



New South Wales

Anti-Discrimination Amendment (Religious Vilification) Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Anti-Discrimination Act 1977* to make it unlawful to vilify a person or group of persons on the ground of a specific religious belief or affiliation.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 **Amendment of Anti-Discrimination Act 1977 No 48**

Schedule 1[1] inserts a definition of *religious belief or affiliation*.

Schedule 1[2] inserts proposed Part 2AA, which provides that it is unlawful to vilify a person or group of persons on the ground that the person has or members of the group have a specific religious belief or affiliation.



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Anti-Discrimination Amendment (Religious Vilification) Bill 2021

No. _____, 2021

A Bill for

An Act to amend the *Anti-Discrimination Act 1977* to make it unlawful to vilify a person or group of persons on the ground of a specific religious belief or affiliation.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Anti-Discrimination Amendment (Religious Vilification) Act 2021*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Anti-Discrimination Act 1977 No 48	1
		2
[1] Section 4 Definitions		3
	Insert in alphabetical order in section 4(1)—	4
	<i>religious belief or affiliation</i> means holding or not holding a religious belief or view.	5
		6
[2] Part 2AA		7
	Insert after Part 2—	8
	Part 2AA Religious vilification	9
22AA Definition		10
	In this Part—	11
	<i>public act</i> includes—	12
	(a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material, and	13
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	(b) any conduct, not being a form of communication referred to in paragraph (a), observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia, and	16
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	(c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of—	20
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		22
	(i) a person on the ground that the person has a specific religious belief or affiliation, or	23
		24
	(ii) a group of persons on the ground that the members of the group have a specific religious belief or affiliation.	25
		26
22AB Religious vilification unlawful		27
	(1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of—	28
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	(a) a person on the ground that the person has a specific religious belief or affiliation, or	30
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	(b) a group of persons on the ground that the members of the group have a specific religious belief or affiliation.	32
		33
	(2) Nothing in this section renders unlawful—	34
	(a) a fair report of a public act referred to in subsection (1), or	35

- (b) a communication or the distribution or dissemination of any matter on an occasion that would be subject to a defence of absolute privilege, whether under the *Defamation Act 2005* or otherwise, in proceedings for defamation, or 1
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- (c) a public act, done reasonably and in good faith, for academic, artistic, scientific, research or religious discussion or instruction purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter. 5
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