

Positive Duty

Positive Duty is a legal obligation introduced into the Northern Territory Anti-Discrimination Act 1992 on 2 January 2024. It is a new legal obligation ensuring organisations and businesses take positive action to prevent and eliminate discrimination, sexual harassment and victimisation to the greatest extent possible. Our Territory laws are broader than the Federal law, and applies to all twenty four protected attributes in relation to discrimination, in all seven areas where discrimination can occur, in relation to sexual harassment and related acts of victimisation.

Who is responsible for positive duty?

Positive Duty applies to all organisations and businesses operating across the Territory, including 'a person conducting a business or undertaking' and as an 'employer' including, but not limited to:

- Public and private companies
- Unincorporated bodies or associations
- Government departments and authorities
- Local government councils
- Franchisors and franchisees
- Owners and operators of businesses
- Principal contractors and head contractors
- Not-for-profit organisations that engage and pay administrative staff
- Sole trader and self-employed people

Effective date

Between 2 January 2024 and 6 January 2025, organisations will have time to implement their obligations. From 6 January 2025 the Anti-Discrimination Commission will start to enforce obligations.



NORTHERN TERRITORY
ANTI-DISCRIMINATION
COMMISSION



What are the protected attributes?

- Race
- Language (including Sign language)
- Sex
- Gender identity
- Sexual orientation
- Sex characteristics
- Age
- Relationship status
- Accommodation status
- Employment status
- Employment in sex work
- Pregnancy
- Carer responsibilities
- Breastfeeding
- Disability
- HIV/Hepatitis
- Domestic Violence
- Trade union or employer association activity
- Religious belief or activity
- Political opinion, affiliation or activity
- Irrelevant medical record
- Irrelevant criminal record
- The person's details being published under section 66M of the Fines Penalties Act 2001
- Association with a person who has, or is believed to have, an attribute referred to in this section.

Areas where positive duty applies

- Education
- Work
- Accommodation
- Goods, services and facilities
- Clubs
- Insurance or superannuation
- The administration of laws and government programs.