



relationship status discrimination



What is relationship status discrimination?

The Tasmanian *Anti-Discrimination Act* 1998 (“the Act”) prohibits discrimination on the basis of relationship status. Relationship status discrimination occurs when someone is treated less favourably than another person because of his or her actual or imputed relationship status.

What does relationship status mean?

Relationship status means the status of being or having been in a personal relationship, within the meaning of the Tasmanian *Relationships Act* 2003.

Personal relationship

A personal relationship is:

- A significant relationship; or
- A caring relationship.

A personal relationship can be registered with the Registrar of Births, Deaths and Marriages.

Significant relationship

A significant relationship is a relationship between two adult persons (18 years and over)

- Who have a relationship as a couple (same sex or opposite sex relationship); and
- Are not married to one another or related by family.

If a significant relationship is registered, proof of registration is proof of the relationship.

Caring relationship

A caring relationship is a relationship other than a marriage or significant relationship between two adult persons where one of them provides the other with domestic support and personal care.

It is not a caring relationship if one person provides the other with domestic support or personal care:

- For fee or payment in the nature of wages; or
- Under an employment relationship; or
- On behalf of another person or organisation (including a government or non-government agency).

A ‘fee’ does not include a carer allowance or carer payment under the *Social Security Act* 1991 made to a person in a caring relationship for the care provided to the other person.

If a caring relationship is registered, proof of registration is proof of the relationship.

Where is it unlawful to discriminate?

The Act prohibits relationship status discrimination in the following areas:

Employment – this includes paid or unpaid, casual, permanent or temporary employment.

Education and training – at schools, colleges, universities or other educational institutions where education and training is provided.

Provision of facilities, goods and services – this includes access and use of public places, transportation and travel and private or government service providers.

Accommodation – this includes residential housing and business accommodation i.e. rental property, hotel, motel, boarding house or caravan.

Example

A club offers a discount to new members who are married if they both join up, but not to couples in significant relationships.



Contact Us

To lodge a complaint or seek further information, contact the office or visit the website. Please note the office is unable to provide legal advice to parties of a complaint.

Office of the Anti-Discrimination Commissioner
Level 1, 54 Victoria Street, Hobart, Tasmania 7000
GPO Box 197, Hobart, Tasmania 7001

Telephone **1300 305 062 (local call)**
(03) 6233 4841

Facsimile **(03) 6233 5333**

TTY **(03) 6233 3122**

Email **antidiscrimination@justice.tas.gov.au**

www.antidiscrimination.tas.gov.au

Disclaimer: This information is intended to provide a general understanding of the Anti-Discrimination Act 1998. To maintain confidentiality case examples are not based on actual complaints lodged with this office.

Membership and activities of clubs – being a member of a club and participating in activities associated with the club.

Administration of any law of the State or any State program.

Awards, enterprise agreements or industrial agreements.

Direct discrimination

Direct relationship status discrimination takes place if a person treats another person on the basis of their relationship status, or imputed relationship status, less favourably than a person without that attribute or characteristic.

For direct discrimination to take place it is not necessary that:

- Relationship status be the sole or dominant ground for the unfavourable treatment; or
- The person who discriminates regards the treatment as unfavourable; or
- The person who discriminates has any particular motive in discriminating.

Indirect discrimination

Indirect discrimination takes place if a person imposes a condition, requirement or practice, which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who share a particular attribute (relationship status) more than a person who is not a member of that group.

Example

Paul is in a caring relationship with Barbara. When Paul goes to the local shop and tells the shopkeeper that he and Barbara have registered their relationship, the shopkeeper makes offensive comments about it not being a 'real relationship'.

When is it lawful to discriminate?

In certain circumstances relationship status discrimination is permitted. The following exception applies:

A person may discriminate against another person on the ground of relationship status if the other person requires special services and facilities the supply of which would impose unjustifiable hardship.

Where a person/organisation argues that it should be exempt from the requirements of the Act because an exception applies, it is up to the person/organisation to prove that the exception applies.

If you are unsure whether your complaint involves relationship status discrimination, you can contact the Office of the Anti-Discrimination Commissioner and/or arrange an appointment with an Investigation Officer.

Please note that additional information is available on prohibited conduct on the basis of relationship status.

Please advise the office prior to an appointment if you require special assistance or the services of an Interpreter/Auslan.