

EXPOSURE DRAFT

2019

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT (29 August 2019)

Religious Discrimination (Consequential Amendments) Bill 2019

No. , 2019

(Attorney-General)

**A Bill for an Act to deal with consequential matters
arising from the enactment of the *Religious
Discrimination Act 2019*, and for related purposes**

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1 **A Bill for an Act to deal with consequential matters**
2 **arising from the enactment of the *Religious***
3 ***Discrimination Act 2019*, and for related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act is the *Religious Discrimination (Consequential*
7 *Amendments) Act 2019*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.

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1

Commencement information

Column 1

Column 2

Column 3

Provisions

Commencement

Date/Details

1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table

The day this Act receives the Royal Assent.

2. Schedule 1

At the same time as the *Religious Discrimination Act 2019* commences.

2

Note:

This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

3

4

5

(2) Any information in column 3 of the table is not part of this Act.

6

Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

7

8

3 Schedules

9

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

10

11

12

2

Religious Discrimination (Consequential Amendments) Bill 2019

No. , 2019

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Amendments consequential on the enactment of the Religious Discrimination Act 2019
Schedule 1

Schedule 1—Amendments consequential on the enactment of the Religious Discrimination Act 2019

Australian Human Rights Commission Act 1986

1 Subsection 3(1)

Insert:

Freedom of Religion Commissioner means the Freedom of
Religion Commissioner appointed under the *Religious
Discrimination Act 2019*.

2 Subsection 3(1) (after paragraph (b) of the definition of *unlawful discrimination*)

Insert:

(ba) Part 3 of the *Religious Discrimination Act 2019*; or

3 Subsection 3(1) (after paragraph (e) of the definition of *unlawful discrimination*)

Insert:

(ea) Part 5 of the *Religious Discrimination Act 2019*; or

4 At the end of subsection 8(1)

Add:

; and (h) the Freedom of Religion Commissioner.

5 Subsection 8(7)

Omit “or National Children’s Commissioner”, substitute “, National
Children’s Commissioner or Freedom of Religion Commissioner”.

6 Paragraph 11(1)(a)

After “the *Racial Discrimination Act 1975*”, insert “, the *Religious
Discrimination Act 2019*”.

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Schedule 1 Amendments consequential on the enactment of the Religious
Discrimination Act 2019

1 **7 Subsection 11(3)**

2 Omit “or the *Age Discrimination Act 2004*”, substitute “the *Age*
3 *Discrimination Act 2004* or the *Religious Discrimination Act 2019*”.

4 **8 Subsection 14(8)**

5 Omit “or the *Age Discrimination Act 2004*”, substitute “the *Age*
6 *Discrimination Act 2004* or the *Religious Discrimination Act 2019*”.

7 **9 Subsection 16(2A)**

8 Omit “and the *Age Discrimination Act 2004*”, substitute “, the *Age*
9 *Discrimination Act 2004* and the *Religious Discrimination Act 2019*”.

10 **10 Subsection 19(6)**

11 Omit “or the *Age Discrimination Act 2004*”, substitute “the *Age*
12 *Discrimination Act 2004* or the *Religious Discrimination Act 2019*”.

13 **11 Subsection 46PF(3) (note)**

14 After “sections 18A and 18E of the *Racial Discrimination Act 1975*”,
15 insert “, sections 62 and 63 of the *Religious Discrimination Act 2019*”.

16 **12 At the end of subsection 46PV(3)**

17 Add:
18 ; and (h) the Freedom of Religion Commissioner.

19 **13 Subsection 46PW(7) (after paragraph (b) of the definition**
20 **of *discriminatory act under an industrial instrument*)**

21 Insert:
22 (ba) Part 3 of the *Religious Discrimination Act 2019*; or

23 ***Civil Aviation Act 1988***

24 **14 After subsection 98(6B)**

25 Insert:
26 (6BA) The regulations may contain provisions that are inconsistent with
27 the *Religious Discrimination Act 2019* if the inconsistency is
28 necessary for the safety of air navigation.

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Amendments consequential on the enactment of the Religious Discrimination Act 2019
Schedule 1

1 **15 Subsection 98(6C)**

2 Omit “subsection (6A) or (6B)”, substitute “subsection (6A), (6B) or
3 (6BA)”.

4 ***Fair Work Act 2009***

5 **16 Section 12**

6 Insert:

7 *Freedom of Religion Commissioner* means the Freedom of
8 Religion Commissioner appointed under the *Religious*
9 *Discrimination Act 2019*.

10 **17 After paragraph 161(2)(b)**

11 Insert:

12 (ba) if the referral relates to action that would be unlawful under
13 Part 3 of the *Religious Discrimination Act 2019*—the
14 Freedom of Religion Commissioner;

15 **18 After paragraph 218(2)(b)**

16 Insert:

17 (ba) if the referral relates to action that would be unlawful under
18 Part 3 of the *Religious Discrimination Act 2019*—the
19 Freedom of Religion Commissioner;

20 **19 After paragraph 351(3)(ac)**

21 Insert:

22 (aca) the *Religious Discrimination Act 2019*;

23 ***Inspector-General of Intelligence and Security Act 1986***

24 **20 Subparagraph 8(1)(a)(v)**

25 After “the *Racial Discrimination Act 1975*”, insert “, the *Religious*
26 *Discrimination Act 2019*”.

EXPOSURE DRAFT

Schedule 1 Amendments consequential on the enactment of the Religious
Discrimination Act 2019

1 **21 Subparagraph 8(2)(a)(iv)**

2 After “the *Racial Discrimination Act 1975*”, insert “, the *Religious*
3 *Discrimination Act 2019*”.

4 **22 Subparagraph 8(3)(b)(i)**

5 After “the *Racial Discrimination Act 1975*”, insert “, the *Religious*
6 *Discrimination Act 2019*”.

7 ***Sea Installations Act 1987***

8 **23 Schedule**

9 Insert:

10 *Religious Discrimination Act 2019*