



The ABA acknowledges the relationship between the land on which it and its members work and the First Nations' peoples of Australia

On 24 July 2020 the Council of the ABA resolved to support the following amendments to the Sex Discrimination Act 1984:

### SEX DISCRIMINATION ACT 1984 - SECT 28A

Meaning of Prohibition of sexual harassment

1) A person must not sexually harass another person.

~~(4)~~ (2) For the purposes of this Division, a person sexually harasses another person (the **person harassed**) if:

- (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
- (b) engages in other unwelcome **conduct of a sexual nature** in relation to the person harassed;

in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.

~~(4A)~~ (2A) For the purposes of **subsection (1)**, the circumstances to be taken into account include, but are not limited to, the following:

- (a) the sex, age, **sexual orientation, gender identity, intersex status, marital or relationship status**, religious belief, race, colour, or national or ethnic origin, of the person harassed;
- (b) the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
- (c) any **disability** of the person harassed;
- (d) any other relevant circumstance.

~~(2)~~ (3) In this section:

"**conduct of a sexual nature**" includes making a **statement** of a sexual nature to a person, or in the presence of a person, whether the **statement** is made orally or in writing.

Delete sections 28B-28L of the *Sex Discrimination Act 1984* (Cth) inclusive.

### SEX DISCRIMINATION ACT 1984 - SECT 105

**Liability of persons involved in unlawful acts**

A person who causes, instructs, induces, aids or permits another person to do an act that is unlawful under Division 1 ~~or~~ 2 or 3 of Part II shall, for the purposes of this Act, be taken also to have done the act.