



NSW Law Reform Commission
Parramatta NSW 2124 Australia

By email: ADAreview@dcj.nsw.gov.au

Dear Commissioners,

Review of the Anti-Discrimination Act 1977 (NSW)

I write to reiterate Amazon's strong support for amendments to the NSW Anti-Discrimination Act (ADA) that would allow for special measures without requiring exemption applications. This reform would align NSW with other jurisdictions within Australia and remove unnecessary barriers to diversity initiatives.

As outlined in our previous submission (copy attached), Amazon has experienced firsthand how the current exemption requirement can complicate the implementation of diversity initiatives. For example, our successful pilot program in Victoria to hire people with disabilities demonstrated the positive impact of targeted recruitment initiatives. Being able to implement similar programs for groups with a protected attribute to promote or achieve substantive equality in NSW without navigating a resource-intensive exemption process would facilitate Amazon's ability to hire people with disabilities in NSW and in turn significantly enhance our ability to promote workplace diversity and inclusion.

In response to the specific questions raised:

1. **Should the ADA generally allow for special measures?** Yes. The current exemption process creates an unnecessary administrative burden that likely deters many organizations from pursuing important diversity initiatives. At present, fewer than 300 organizations currently hold exemptions despite there being over 890,000 businesses in NSW. This suggests the current system may be hindering rather than enabling positive action toward substantive equality. The existing framework is inconsistent with other Australian jurisdictions, creating unnecessary complexity for businesses operating across multiple states and territories. This misalignment can lead to situations where a company can implement diversity initiatives directly in some states but must undergo a lengthy exemption process in NSW to implement the same programs.
2. **What criteria for special measures should the ADA apply?** We support adopting criteria similar to Victoria's model, which requires measures to: be undertaken in good faith for achieving substantive equality, be reasonably likely to achieve substantive equality, proportionate means of achieving this purpose, and justified because members of the group have a particular need for assistance.
3. **Should a general special measures section replace existing processes?** Yes. The current exemption process was intended as a transitional measure but has become a permanent barrier.



While we acknowledge the importance of oversight, this can be achieved through other means without requiring case-by-case approval of initiatives that promote substantive equality.

We would welcome the opportunity to discuss this further and appreciate the Commission's consideration of this important reform.

Yours sincerely,

Michael Cooley,
Director, Public Policy Amazon Australia, New Zealand and Southeast Asia