

### 351 Discrimination

- (1) An employer must not take adverse action against a person who is an employee, or prospective employee, of the employer because of the person's race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

Note: This subsection is a civil remedy provision (see Part 4-1).

- (2) However, subsection (1) does not apply to action that is:
- (a) not unlawful under any anti-discrimination law in force in the place where the action is taken; or
  - (b) taken because of the inherent requirements of the particular position concerned; or
  - (c) if the action is taken against a staff member of an institution conducted in accordance with the doctrines, tenets, beliefs or teachings of a particular religion or creed—taken:
    - (i) in good faith; and
    - (ii) to avoid injury to the religious susceptibilities of adherents of that religion or creed.
- (3) Each of the following is an ***anti-discrimination law***:
- (aa) the *Age Discrimination Act 2004*;
  - (ab) the *Disability Discrimination Act 1992*;
  - (ac) the *Racial Discrimination Act 1975*;
  - (ad) the *Sex Discrimination Act 1984*;
  - (a) the *Anti-Discrimination Act 1977* of New South Wales;
  - (b) the *Equal Opportunity Act 2010* of Victoria;
  - (c) the *Anti-Discrimination Act 1991* of Queensland;
  - (d) the *Equal Opportunity Act 1984* of Western Australia;
  - (e) the *Equal Opportunity Act 1984* of South Australia;
  - (f) the *Anti-Discrimination Act 1998* of Tasmania;
  - (g) the *Discrimination Act 1991* of the Australian Capital Territory;
  - (h) the *Anti-Discrimination Act* of the Northern Territory.