# Questionnaire 8 - Claim and Response – Exceptions, Exemptions and Defences

| **Element of Claim** | | **Respondent’s defence** | **Applicant’s response** |
| --- | --- | --- | --- |
|  | Exceptions to unlawful discrimination - Part 4 of [*Discrimination Act 1991*](https://www.legislation.act.gov.au/a/1991-81/default.asp)and section 53D of[*Human Rights Commission Act 2005*](https://www.legislation.act.gov.au/a/2005-40/) | *What exceptions to unlawful discrimination under Part 4 of the* [*Discrimination Act 1991*](https://www.legislation.act.gov.au/a/1991-81/default.asp)*, if any, do you rely upon?* | *Do you agree that the exceptions on which the respondent relies apply?* |
|  | Basis for claiming exception | *On what basis do you say the exception/s apply and what information indicates that each exception you rely upon applies?* | *Do you agree that the respondent has identified a proper basis for the exception/s to apply? If not, why not?* |

| **Element of Claim** | | **Respondent’s defence** | **Applicant’s response** |
| --- | --- | --- | --- |
|  | Exemptions - [*Discrimination Act 1991*](https://www.legislation.act.gov.au/a/1991-81/default.asp), section 109 | *Do you rely upon any exemptions given by the Human Rights Commission? If so, what are the exemptions you rely upon?* | *Do you agree that any exemption relied upon by the respondent applies? If not, why not?* |
|  | Defence to Vilification - [*Discrimination Act 1991*](https://www.legislation.act.gov.au/a/1991-81/default.asp), section 67A(2) | *Has the applicant made a claim of unlawful vilification?*  ***Yes/No***  *If so, do you rely upon the defence to unlawful vilification in section 67A(2) of the* [*Discrimination Act 1991*](https://www.legislation.act.gov.au/a/1991-81/default.asp)*?*  ***Yes/No***  *If so, which paragraph do you rely upon and what facts support the defence?* | *If the respondent relies upon the defence in section 67A(2) of the* [*Discrimination Act 1991*](https://www.legislation.act.gov.au/a/1991-81/default.asp)*, do you agree it applies? If not, why not?* |
|  | Any other defence or response | *Does the respondent rely upon any other defence, or make any other response, to the claim? If so, please outline that defence or response.* | *Please outline your reply to the respondent’s defence or response.* |