



We present this Act as proof that you are attempting to break Federal Law by refusing entry, or making any other illegal demands of those wishing to enter your business premises.

DISABILITY DISCRIMINATION ACT 1992 - Commonwealth Consolidated Acts (LAW)

http://www5.austlii.edu.au/au/legis/cth/consol_act/dda1992264/

DISABILITY DISCRIMINATION ACT 1992 - SECT 5

Direct disability discrimination

(1) For the purposes of this Act, a person (**the discriminator**) discriminates against another person (**the aggrieved person**) on the ground of a disability of the aggrieved person if, because of the disability, the discriminator treats, or proposes to treat, the aggrieved person less favourably than the discriminator would treat a person without the disability in circumstances that are not materially different.

(2) For the purposes of this Act, a person (**the discriminator**) also discriminates against another person (**the aggrieved person**) on the ground of a disability of the aggrieved person if:

(a) the discriminator does not make, or proposes not to make, reasonable adjustments for the person; and

(b) the failure to make the reasonable adjustments has, or would have, the effect that the aggrieved person is, because of the disability, treated less favourably than a person without the disability would be treated in circumstances that are not materially different.

(3) For the purposes of this section, circumstances are not materially different because of the fact that, because of the disability, the aggrieved person requires adjustments.

DISABILITY DISCRIMINATION ACT 1992 - SECT 6

Indirect disability discrimination

(1) For the purposes of this Act, a person (**the discriminator**) discriminates against another person (**the aggrieved person**) on the ground of a disability of the aggrieved person if:

(a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and

(b) because of the disability, the aggrieved person does not or would not comply, or is not able or would not be able to comply, with the requirement or condition; and

(c) the requirement or condition has, or is likely to have, the effect of disadvantaging persons with the disability.

(2) For the purposes of this Act, a person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

(a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and

(b) because of the disability, the aggrieved person would comply, or would be able to comply, with the requirement or condition only if the discriminator made reasonable adjustments for the person, but the discriminator does not do so or proposes not to do so; and

(c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.

(3) Subsection (1) or (2) does not apply if the requirement or condition is reasonable, having regard to the circumstances of the case; and

(4) For the purposes of subsection (3), the burden of proving that the requirement or condition is reasonable, having regard to the circumstances of the case, lies on the person who requires, or proposes to require, the person with the disability to comply with the requirement or condition.

DISABILITY DISCRIMINATION ACT 1992 - SECT 7

Discrimination in relation to associates

(1) This Act applies in relation to a person who has an associate with a disability in the same way as it applies in relation to a person with the disability.

Example: It is unlawful, under section 15, for an employer to discriminate against an employee on the ground of a disability of any of the employee's associates.

(2) For the purposes of subsection (1), but without limiting that subsection, this Act has effect in relation to a person who has an associate with a disability as if:

(a) each reference to something being done or needed because of a disability were a reference to the thing being done or needed because of the fact that the person has an associate with the disability; and

(b) each other reference to a disability were a reference to the disability of the associate.

(3) This section does not apply to section 53 or 54 (combat duties and peacekeeping services) or subsection 54A(2) or (3) (assistance animals).

Note: The combined effect of sections 7 and 8 is that this Act applies in relation to a person who has an associate who has a carer, assistant, assistance animal or disability aid in the same way as it applies in relation to a person with a disability.

DISABILITY DISCRIMINATION ACT 1992 - SECT 23

Access to premises

It is unlawful for a person to discriminate against another person on the ground of the other person's disability:

(a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or

(b) in the terms or conditions on which the first-mentioned person is prepared to allow the other person access to, or the use of, any such premises; or

(c) in relation to the provision of means of access to such premises; or

(d) by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use (whether for payment or not); or

(e) in the terms or conditions on which the first-mentioned person is prepared to allow the other person the use of any such facilities; or

(f) by requiring the other person to leave such premises or cease to use such facilities.

DISABILITY DISCRIMINATION ACT 1992 - SECT 24

Goods, services and facilities

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's disability:

- (a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person; or
- (b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or (c)...
- (c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.

DISABILITY DISCRIMINATION ACT 1992 - SECT 39

Harassment in relation to the provision of goods and services

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to harass another person who:

- (a) wants to acquire the goods or services or to make use of the facilities; and
- (b) has a disability;

in relation to the disability.

