

Anti-Discrimination (Homosexual Vilification) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

Homosexual vilification unlawful

49ZT. (1) It is 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 of the homosexuality of the person or members of the group.

5

(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 comprising a publication referred to in Division 3 of Part 3 of the Defamation Act 1974 or which is otherwise subject to a defence of absolute privilege in proceedings for defamation; or

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(c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

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Offence of serious homosexual vilification

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49ZTA. (1) A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group by means which include:

25

(a) threatening physical harm towards, or towards any property of, the person or group of persons; or

(b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.

30

Maximum penalty:

In the case of an individual—10 penalty units or imprisonment for 6 months, or both.

In the case of a corporation—100 penalty units.

(2) A person is not to be prosecuted for an offence under this section unless the Attorney General has consented to the prosecution.

35

*Anti-Discrimination (Homosexual Vilification) Amendment 1993*SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 87 (Definitions):

(a) After the definition of "Court", insert:

5 "homosexual vilification complaint" means a complaint
in respect of a contravention of section 49ZT;

(b) Omit the definition of "representative body", insert instead:

"representative body" means a body (whether
incorporated or unincorporated) which represents or
purports to represent:

10 (a) a racial group of people within New South Wales;
or

(b) a group of people within New South Wales on the
basis of their homosexuality,

15 (whether or not the body is authorised to do so by the
group concerned) and which has as its primary object
the promotion of the interests and welfare of the group;

(3) Section 88 (Making of complaints):

20 (a) In section 88 (1A) (b), after "representative body", insert
"(as referred to in paragraph (a) of the definition of
representative body)".

(b) After section 88 (1A), insert:

(1AB) A homosexual vilification complaint in writing may
be lodged with the President:

25 (a) in accordance with subsection (1), but only if the
person or persons on whose behalf the complaint is
lodged is, or are, or are*thought to be, homosexual
persons; or

30 (b) by a representative body (as referred to in paragraph
(b) of the definition of representative body) on behalf
of a named person or persons who is, or are, or are
thought to be, homosexual persons.

(c) In section 88 (1B) and (1C), after "racial vilification
complaint" wherever occurring, insert "or a homosexual
vilification complaint".

Anti-Discrimination (Homosexual Vilification) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 89C:

After section 89B, insert:

Prosecution for serious homosexual vilification

89C. (1) The President:

- (a) after investigating a homosexual vilification complaint; and
- (b) before endeavouring to resolve the complaint by conciliation,

must consider whether an offence may have been committed under section 49ZTA in respect of the matter the subject of the complaint.

(2) If the President considers that an offence may have been committed under section 49ZTA, the President must refer the complaint to the Attorney General.

(3) The President may only make such a referral within 28 days after receipt of the complaint.

(4) On making the referral, the President must, by notification in writing addressed to the complainant, advise the complainant of:

- (a) the making of the referral; and
- (b) the rights of the complainant under section 91 (1).

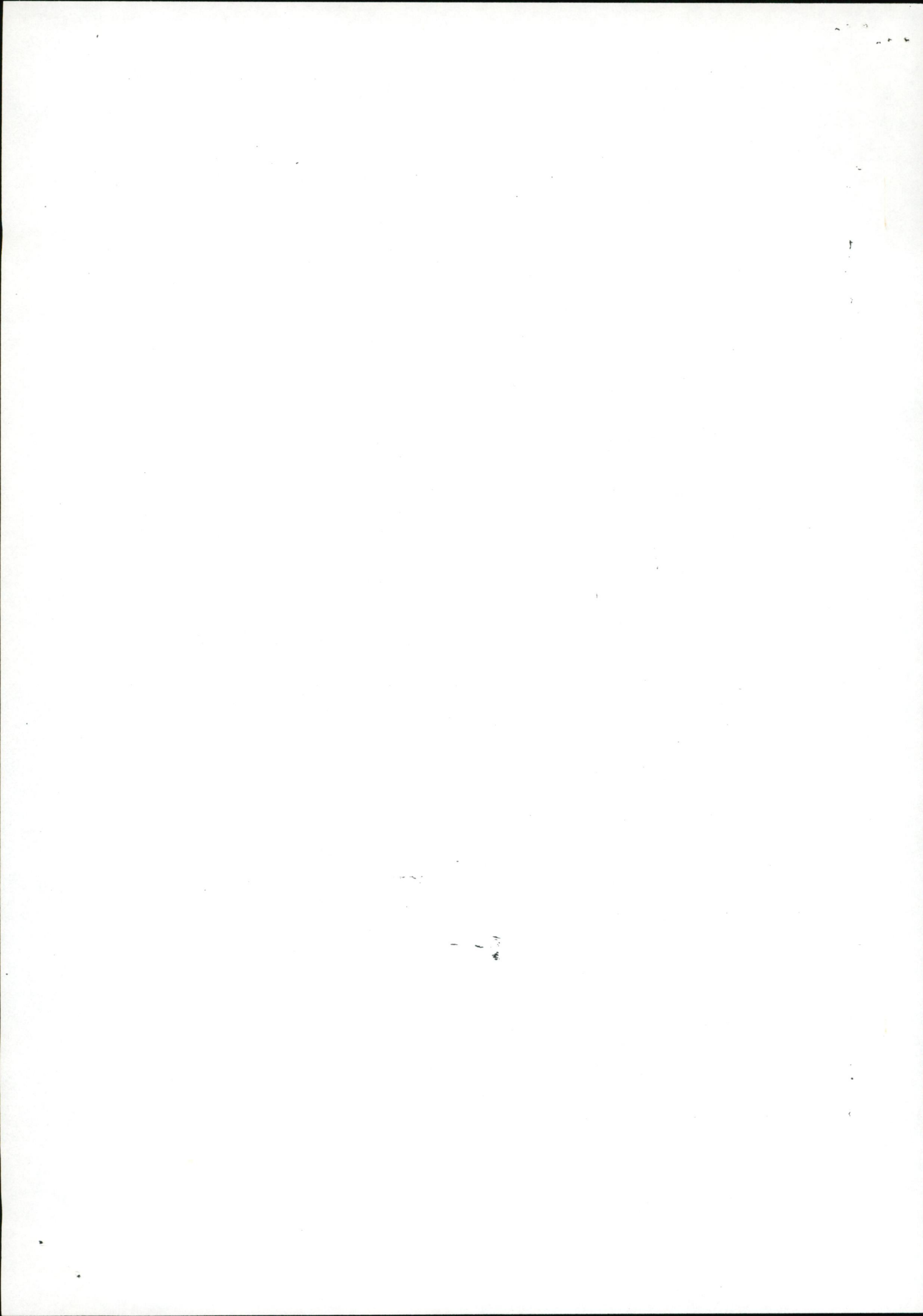
(5) Despite section 96, the Tribunal may stay an inquiry into the complaint until the conclusion of proceedings for the alleged offence under section 49ZTA.

