



**Mark Speakman**  
Attorney General  
Minister for Prevention of Domestic and Sexual Violence

Ms Helen Minnican  
Clerk of the Legislative Assembly  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Mr David Blunt  
Clerk of the Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Ms Minnican and Mr Blunt

**Joint Select Committee on  
the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020**

I write to provide the Government's response to the report of the Joint Select Committee entitled *Inquiry into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020* (1/57 – March 2021), for tabling in the Legislative Assembly and Legislative Council.

I thank the Committee members for their extensive and important work.

**Prohibition of religious discrimination**

The Government commits to support the Committee's central recommendation to amend the *Anti-Discrimination Act 1977* (NSW) (**ADA**) to prohibit discrimination on the ground of religious belief or activity, where that activity is lawful. This is also consistent with recommendation 16 of the *Expert Panel Report: Religious Freedoms Review*, which is that NSW amend the ADA to make it unlawful to discriminate on the basis of a person's religious belief or activity, including on the basis that a person does not hold any religious belief.

The Commonwealth Government released exposure drafts of the Religious Discrimination Bill 2019 (Cth) for public consultation on 29 August 2019 and 10 December 2019. Reform appeared to stall at the federal level until 16 June 2021, when the Commonwealth Attorney-General announced her intention to introduce a major rewrite of the Commonwealth Bill into the Federal Parliament by December 2021.

Given that announcement, the NSW Government will implement its commitment above, and finalise its detail, following the passage of the Religious Discrimination Bill 2019 (Cth) through the Federal Parliament. This will allow the Government to closely consider the Commonwealth legislation to ensure that its interaction with NSW legislation can be fully understood and that constitutional inconsistency is avoided.

**Anti-Discrimination NSW (ADNSW) and its complaint handling functions**

I note the Committee's recommendation that the complaint-handling functions of ADNSW should be undertaken by persons with legal qualifications. However, these functions are primarily administrative, and generally involve the informal conciliation of complaints between individuals. As such, legal qualifications are not uniformly required.

I further note the NSW Government recently committed to a number of reforms relating to the complaint handling process under the ADA in response to the recommendations of the Portfolio Committee No.5 – Legal Affairs Inquiry into the Anti-Discrimination Amendment (Complaint Handling) Bill 2020.

### **Review of the ADA**

The Government will continue to review the ADA in response to identified issues and, where necessary, introduce amendments that reflect modern community values.

Yours sincerely

A handwritten signature in black ink that reads "Mark Speakman". The signature is written in a cursive, slightly slanted style.

**Mark Speakman**

6 September 2021