



Hashini Panditharatne
Lawyer
Australian Human Rights Commission
GPO Box 5218
SYDNEY NSW 2001

BY EMAIL: legal@humanrights.gov.au

Dear Ms Panditharatne,

Arden Anglican School – application for exemption

I refer to your letter dated 4 May 2017 to Elizabeth Wing, Acting President and thank the Australian Human Rights Commission for inviting the Anti-Discrimination Board of New South Wales to make a submission in relation to the application by Arden Anglican School for an exemption pursuant to section 44(1) of the *Sex Discrimination Act 2004* (Cth).

The NSW Board has no objection to the grant of an exemption to the applicant, however we make the following observations.

- Overall, there is less than 5% disparity between male and female student numbers, although we acknowledge there are larger differences in some individual year groups.
- In relation to issues of classroom and playground behaviour, and co-curricular offerings, we consider that there may be other ways to address the current imbalance without recourse to an exemption.
- The equivalent provisions in the *Anti-Discrimination Act 1977* (NSW) do not extend to private educational authorities, so the applicant's proposed conduct would not amount to unlawful discrimination under the *Anti-Discrimination Act 1977*.

Yours sincerely,

Jackie Lyne
Legal Officer
Anti-Discrimination Board of NSW

Date: 13 June 2017

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