(5) Section 91 (**Reference of complaint to Tribunal at requirement of complainant**):

In section 91 (1), after "section 89B (4)", insert ", 89C (4)".

(6) Section 113 (**Order or other decision of the Tribunal**):

In section 113 (1) (b) (iiia) and (iiib), (2) and (3), after "racial vilification complaint" wherever occurring, insert "or a homosexual vilification complaint".



**ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION)
AMENDMENT ACT 1993 No. 97**

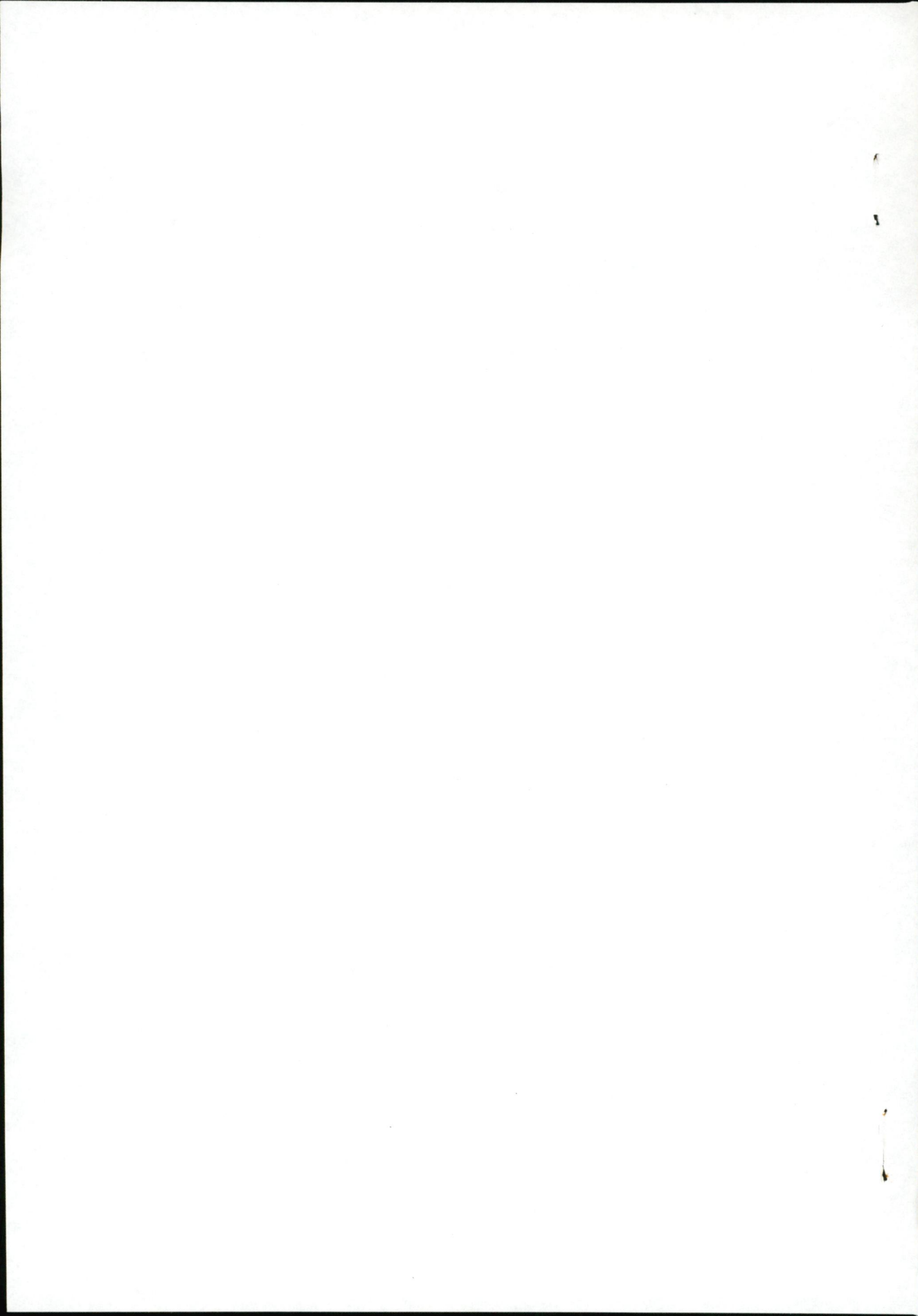
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Anti-Discrimination Act 1977 No. 48

