

Serial 28  
Anti-Discrimination Amendment Bill 2001  
Dr Toyne

**A BILL  
for  
AN ACT**

to amend the *Anti-Discrimination Act*

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# NORTHERN TERRITORY OF AUSTRALIA

No. of 2001

## AN ACT

to amend the *Anti-Discrimination Act*

[Assented to 2001]  
[Second reading 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Anti-Discrimination Amendment Act 2001*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. New section**

The *Anti-Discrimination Act* is amended by inserting after section 104 the following:

**"105. Vicarious liability**

"(1) If—

- (a) a worker of a person does an act in connection with his or her work that is unlawful under this Act; or
- (b) an agent of a person does an act in connection with his or her duties as an agent that is unlawful under this Act,

*Anti-Discrimination Amendment Act 2001*

this Act applies in relation to the person as if the person had also done the act.

"(2) Subsection (1) does not apply if the person shows that he or she took all reasonable steps to prevent the worker or agent from doing the act referred to in that subsection.

"(3) For the purposes of subsection (2) and without limiting the matters that may be taken into account in determining whether the person has taken all reasonable steps, the following matters are to be considered:

- (a) the provision of anti-discrimination training by the person;
- (b) the development and implementation of an equal employment opportunity management plan by the person;
- (c) the publication of an anti-discrimination policy by the person;
- (d) the financial circumstances of the person;
- (d) the number of workers and agents of the person.

"(4) If, after the hearing of a complaint, the Commissioner finds that prohibited conduct alleged in the complaint is substantiated in respect of an act that a person is taken to have done under subsection (1), the Commissioner must, before making an order that an amount be paid to the complainant for loss or damage caused by the prohibited conduct –

- (a) consider the extent of steps taken by the person to prevent the prohibited conduct; and
  - (b) take those steps into consideration in determining the proportion of the amount to be paid to the complainant by the person."
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