



New South Wales

Constitution Amendment (Rights and Freedoms) Bill 2023

Explanatory note

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

The *Constitution Amendment (Rights and Freedoms—Referendum) Bill 2023* is cognate with this Bill.

Overview of Bill

The object of this Bill is to amend the *Constitution Act 1902* to limit the power of the Legislature to make laws restricting certain rights and freedoms.

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.

Schedule 1 Amendment of Constitution Act 1902 No 32

Schedule 1 gives effect to the object of this Bill.

Schedule 1[2] inserts proposed section 8 into the *Constitution Act 1902* to provide that the Legislature does not have power to make a law that—

- (a) establishes a religion, or
- (b) prohibits the free exercise of a religion, or
- (c) restricts freedom of speech, or
- (d) restricts the freedom of the press, or

- (e) restricts the right of the people of New South Wales to peaceably assemble or to petition the Executive Government or the Legislature for a redress of grievances.

Schedule 1[1] entrenches proposed section 8 by amending the *Constitution Act 1902*, section 7A(1)(b) to provide that the proposed section cannot be expressly or impliedly repealed or amended by another Act unless the Bill for the amending Act is approved by the electors at a referendum.



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Constitution Amendment (Rights and Freedoms) Bill 2023

No. , 2023

A Bill for

An Act to amend the *Constitution Act 1902* to limit the power of the Legislature to make laws restricting certain rights and freedoms.

See also the *Constitution Amendment (Rights and Freedoms—Referendum) Bill 2023*.

The Legislature of New South Wales, with the approval of the electors, enacts—

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1 Name of Act

2

This Act is the *Constitution Amendment (Rights and Freedoms) Act 2023*.

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2 Commencement

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This Act commences on the 1 January that follows the approval of the Bill for this Act at the referendum held under the *Constitution Amendment (Rights and Freedoms—Referendum) Act 2023*.

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Schedule 1	Amendment of Constitution Act 1902 No 32	1
[1] Section 7A Referendum for Bills with respect to Legislative Council and certain other matters		2 3
Omit “section 11A” from section 7A(1)(b). Insert instead “section 8 or 11A”.		4
[2] Section 8		5
Insert after section 7B—		6
8 Legislature must not restrict certain freedoms and rights		7
The Legislature does not have power to make a law that—		8
(a) establishes a religion, or		9
(b) prohibits the free exercise of a religion, or		10
(c) restricts freedom of speech, or		11
(d) restricts the freedom of the press, or		12
(e) restricts the right of the people of New South Wales to peaceably assemble or to petition the Executive Government or the Legislature for a redress of grievances.		13 14 15