SCHEDULE 1—AMENDMENTS



**ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION)
AMENDMENT ACT 1993 No. 97**

NEW SOUTH WALES



Act No. 97, 1993

An Act to amend the Anti-Discrimination Act 1977 to render vilification on the ground of homosexuality unlawful and to create an offence of serious homosexual vilification; and for other purposes. [Assented to 2 December 1993]

Anti-Discrimination (Homosexual Vilification) Amendment Act 1993 No. 97

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Anti-Discrimination (Homosexual Vilification) Amendment Act 1993.

Commencement

2. This Act commences 3 months after the date of assent, unless commenced sooner by proclamation.

Amendment of Anti-Discrimination Act 1977 No. 48

3. The Anti-Discrimination Act 1977 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Part 4C, Division 4:

After Division 3, insert:

Division 4—Homosexual vilification

Definition

49ZS. In this Division:

“public act” includes:

- (a) any 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) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia; and
- (c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.

SCHEDULE 1—AMENDMENTS—*continued*

Homosexual vilification unlawful

49ZT. (1) It is 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 of the homosexuality of the person or members of the group.

(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 comprising a publication referred to in Division 3 of Part 3 of the Defamation Act 1974 or which is otherwise subject to a defence of absolute privilege in proceedings for defamation; or
- (c) a public act, done reasonably and in good faith, for academic, artistic, religious instruction, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

Offence of serious homosexual vilification

49ZTA. (1) A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group by means which include:

- (a) threatening physical harm towards, or towards any property of, the person or group of persons; or
- (b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.

Maximum penalty:

In the case of an individual—10 penalty units or imprisonment for 6 months, or both.

In the case of a corporation—100 penalty units.

(2) A person is not to be prosecuted for an offence under this section unless the Attorney General has consented to the prosecution.

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 87 (**Definitions**):

- (a) After the definition of “Court”, insert:

“**homosexual vilification complaint**” means a complaint in respect of a contravention of section 49ZT;

- (b) Omit the definition of “representative body”, insert instead:

“**representative body**” means a body (whether incorporated or unincorporated) which represents or purports to represent:

- (a) a racial group of people within New South Wales;
or

- (b) a group of people within New South Wales on the basis of their homosexuality,

(whether or not the body is authorised to do so by the group concerned) and which has as its primary object the promotion of the interests and welfare of the group;

(3) Section 88 (**Making of complaints**):

- (a) In section 88 (1A) (b), after “representative body”, insert “(as referred to in paragraph (a) of the definition of representative body)”.

- (b) After section 88 (1A), insert:

(1AB) A homosexual vilification complaint in writing may be lodged with the President:

- (a) in accordance with subsection (1), but only if the person or persons on whose behalf the complaint is lodged is, or are, or are thought to be, homosexual persons; or

- (b) by a representative body (as referred to in paragraph (b) of the definition of representative body) on behalf of a named person or persons who is, or are, or are thought to be, homosexual persons.

- (c) In section 88 (1B) and (1C), after “racial vilification complaint” wherever occurring, insert “or a homosexual vilification complaint”.

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 89C:

After section 89B, insert:

Prosecution for serious homosexual vilification

89C. (1) The President:

- (a) after investigating a homosexual vilification complaint; and
- (b) before endeavouring to resolve the complaint by conciliation,

must consider whether an offence may have been committed under section 49ZTA in respect of the matter the subject of the complaint.

(2) If the President considers that an offence may have been committed under section 49ZTA, the President must refer the complaint to the Attorney General.

(3) The President may only make such a referral within 28 days after receipt of the complaint.

(4) On making the referral, the President must, by notification in writing addressed to the complainant, advise the complainant of:

- (a) the making of the referral; and
- (b) the rights of the complainant under section 91 (1).

