



New South Wales

Anti-Discrimination Amendment (Religious Vilification) Bill 2023

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 the person's or group's religious belief or affiliation or engagement in religious activity.

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 Anti-Discrimination Act 1977 No 48**

Schedule 1 inserts proposed Part 4BA into the *Anti-Discrimination Act 1977*.

The proposed part makes it unlawful for a person, by a public act, to incite hatred towards, serious contempt for or severe ridicule of a person, or group of persons, on the ground the person, or group—

- (a) has, or does not have, a religious belief or affiliation, or
- (b) engages, or does not engage, in religious activity.

However, proposed section 49ZE(2) makes clear that the following is not unlawful—

- (a) a fair report of an unlawful public act,

- (b) a communication or the distribution or dissemination of any matter on an occasion that would be subject to a defence of absolute privilege in proceedings for defamation,
- (c) a public act, done reasonably and in good faith, for a purpose in the public interest, including academic, artistic, scientific, research or religious discussion or instruction.

Proposed section 49ZD makes clear a *public act* includes communication to the public and conduct observable by the public and the distribution or dissemination of certain matter to the public with knowledge the matter promotes or expresses hatred towards, serious contempt for or severe ridicule of prescribed persons.