



Queensland

Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Bill 2018



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2018

A Bill

for

An Act to amend the *Anti-Discrimination Act 1991* for particular purposes

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Anti-Discrimination (Right to Use Gender-Specific Language) Amendment Act 2018</i> .	3 4
Clause 2	Act amended	5
	This Act amends the <i>Anti-Discrimination Act 1991</i> .	6
Clause 3	Insertion of new s 8A	7
	After section 8—	8
	<i>insert—</i>	9
	8A Discrimination on the basis of use of gender-specific language	10 11
	(1) The Act prohibits discrimination, including direct discrimination and indirect discrimination, on the basis of the use of gender-specific language.	12 13 14
	(2) However, subsection (1) does not apply to the use of gender-specific language—	15 16
	(a) in a way that is, or causes, sexual harassment; or	17 18
	(b) in a way that is unlawful discrimination on the basis of an attribute; or	19 20
	(c) with the intention of offending, humiliating or intimidating another person.	21 22
Clause 4	Amendment of s 10 (Meaning of <i>direct discrimination</i>)	23
	Section 10—	24
	<i>insert—</i>	25
	(1A) <i>Direct discrimination</i> on the basis of the use of	26

gender-specific language happens if a person
treats, or proposes to treat, a person who uses the
language less favourably than another person,
who does not use the language, is or would be
treated in circumstances that are the same or not
materially different.

Examples—

- 1 H is C's teacher. C submits a piece of assessment to
H. In the assessment, C regularly uses the words
'he', 'she', 'him' and 'her'. H, when marking the
assessment, deducts marks for use of the
gender-specific language.
 - 2 R is D's manager. R hears D addressing a group of
customers as 'guys'. R asks D to undertake
sensitivity training and notes the matter on D's
employment record.
- (6) If there are 2 or more reasons why a person treats,
or proposes to treat, another person who uses
gender-specific language less favourably, the
person treats the other person less favourably on
the basis of the use of gender-specific language if
the use of the language is a substantial reason for
the treatment.

Clause 5 **Amendment of s 11 (Meaning of *indirect discrimination*)**

Section 11—

insert—

- (1A) ***Indirect discrimination*** on the basis of the use of
gender-specific language happens if a person
directly or indirectly imposes, or proposes to
impose, a term or standard, whether written or
unwritten, that a person will not comply with if
the person uses the language.

Example—

An employer gives a memo to employees requesting
employees stop using the words 'husband' and 'wife'.

[s 6]

Clause 6	Insertion of new ch 4, pt 5	1
	Chapter 4—	2
	<i>insert—</i>	3
	Part 5	4
	Provision of facilities or services that do not accommodate particular persons	5
		6
		7
	124B Provision of facilities or services that do not accommodate particular persons	8
		9
	(1) This section applies if an entity (the <i>provider</i>) provides facilities or services that do not specifically accommodate persons who are not, or do not identify as, male or female.	10
		11
		12
		13
	(2) A person must not treat, or propose to treat, the provider less favourably than the person treats, or would treat, a relevant entity in circumstances that are the same or not materially different.	14
		15
		16
		17
	<i>Examples of less favourable treatment—</i>	18
	1 An advocacy group runs a targeted advertising campaign against particular businesses that do not provide bathrooms specifically for persons who are not, or do not identify as, male or female.	19
		20
		21
		22
	2 During a tender process for a contract, a business's bid is unsuccessful because the business does not provide bathrooms specifically for persons who are not, or do not identify as, male or female.	23
		24
		25
		26
	(3) In this section—	27
	<i>relevant entity</i> means an entity that provides facilities or services that specifically accommodate persons who are not, or do not identify as, male or female.	28
		29
		30
		31
Clause 7	Amendment of schedule (Dictionary)	32
	Schedule—	33

insert—

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gender-specific language means words, symbols
or images that directly or indirectly designate, or
are associated with, the male or female gender.

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Examples—

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male, female, man, woman, boy, guy, girl, him, her, he,
she, Mr, Mrs, Miss, Ms, husband, wife, widow or
widower

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