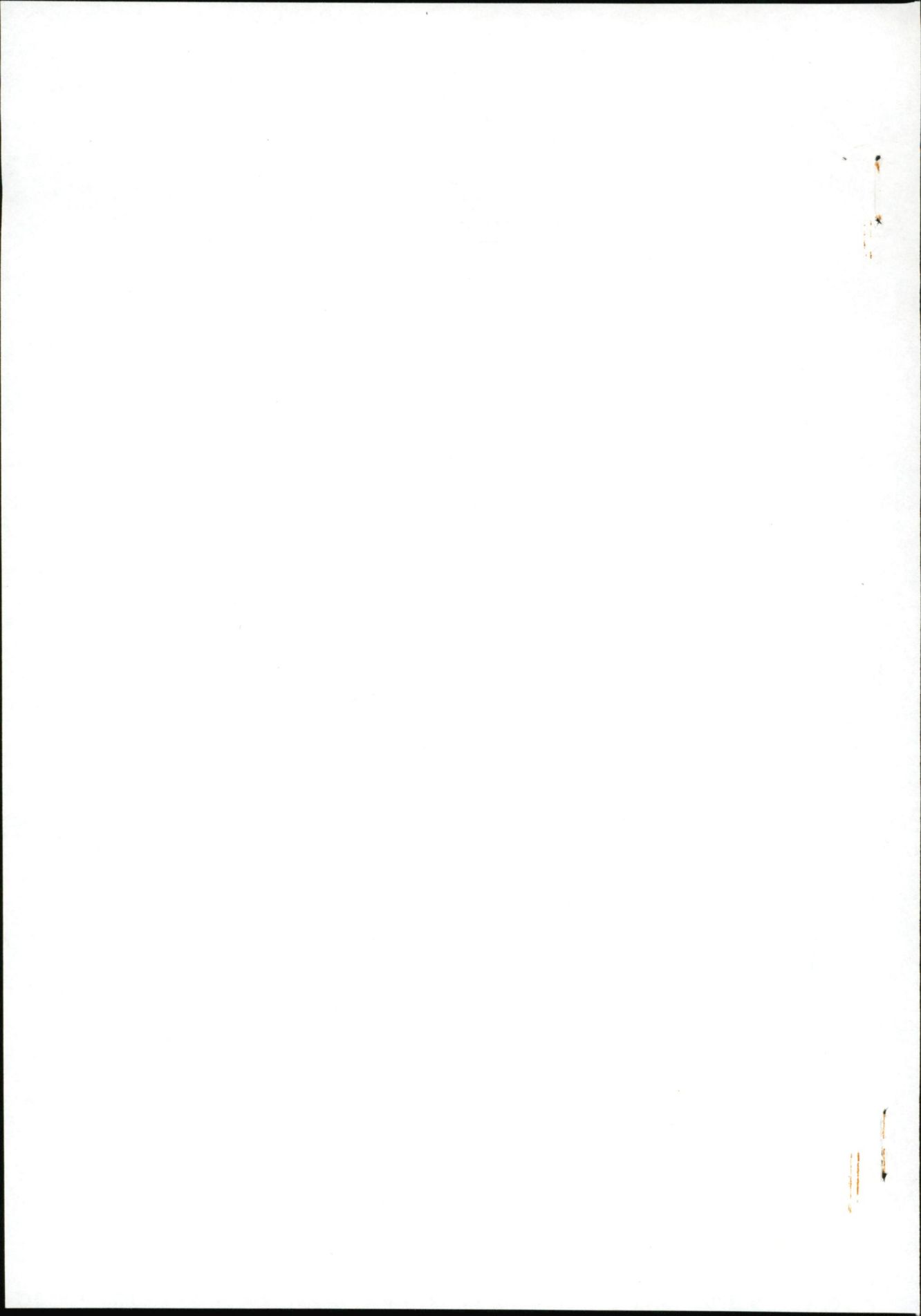
(5) Despite section 96, the Tribunal may stay an inquiry into the complaint until the conclusion of proceedings for the alleged offence under section 49ZTA.

(5) Section 91 (**Reference of complaint to Tribunal at requirement of complainant**):

In section 91 (1), after “section 89B (4)”, insert “, 89C (4)”.

(6) Section 113 (**Order or other decision of the Tribunal**):

In section 113 (1) (b) (iiia) and (iiib), (2) and (3), after “racial vilification complaint” wherever occurring, insert “or a homosexual vilification complaint”.



FIRST PRINT

**ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION)
AMENDMENT BILL 1993**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Anti-Discrimination Act 1977 to enact provisions relating to the vilification of homosexual persons. This is expressed to occur when a person, by a public act, incites hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group. The provisions are substantially similar to the existing provisions in the Act relating to racial vilification.

The Bill:

- makes it unlawful for a person to vilify another person or group of persons on the ground of their homosexuality and, consequently, enables a complaint to be made under the Act concerning the vilification of homosexual persons
- enables a person to be prosecuted for an offence in a serious case of vilification of homosexual persons involving threatened violence (including inciting others to threaten violence)
- provides for the making of homosexual vilification complaints under the Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence 3 months after the date of assent, unless commenced sooner by proclamation.

Clause 3 gives effect to the Schedule of amendments to the Anti-Discrimination Act 1977.

Anti-Discrimination (Homosexual Vilification) Amendment 1993

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) inserts a new Division 4 into Part 4C (Discrimination on the ground of homosexuality) which contains the following provisions:

- Proposed section 49ZS defines the term “public act” for the purposes of the new Division. The term includes spoken and written communications to the public, actions and gestures observable by the public, the wearing or displaying of signs and emblems and the distribution of matter to the public with knowledge that the matter vilifies a person or group on the ground of the homosexuality of the person or members of the group.
- Proposed section 49ZT makes it unlawful for a person to engage in the vilification of homosexual persons. The proposed section is subject to a number of exceptions, including the fair reporting of acts of vilification of homosexuals, the communication or publication of matter subject to the defence of absolute privilege in proceedings for defamation and a public act done reasonably and in good faith in the public interest. The proposed section will enable complaints to be made to the President of the Anti-Discrimination Board and to be dealt with in accordance with the procedures currently set out in the Act.
- Proposed section 49ZTA provides that vilification of homosexual persons involving threatened violence (including inciting others to threaten violence) is a criminal offence. A person may only be prosecuted for the offence with the consent of the Attorney General.

Schedule 1 (2) amends section 87 (Definitions) to define the term “homosexual vilification complaint” and to substitute the definition of “representative body” as a consequence of the new type of complaint.

Schedule 1 (3) amends section 88 (Making of complaints) to provide that a body which represents a group of homosexual persons may lodge a homosexual vilification complaint on behalf of a named person who is a homosexual person (but only with the consent of that person).

