

The Hon Michael Daley MP
Attorney General



Mr David Blunt
Clerk of the Parliaments
Clerk of the Legislative Council
NSW Parliament House
6 Macquarie Street
Sydney NSW 2000

By email: council@parliament.nsw.gov.au

Dear Mr Blunt, 

Petition: Enact One Nation's NSW Religious Anti-Discrimination Legislation

I am writing to respond to the petition lodged by the Hon Mark Latham MLC, Member of the Legislative Council on 23 May 2023, 'Enact One Nation's NSW Religious Anti-Discrimination Legislation as recommended by the Parliamentary Joint Select Committee'.

Discrimination in any circumstance is not acceptable in NSW. This is a community expectation that has been set in statute since 1977 when the Wran Government introduced the *Anti-Discrimination Act*. The Act was a ground-breaking reform that provided protections from discrimination for a range of communities, in what was a first for any Australian State or Territory.

The NSW Government recognises that more than 45 years since its enactment, elements of the *Anti-Discrimination Act* require updating to reflect community standards. It has been over two decades since the Act was last comprehensively reviewed by the Law Reform Commission.

The NSW Government understands that there is an element of urgency in bringing the *Anti-Discrimination Act* into the 21st century. Prior to the 2023 election, NSW Labor committed to referring the Act to the NSW Law Reform Commission for a comprehensive review. The NSW Government is working with the Law Reform Commission to commence this review of the Act. This will provide expert recommendations that can guide future reforms to improve the coverage and mechanisms of anti-discrimination protections in NSW.

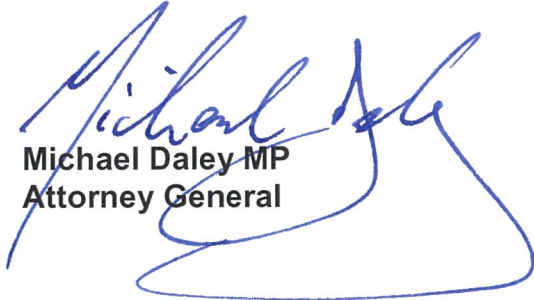
The NSW Government also recognises the *Anti-Discrimination Act's* present limitations when it comes to protecting religious communities. It has been long been NSW Labor policy to legislate explicit protections against religious vilification. In 2021, the then-shadow Attorney General Paul Lynch introduced a Bill to Parliament which sought to protect religious communities against vilification. Unfortunately, this was opposed by the former Coalition Government.

In 2023, NSW Labor made an election commitment to introduce legislation into NSW Parliament to protect against religious vilification within the first 100 days of office. The Attorney General is pleased to honour this commitment, having given notice of the *Anti-Discrimination Amendment (Religious Vilification) Bill 2023* on the 27 June 2023, commencing the parliamentary process of enshrining these protections in law.

This Bill will extend existing vilification protections in the *Anti-Discrimination Act* to religion, providing an important protection for people of faith. The civil prohibition in the Bill will complement the existing related criminal offence in the *Crimes Act 1900*, which applies to religion and prohibits publicly threatening or inciting violence towards a person or group on grounds including religious belief or affiliation.

The NSW Government appreciates the work undertaken by the Parliamentary Joint Select Committee in 2020-21. The Government wishes to assure petitioners that proactive action is being taken to enhance protections provided to religious communities in NSW. This is a priority matter for the Minns Government.

Sincerely,



Michael Daley MP
Attorney General