



New South Wales

Anti-Discrimination Amendment (Heterosexual Discrimination) Bill 2024

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—

- (a) provide that discrimination against a person on the ground of the person's heterosexuality is unlawful, and
- (b) prescribe certain work and other arrangements in which discrimination against a person on the ground of the person's heterosexuality is unlawful, and
- (c) provide that heterosexual vilification, by certain public acts, is unlawful.

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 inserts proposed Part 4D into the *Anti-Discrimination Act 1977*.

Proposed Division 1—

- (a) defines what constitutes discrimination on the ground of heterosexuality, and

- (b) makes clear that a reference in the part to homosexuality includes a reference to the person's being thought to be a heterosexual person, whether the person is in fact a heterosexual person or not.

Proposed Division 2 prescribes certain conduct and circumstances constituting discrimination on the ground of a person's homosexuality (*heterosexual discrimination*) for the following—

- (a) employers,
- (b) commission agents,
- (c) contract workers,
- (d) partnerships,
- (e) local government councillors,
- (f) industrial organisations,
- (g) qualifying bodies,
- (h) employment agencies.

Proposed Division 3 prescribes certain circumstances and conduct constituting heterosexual discrimination for the following—

- (a) certain educational authorities,
- (b) a person who provides, for payment or not, goods or services to another person,
- (c) certain accommodation,
- (d) registered clubs.

Proposed Division 4 provides that heterosexual vilification by a public act is unlawful. The proposed division also defines *public act* to include certain communications and conduct.

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

- (a) a fair report of a public act,
- (b) certain matter subject to a defence of absolute privilege,
- (c) public acts done reasonably and in good faith in certain circumstances, including for religious instruction and scientific and research purposes.