Schedule 1 (4) inserts a new section 89C which requires the President of the Anti-Discrimination Board to refer a complaint to the Attorney General if, after investigating the complaint, the President considers that the offence of serious vilification of homosexual persons may have been committed. The President is required to notify the complainant of the referral and the complainant retains the right to require the President to refer the complaint to the Equal Opportunity Tribunal.

Schedule 1 (5) amends section 91 (Reference of complaint to the Equal Opportunity Tribunal at requirement of complainant) as a consequence of the new section 89C.

Schedule 1 (6) amends section 113 (Order or other decision of the Tribunal) to enable the Tribunal, after holding an inquiry into a homosexual vilification complaint, to order a respondent to publish an apology or retraction. In the case of a complaint by a representative body, the Tribunal may award damages under section 113 to the person or persons on behalf of whom the complaint is lodged.

FIRST PRINT

**ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION)
AMENDMENT BILL 1993**

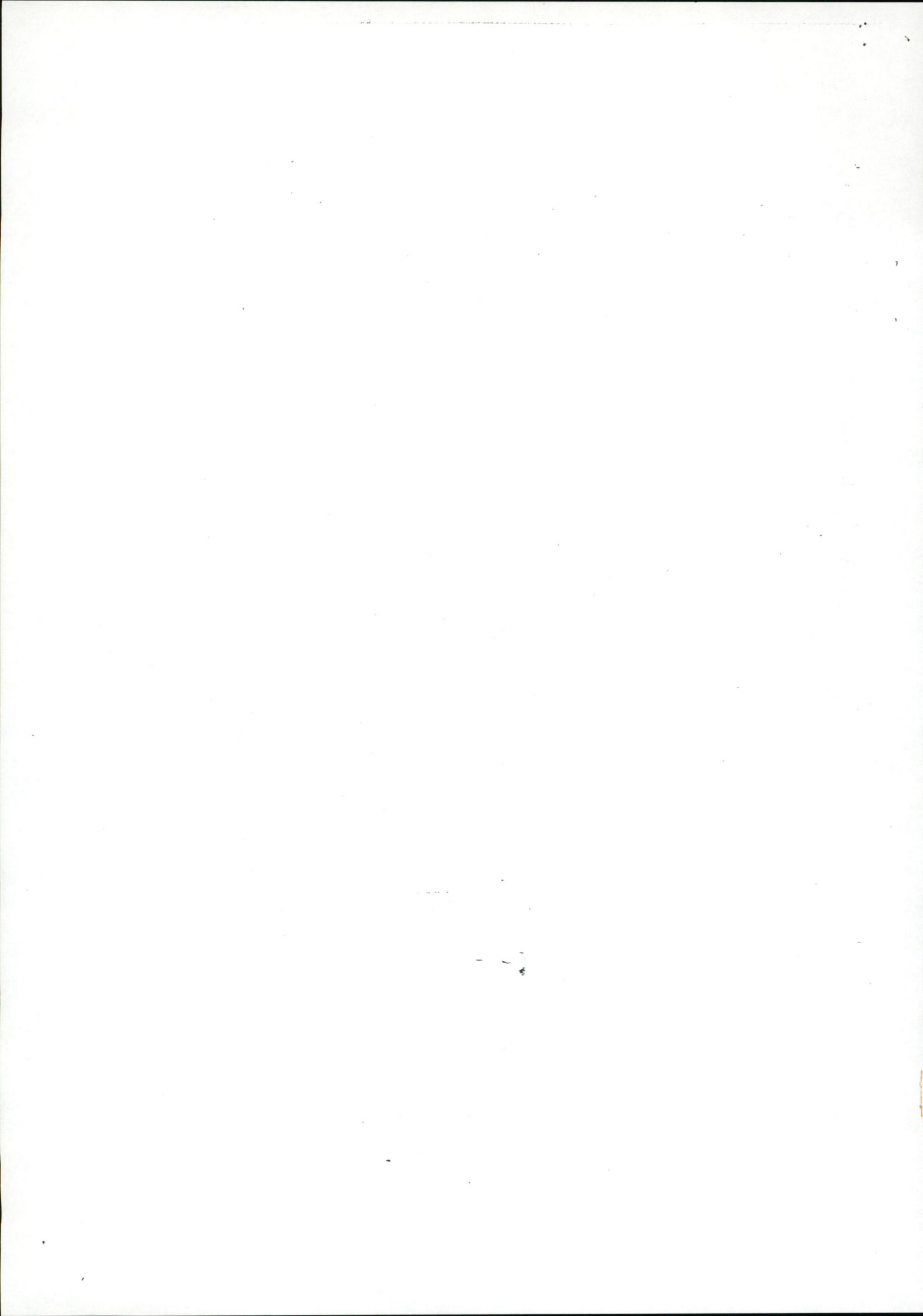
NEW SOUTH WALES



TABLE OF PROVISIONS

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2. Commencement
3. Amendment of Anti-Discrimination Act 1977 No. 48

SCHEDULE 1—AMENDMENTS



**ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION)
AMENDMENT BILL 1993**

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend the Anti-Discrimination Act 1977 to render vilification on the ground of homosexuality unlawful and to create an offence of serious homosexual vilification; and for other purposes.

Anti-Discrimination (Homosexual Vilification) Amendment 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Anti-Discrimination (Homosexual Vilification) Amendment Act 1993.

