

Passed by both Houses



New South Wales

Anti-Discrimination Amendment (Religious Vilification) Bill 2023

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2023



New South Wales

Anti-Discrimination Amendment (Religious Vilification) Bill 2023

Act No _____, 2023

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 religious belief or affiliation or religious activity.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Anti-Discrimination Amendment (Religious Vilification) Act 2023*.

2 Commencement

This Act commences on the day that is 3 months after the date of assent to this Act.

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

Part 4BA

Insert after section 49ZC—

Part 4BA Religious vilification

49ZD Definitions

In this part—

public act includes—

- (a) a form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material, and
- (b) conduct, not being a form of communication referred to in paragraph (a), observable by the public, including—
 - (i) actions and gestures, and
 - (ii) the wearing or display of clothing, signs, flags, emblems and insignia, and
- (c) the distribution or dissemination of matter to the public with knowledge the matter promotes or expresses hatred towards, serious contempt for or severe ridicule of—
 - (i) a person on the ground the person has, or does not have, a religious belief or affiliation, or
 - (ii) a person on the ground the person engages, or does not engage, in religious activity, or
 - (iii) a group of persons on the ground the members of the group have, or do not have, a religious belief or affiliation, or
 - (iv) a group of persons on the ground the members of the group engage, or do not engage, in religious activity.

49ZE Religious vilification unlawful

- (1) It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for or severe ridicule of—
 - (a) a person on the ground the person—
 - (i) has, or does not have, a religious belief or affiliation, or
 - (ii) engages, or does not engage, in religious activity, or
 - (b) a group of persons on the ground the members of the group—
 - (i) have, or do not have, a religious belief or affiliation, or
 - (ii) engage, or do not engage, in religious activity.
- (2) Nothing in this section renders unlawful—
 - (a) a fair report of a public act referred to in subsection (1), or
 - (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
 - (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 an act or matter.