

there are fewer than 180 organisations that are listed as having current exemptions.

Across Australia, Michael Page directly employs more than 200 people. We have two offices in NSW. Our core service offering is recruitment. In 2023 we placed over 600 people in jobs across NSW. We employ people in a variety of roles, from highly-skilled and specialist positions including software developers, engineers and corporate teams, to entry level jobs. The process of applying for an exemption can often be resource intensive for businesses, and makes intentionally hiring groups of historically disadvantaged groups challenging in NSW relative to other states and territories. Removing the need to apply for an exemption to conduct hiring for specific cohorts will help us make significant progress on diversity in NSW.

The proposed amendment

We would urge the NSW government to add an amendment to the NSW Discrimination Act to extend section 21 to permit employers to lawfully implement 'special needs programs and activities' in employment initiatives and for a broader range of attributes, so that this is not only limited to a particular race but would also include (at a minimum) special measures to achieve equality for persons of a particular sex and/or disability. This would bring it in line with other states and territories and remove the need to apply for an exemption for targeted recruitment and development programs.

We would welcome the opportunity to discuss this topic with the Commission, and we look forward to working with your office to incorporate this recommendation in the updated Act.

Kind Regards,

Rani Nandan

Diversity, Equity & Inclusion Director, APAC



W: www.page.com

¹ S 8(1) of the federal Racial Discrimination Act 1975, s 7D of the Sex Discrimination Act 1984, s 45 of the Disability Discrimination Act 1992, s 57 of the NT Anti-Discrimination Act 1996, and s 12 of the VIC Equal Opportunity Act provides that 'special measures' will not constitute unlawful discrimination under those acts. Similarly, s 33 of the Age Discrimination Act 2004 permits positive discrimination.

s 27 of the ACT Discrimination Act 1991 permits actions for the purpose of ensuring that there are equal opportunities and/or opportunities to meet special needs.

ss 31, 35K, 35ZD, 51, 66R and 66ZP of the WA Equal Opportunity Act 1984 includes 'measures intended to achieve equality'

including for sex, family responsibilities, sexual orientation, race, impairment and age.

s 65 of the SA Equal Opportunity Act 1984 includes 'projects for benefit of persons of a particular race', s 85 includes 'projects for the benefit of persons with a particular disability' and s 85P includes 'projects for the benefit of persons of a particular age group'. S 47 permits measures intended to achieve equality for persons of a particular sex, sexual orientation, gender identity or intersex status.

s 105 of the QLD Anti-Discrimination Act 1991 includes 'equal opportunity measures' and s 104 permits 'welfare measures'.

s 25 and 26 under the TAS Anti-Discrimination Act 1998 includes either schemes for the benefit of disadvantaged groups' or a 'program, plan or arrangement designed to promote equal opportunity'

² <https://www.abs.gov.au/statistics/economy/business-indicators/counts-australian-businesses-including-entries-and-exits/latest-release#states-and-territories>