5 Commencement

2. This Act commences 3 months after the date of assent, unless commenced sooner by proclamation.

Amendment of Anti-Discrimination Act 1977 No. 48

10 3. The Anti-Discrimination Act 1977 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Part 4C, Division 4:
After Division 3, insert:

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Division 4—Homosexual vilification

Definition

49ZS. In this Division:

“public act” includes:

20

(a) any form of communication to the public, including speaking, writing, printing, displaying notices, broadcasting, telecasting, screening and playing of tapes or other recorded material; and

25

(b) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia; and

30

(c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.

Anti-Discrimination (Homosexual Vilification) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

Homosexual vilification unlawful

49ZT. (1) It is 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 of the homosexuality of the person or members of the group. 5

(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 comprising a publication referred to in Division 3 of Part 3 of the Defamation Act 1974 or which is otherwise subject to a defence of absolute privilege in proceedings for defamation; or 10

(c) a public act, done reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter. 15

Offence of serious homosexual vilification 20

49ZTA. (1) A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group by means which include: 25

(a) threatening physical harm towards, or towards any property of, the person or group of persons; or

(b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons. 30

Maximum penalty:

In the case of an individual—10 penalty units or imprisonment for 6 months, or both.

In the case of a corporation—100 penalty units.

(2) A person is not to be prosecuted for an offence under this section unless the Attorney General has consented to the prosecution. 35

Anti-Discrimination (Homosexual Vilification) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 87 (Definitions):

(a) After the definition of "Court", insert:

5 "homosexual vilification complaint" means a complaint
in respect of a contravention of section 49ZT;

(b) Omit the definition of "representative body", insert instead:

"representative body" means a body (whether
10 incorporated or unincorporated) which represents or
purports to represent:

(a) a racial group of people within New South Wales;
or

(b) a group of people within New South Wales on the
basis of their homosexuality,

15 (whether or not the body is authorised to do so by the
group concerned) and which has as its primary object
the promotion of the interests and welfare of the group;

(3) Section 88 (Making of complaints):

20 (a) In section 88 (1A) (b), after "representative body", insert
"(as referred to in paragraph (a) of the definition of
representative body)".

(b) After section 88 (1A), insert:

(1AB) A homosexual vilification complaint in writing may
be lodged with the President:

25 (a) in accordance with subsection (1), but only if the
person or persons on whose behalf the complaint is
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30 (b) by a representative body (as referred to in paragraph
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of a named person or persons who is, or are, or are
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(c) In section 88 (1B) and (1C), after "racial vilification
complaint" wherever occurring, insert "or a homosexual
vilification complaint".

Anti-Discrimination (Homosexual Vilification) Amendment 1993

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 89C:

After section 89B, insert:

Prosecution for serious homosexual vilification

89C. (1) The President:

- (a) after investigating a homosexual vilification complaint; and
- (b) before endeavouring to resolve the complaint by conciliation,

must consider whether an offence may have been committed under section 49ZTA in respect of the matter the subject of the complaint.

(2) If the President considers that an offence may have been committed under section 49ZTA, the President must refer the complaint to the Attorney General.

(3) The President may only make such a referral within 28 days after receipt of the complaint.

(4) On making the referral, the President must, by notification in writing addressed to the complainant, advise the complainant of:

- (a) the making of the referral; and
- (b) the rights of the complainant under section 91 (1).

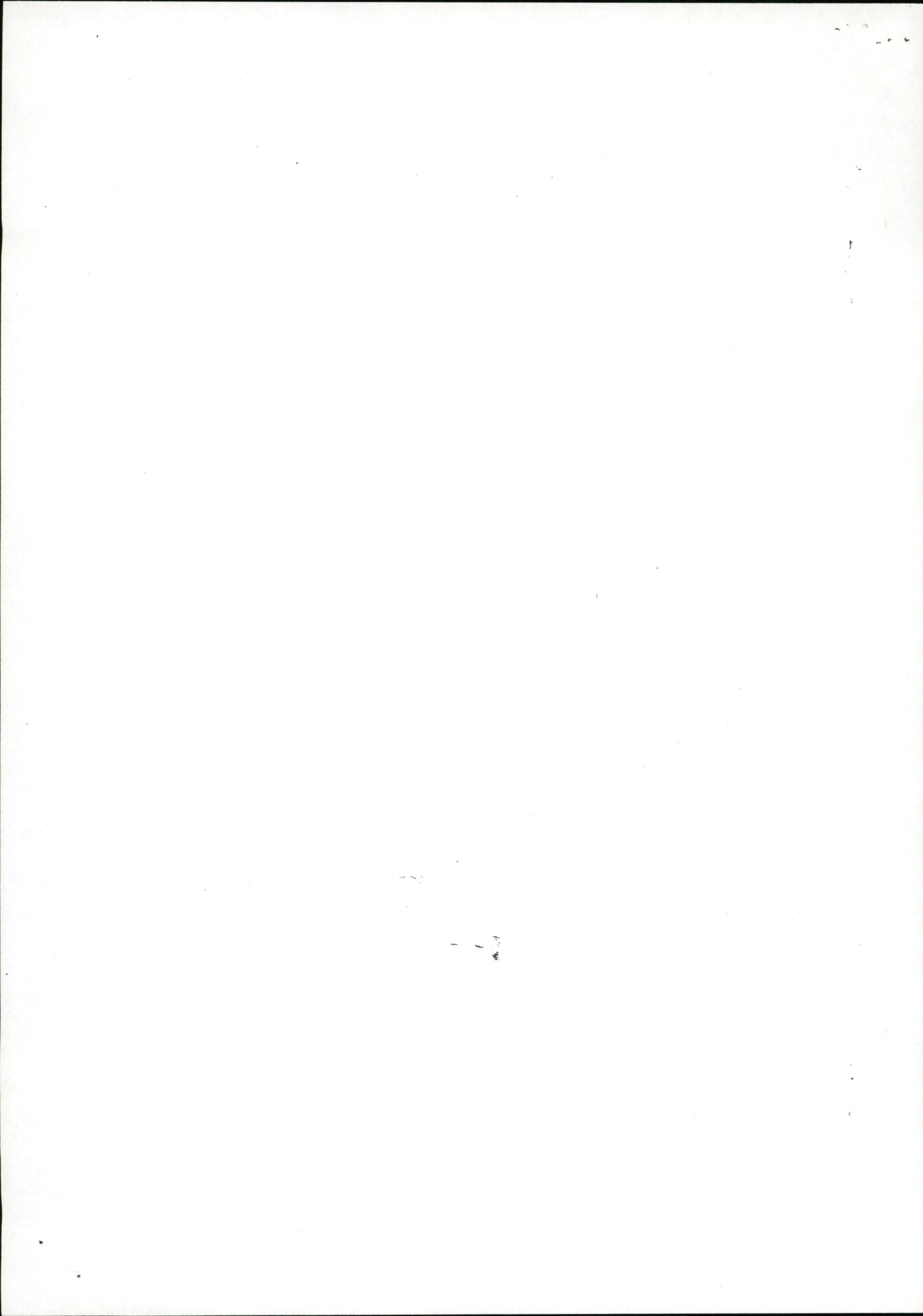
(5) Despite section 96, the Tribunal may stay an inquiry into the complaint until the conclusion of proceedings for the alleged offence under section 49ZTA.