Definitions of terms:

"disability" , in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or
 - (b) total or partial loss of a part of the body; or
 - (c) the presence in the body of organisms causing disease or illness; or
 - (d) the presence in the body of organisms capable of causing disease or illness; or
 - (e) the malfunction, malformation or disfigurement of a part of the person's body; or
 - (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
 - (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;
- and includes a disability that:
- (h) presently exists; or
 - (i) previously existed but no longer exists; or
 - (j) may exist in the future (including because of a genetic predisposition to that disability);
- or
- (k) is imputed to a person.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

"disability aid" has the meaning given by subsection 9(3).

"disability standards" has the meaning given by subsection 31(1).

"discriminate" has the meaning given by sections 5 and 6.

Note: Section 7 (associates) and section 8 (carers, assistants, assistance animals and disability aids) extend the concept of discrimination, (by association).

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Note for Facts: A medical condition is and can be a disability, and excludes wearing a mask on that medical inability to wear one, along with lawful reasons, the man/woman shall not be refused service or imposed with terms and conditions for service to be provided, is unlawful, on more than one section of the Federal Commonwealth Law/Act described.

Facts: - the details of a private medical condition for such exemption expressed to the employee ...upon his/her conflict and argument to cause the offenses by demanding private information, and refusing services, and against the disability condition of a man/woman to must wear a mask for services to be available, those terms and conditions employee imposes are offenses for crimes committed upon that position s/he employee acted out to demand information and therefore refuse services unless s/he was satisfied personally with documented evidence of private medical information, in breach of sections of the:

DISABILITY DISCRIMINATION ACT 1992 and the **PRIVACY ACT 1988** and can be reported as criminal offenses to Police, and be sued as liable for a claim. The company carries vicarious liability, to pay damages and penalties, for employee's unlawful actions, and lack of actions.

This is not legal advice – use as a guide for events.

HERE ARE 5 FACTS TO HELP YOU PROTECT YOURSELF, YOUR BUSINESS AND YOUR CUSTOMERS:

1. Businesses have been told that the QR check-in is 'mandatory', however, this is NOT a legal mandate. It is actually illegal to enforce people to check in with a QR code or to refuse service to a person who doesn't scan the QR code (Amendment to Section 94H of the Federal Government Privacy Act 1988).

The penalty for enforcing QR scanning or service can be a \$5000 fine or a 5-year jail term (PRIVACY ACT 1988 SEC 94 H). 300 penalty units

www5.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s94h.html

2. As state and federal laws can contradict each other, it's good to know that federal laws override and invalidate conflicting state laws and business directives, including the ones demanding the "COVIDSafe" "Check In Qld", forcing a QR code scan "check in" (Section 109 of the Commonwealth Constitution).

www.constitutionwatch.com.au/section109-notes

3. You can be fined \$5000, for refusing goods or services to people NOT wearing a mask. This is because customers may have a lawful exemption such as a medical condition. As a business owner, you are not lawfully able to ask customers for PROOF of their medical exemption, as that information is protected under the Privacy Act. However, you can ask if they have a medical exemption, be aware under the Privacy Act that they are not required to respond (Disability Discrimination Act 1992 sec 6 & 4).

www.legislation.gov.au/Details/C2018C00125

4. Example: "Service NSW", which is responsible for managing the "COVIDSafe app", (a type of QR-code Check in) was the target of the one of the largest privacy data breaches ever to hit a NSW government agency. The Auditor-General of NSW found in a report that: "Service NSW is not effectively handling personal customer and business information to ensure its privacy. It continues to use business processes that pose a risk to the privacy of personal information." So the question is,

do you want to expose yourself and your customers to an untrustworthy data app service provider?
<https://www.audit.nsw.gov.au/our-work/reports/service-nsws-handling-of-personalinformation>

5. It is actually unlawful to discriminate against someone who is not wearing a mask or refuses to supply their personal information if you are allowing other members of the public to enter your premises (The Charter of Human Rights and Responsibilities Act – Part 2 Section 8). Under this Act, we are all equal before the law without discrimination and has the right to protection against discrimination.

www.legislation.gov.au/Details/C2017C00143

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