



New South Wales

Anti-Discrimination and Crimes Legislation Amendment (Disability) 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* and the *Crimes Act 1900* as follows—

- (a) to make it unlawful to vilify a person or group of persons on the grounds of disability,
- (b) to make it unlawful to offend, insult, humiliate or intimidate another person or a group of persons on the grounds of race, religion, disability, sexual orientation, gender identity or intersex or HIV/AIDS status,
- (c) to create an offence of threatening or inciting violence on the grounds of disability.

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[1] replaces the definition of *disability*. **Schedule 1[4]** makes a consequential amendment.

Schedule 1[2] and [3] provide that, for the *Anti-Discrimination Act 1977*, a reference to a person with a disability includes a reference to—

- (a) a person who has a genetic disposition to be a parent to a child who has a disability, and
- (b) a person who is a carer of a person who has a disability, and
- (c) a person who may have a disability in the future, whether or not there is anything to indicate the person may have a disability in the future.

Schedule 1[5] inserts proposed Part 4A, Division 3A to make it unlawful for a person, by conduct observable by the public, to incite hatred towards, serious contempt for or severe ridicule of a person or a group of persons on the grounds that they have or do not have a disability. **Schedule 1[7]** makes a consequential amendment.

Schedule 1[6] inserts proposed Part 5A to make it unlawful for a person, by conduct observable by the public, to offend, insult, humiliate or intimidate a person or a group of persons on the grounds of race, religion, disability, sexual orientation, gender identity or intersex or HIV/AIDS status.

Schedule 2 Amendment of Crimes Act 1900 No 40

Schedule 2[4] and [6] make it an offence to make public threats or incite violence against a person or a group of persons on the grounds the person has a disability, is a person who has a genetic disposition to be a parent to a child who has a disability or the person is a person who is a carer of a person who has a disability. **Schedule 2[1], [2] and [5]** make consequential amendments.

Schedule 2[3] makes a minor amendment.