(5) Section 91 (**Reference of complaint to Tribunal at requirement of complainant**):

In section 91 (1), after "section 89B (4)", insert ", 89C (4)".

(6) Section 113 (**Order or other decision of the Tribunal**):

In section 113 (1) (b) (iiia) and (iiib), (2) and (3), after "racial vilification complaint" wherever occurring, insert "or a homosexual vilification complaint".



**ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION)
AMENDMENT ACT 1993 No. 97**

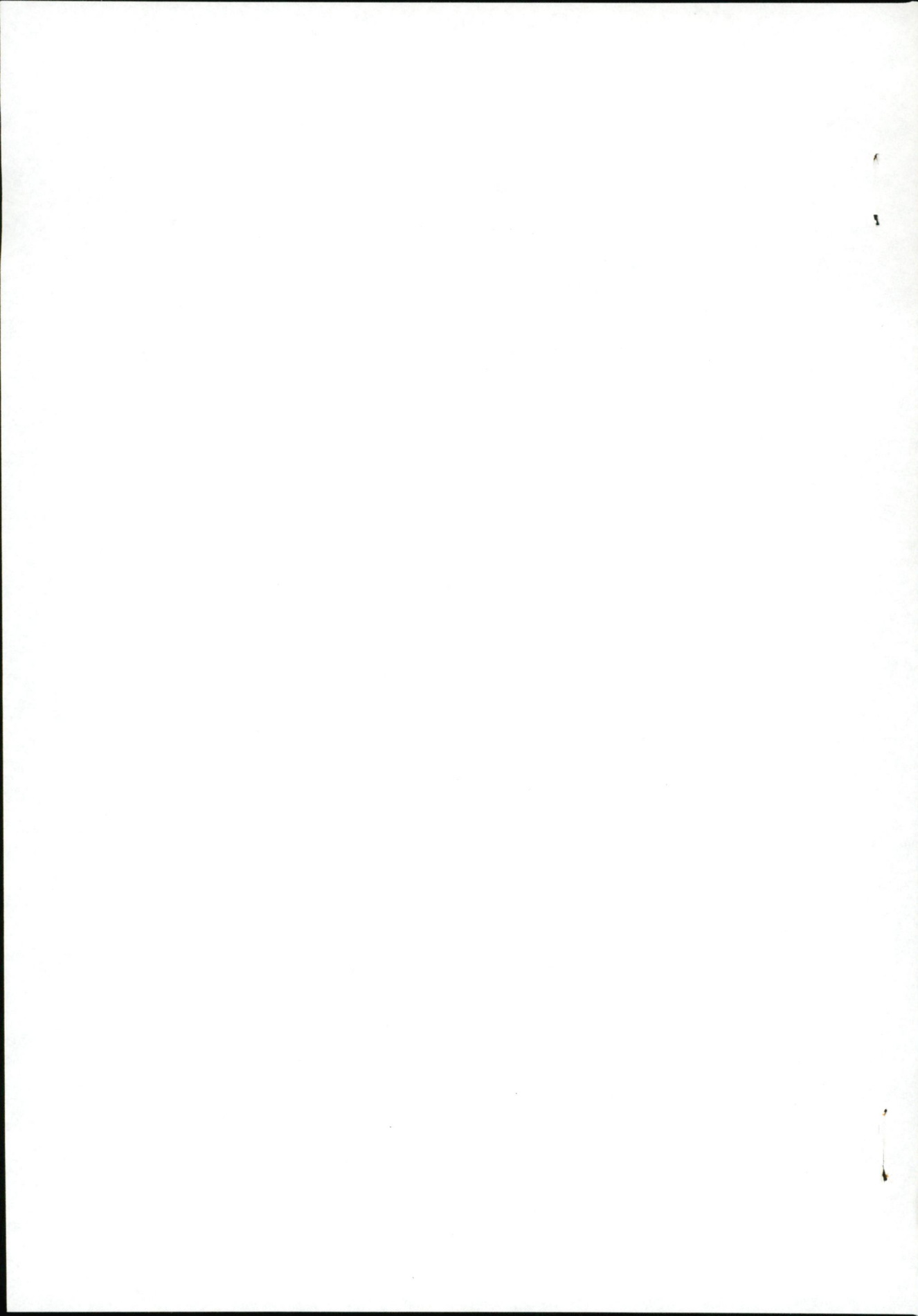
NEW SOUTH WALES



TABLE OF PROVISIONS

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3. Amendment of Anti-Discrimination Act 1977 No. 48

