1919), 30, 31
 UN Charter (1945), 61
 art 1, para 3, 31
 art 1.3, 12
 Universal Declaration of Human Rights (1948), 31, 32, 61, 259
 art 2, 12, 31
 art 18, 157