

13 May 2025

Hon Lia Finocchiaro,
Chief Minister
Northern Territory

CC: Hon Marie-Clare Boothby, Attorney-General.

By email to: chief.minister@nt.gov.au; Minister.Boothby@nt.gov.au

Dear Chief Minister

Equality in the Northern Territory

We write to you as a coalition of community organisations, unions, human rights organisations, lawyers, academics and religious groups to express our profound concern with plans to repeal vilification protections and reinstate an exemption for religious schools.

Following extensive community consultation and expert input, the Anti-Discrimination Act 1992 (ADA) was modernised for the 21st century in 2023, following other states and territories which had passed similar reforms.

Your government's planned changes to the ADA would send us backwards, stripping vulnerable Territorians of protections and wilfully exposing them to hate speech and discrimination.

Every Territorian deserves to live, study and work with dignity and respect.

Vilification (Section 20A)

At a time when hate is on the rise around the country, Section 20A ensures Territorians are protected from the public incitement of hatred.

At the same time this provision actively protects free speech with appropriate checks and balances, allowing for some speech to be offensive as long as it is in the public interest (section 20B). Section 20A requires an objective test, and requires more than someone feeling insulted by a joke they overhear at a pub.

If Section 20A is removed the Northern Territory will be the only jurisdiction in Australia where people are not protected from vilification at all.

Vilification laws like 20A are preventative – they stop hatred early, before it escalates into more serious, violent conduct.

Religious exemption (Section 37A)

The proposal to reinstate section 37A would permit unfair discrimination against teachers and other workers in religious schools. This would send a harmful message to our communities and children in our schools that it's okay to exclude and discriminate against people based on their personal characteristics.

Religious education providers in the Territory don't need this exemption because they already have the ability to set genuine occupational requirements, just like all other kinds of employers. The law as it stands simply requires religious schools to play by the same rules as everyone else.

Reinstating this exemption would go much further than necessary to ensure that schools can maintain a community of faith.

Protections for our workers in schools are particularly important in the Northern Territory where a religious school may be the only one operating in the area and where diverse religious beliefs, including First Nations spirituality, are part of the fabric of many lives.

Calls to action

We call on the Northern Territory Government to take the following actions:

- Retain all the current protections in the ADA and ensure that vulnerable communities are not exposed to hate speech or discrimination.
- Meet with affected persons and communities, particularly those who would be most impacted by these changes, to hear their experiences and concerns directly.
- Conduct a proper and comprehensive consultation process before rolling back any of the current protections, ensuring that all voices, particularly those from vulnerable and marginalised groups, are heard and considered.

All Territorians should be able to live free from hate speech and discrimination, regardless of who they love or where they come from.

Signatories

Northern Territory Council of Social Service	Ruby Gaea Darwin Centre Against Sexual Violence	Mable
Anglicare NT	Fair Agenda	Rainbow Catholics Interagency Australia
Top End Pride	Equality Australia	Justice and Equity Centre
Darwin Community Legal Service	National Union of Students Independent Education	Australian Lawyers for Human Rights
NT Mental Health Coalition	Union of Australia (IEU)	Amnesty International Australia
Saltwater Radio	United Workers Union	Australian Services Union SA & NT Branch
Sweet Story Theatre Company	Rainbow Families Australia Human Rights Law Centre	Twenty10
Milkwood Steiner School	Dowson Turco Lawyers	
Melaleuca Australia	Trans Justice Project	