SCHEDULE 1—AMENDMENTS



**ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION)
AMENDMENT ACT 1993 No. 97**

NEW SOUTH WALES



Act No. 97, 1993

An Act to amend the Anti-Discrimination Act 1977 to render vilification on the ground of homosexuality unlawful and to create an offence of serious homosexual vilification; and for other purposes. [Assented to 2 December 1993]

Anti-Discrimination (Homosexual Vilification) Amendment Act 1993 No. 97

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Anti-Discrimination (Homosexual Vilification) Amendment Act 1993.

Commencement

2. This Act commences 3 months after the date of assent, unless commenced sooner by proclamation.

Amendment of Anti-Discrimination Act 1977 No. 48

3. The Anti-Discrimination Act 1977 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Part 4C, Division 4:

After Division 3, insert:

Division 4—Homosexual vilification

Definition

49ZS. In this Division:

“**public act**” includes:

- (a) any 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) any conduct (not being a form of communication referred to in paragraph (a)) observable by the public, including actions and gestures and the wearing or display of clothing, signs, flags, emblems and insignia; and
- (c) the distribution or dissemination of any matter to the public with knowledge that the matter promotes or expresses hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.

SCHEDULE 1—AMENDMENTS—*continued*

Homosexual vilification unlawful

49ZT. (1) It is 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 of the homosexuality of the person or members of the group.

(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 comprising a publication referred to in Division 3 of Part 3 of the Defamation Act 1974 or which is otherwise subject to a defence of absolute privilege in proceedings for defamation; or
- (c) a public act, done reasonably and in good faith, for academic, artistic, religious instruction, scientific or research purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

Offence of serious homosexual vilification

49ZTA. (1) A person must not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group by means which include:

- (a) threatening physical harm towards, or towards any property of, the person or group of persons; or
- (b) inciting others to threaten physical harm towards, or towards any property of, the person or group of persons.

Maximum penalty:

In the case of an individual—10 penalty units or imprisonment for 6 months, or both.

In the case of a corporation—100 penalty units.

(2) A person is not to be prosecuted for an offence under this section unless the Attorney General has consented to the prosecution.

SCHEDULE 1—AMENDMENTS—*continued*

(2) Section 87 (**Definitions**):

(a) After the definition of “Court”, insert:

“**homosexual vilification complaint**” means a complaint in respect of a contravention of section 49ZT;

(b) Omit the definition of “representative body”, insert instead:

“**representative body**” means a body (whether incorporated or unincorporated) which represents or purports to represent:

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or

(b) a group of people within New South Wales on the basis of their homosexuality,

(whether or not the body is authorised to do so by the group concerned) and which has as its primary object the promotion of the interests and welfare of the group;

(3) Section 88 (**Making of complaints**):

(a) In section 88 (1A) (b), after “representative body”, insert “(as referred to in paragraph (a) of the definition of representative body)”.

(b) After section 88 (1A), insert:

(1AB) A homosexual vilification complaint in writing may be lodged with the President:

(a) in accordance with subsection (1), but only if the person or persons on whose behalf the complaint is lodged is, or are, or are thought to be, homosexual persons; or

(b) by a representative body (as referred to in paragraph (b) of the definition of representative body) on behalf of a named person or persons who is, or are, or are thought to be, homosexual persons.

(c) In section 88 (1B) and (1C), after “racial vilification complaint” wherever occurring, insert “or a homosexual vilification complaint”.

SCHEDULE 1—AMENDMENTS—*continued*

(4) Section 89C:

After section 89B, insert:

Prosecution for serious homosexual vilification

89C. (1) The President:

- (a) after investigating a homosexual vilification complaint; and
- (b) before endeavouring to resolve the complaint by conciliation,

must consider whether an offence may have been committed under section 49ZTA in respect of the matter the subject of the complaint.

(2) If the President considers that an offence may have been committed under section 49ZTA, the President must refer the complaint to the Attorney General.

(3) The President may only make such a referral within 28 days after receipt of the complaint.

(4) On making the referral, the President must, by notification in writing addressed to the complainant, advise the complainant of:

- (a) the making of the referral; and
- (b) the rights of the complainant under section 91 (1).

(5) Despite section 96, the Tribunal may stay an inquiry into the complaint until the conclusion of proceedings for the alleged offence under section 49ZTA.

(5) Section 91 (**Reference of complaint to Tribunal at requirement of complainant**):

In section 91 (1), after “section 89B (4)”, insert “, 89C (4)”.

(6) Section 113 (**Order or other decision of the Tribunal**):

In section 113 (1) (b) (iiia) and (iiib), (2) and (3), after “racial vilification complaint” wherever occurring, insert “or a homosexual vilification complaint”.

