

Anti-Discrimination Amendment (Religious Tolerance) Bill 2005

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 promote religious tolerance.

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 60 days after the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the *Anti-Discrimination Act 1977* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts proposed Part 4H (proposed sections 49ZZA–49ZZC) in the *Anti-Discrimination Act 1977* (the **principal Act**). The amendment provides that religious vilification is unlawful. The amendment also creates a criminal offence of serious religious vilification with a maximum penalty of 50 penalty units or 6 months imprisonment or both in the case of an individual and 100 penalty units in the case of a corporation.

Schedule 1 [2] and [3] make consequential amendments. These amendments allow for a complaint of religious vilification to be lodged with the President of the Anti-Discrimination Board. Such a complaint may be resolved by way of conciliation by the President of the Board or may be referred to the Administrative Decisions Tribunal (the **Tribunal**). The Tribunal may take action including dismissing the complaint, awarding damages up to \$40,000, enjoining the respondent from continuing or repeating any conduct rendered unlawful by the principal Act or requiring the respondent to publish an apology.

Schedule 1 [4] and [5] insert savings and transitional provisions consequential on the enactment of the proposed Act.