

Serial 28  
Anti-Discrimination Amendment Bill 2025  
Ms Boothby

A Bill for an Act to amend the *Anti-Discrimination Act 1992*



NORTHERN TERRITORY OF AUSTRALIA

ANTI-DISCRIMINATION AMENDMENT ACT 2025

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Act No. [ ] of 2025

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**Table of provisions**

**Part 1 Preliminary matters**

1	Short title .....	1
2	Commencement .....	1
3	Act amended .....	1

**Part 2 Amendments commencing on day after assent**

4	Section 20A amended (Offensive behaviour because of attribute) .....	2
5	Section 35B inserted .....	2
	35B Exemption – work in religious educational institutions	
6	Part 11 inserted .....	3
	Part 11 Transitional matters for Anti-Discrimination Amendment Act 2025	
	Division 1 Preliminary matters	
	125 Definition	
	Division 2 Amendments commencing on day after assent	
	126 Application of amendments to section 20A	
	127 Application of section 35B	

**Part 3 Amendments commencing by Gazette notice**

7	Section 4 amended (Interpretation) .....	4
8	Section 81 amended (Conclusion of conciliation) .....	4
9	Part 6, Division 4 repealed (Evaluations).....	5
10	Sections 86, 87 and 87A replaced .....	6
	86 Application	
	87 Referral of complaint to Tribunal for hearing	
	87A Commissioner to provide statement of reasons and other materials to Tribunal and parties	
11	Section 87B amended (Parties to a complaint).....	7
12	Part 11, Division 3 inserted.....	7

---

	Division 3	Amendments commencing by Gazette notice	
	128	Pending complaints made before commencement	
13		Act further amended .....	8
<b>Part 4</b>		<b>Repeal</b>	
14		Repeal of Act .....	8
<b>Schedule</b>		<b>Act further amended</b>	



# NORTHERN TERRITORY OF AUSTRALIA

Act No. [ ] of 2025

5

An Act to amend the *Anti-Discrimination Act 1992*

[Assented to [ ] 2025]  
[Introduced [ ] 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

## 10 Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Anti-Discrimination Amendment Act 2025*.

### 2 Commencement

- 15 (1) This Act (except Part 3) commences on the day after the day on which the Administrator's assent to this Act is declared.
- (2) Subject to subsection (3), Part 3 commences on the day fixed by the Administrator by *Gazette* notice.
- 20 (3) If a provision of Part 3 does not commence before 27 July 2026, it commences on that day.

### 3 Act amended

This Act amends the *Anti-Discrimination Act 1992*.

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## Part 2 Amendments commencing on day after assent

### 4 Section 20A amended (Offensive behaviour because of attribute)

(1) Section 20A, heading

5 *omit*

#### **Offensive behaviour**

*insert*

#### **Inciting hatred, serious contempt or severe ridicule**

(2) Section 20A(1)(a)

10 *omit*

offend, insult, humiliate or intimidate

*insert*

incite hatred towards, serious contempt for or severe ridicule of,

### 5 Section 35B inserted

15 After section 35A

*insert*

#### **35B Exemption – work in religious educational institutions**

20 (1) An educational authority that operates or proposes to operate an educational institution in accordance with the doctrine of a particular religion may discriminate against a person in the area of work in the educational institution if the discrimination:

(a) is on the ground of religious belief or activity; and

(b) is in good faith to avoid offending the religious sensitivities of a reasonable person of the particular religion.

25 (2) For subsection (1), the educational authority may:

(a) give preference to employing persons of the same religion as the religion in accordance with which the educational institution operates or proposes to operate; and

(b) establish requirements in relation to the manner in which a person employed by the educational authority conducts themselves while at the workplace of the educational institution.

5 (3) Subsections (1) and (2) do not apply in respect of an educational institution unless the educational authority:

(a) produces a written policy for the educational institution that sets out the elements of the doctrine of the religion in accordance with which the educational institution operates:

10 (i) that may be taken in account in giving preference to the employment of people of that religion in accordance with subsection (2)(a); and

15 (ii) in establishing any requirements under subsection (2)(b) as to the conduct at the workplace of persons employed by the educational institution; and

(b) makes the written policy available to employees and prospective employees.

(4) In this section:

20 **doctrine**, of a religion, includes the tenets, beliefs and teachings of the religion.

## 6 Part 11 inserted

After section 124

*insert*

## 25 Part 11 Transitional matters for Anti-Discrimination Amendment Act 2025

### Division 1 Preliminary matters

#### 125 Definition

In this Part:

30 **amending Act** means the *Anti-Discrimination Amendment Act 2025*.

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**Division 2 Amendments commencing on day after assent****126 Application of amendments to section 20A**

(1) Despite the amendment of section 20A by the amending Act:

5 (a) that section, as in force immediately before the commencement, continues to apply in relation to a complaint made after the commencement about an act done before the commencement; and

(b) the 12-month limitation period in section 65(1) continues to apply in relation to a complaint referred to in paragraph (a).

10 (2) The Commissioner's power in section 65(2) does not apply to a complaint referred to in subsection (1).

(3) In this section:

**commencement** means the commencement of section 4 of the amending Act.

**15 127 Application of section 35B**

Section 35B does not apply in respect of any person who works for an educational institution at the time section 5 of the amending Act commences.

**Part 3 Amendments commencing by Gazette notice****20 7 Section 4 amended (Interpretation)**

(1) Section 4(1), definitions ***evaluate*** and ***proceeding***

*omit*

(2) Section 4(1)

*insert*

25 ***proceeding*** includes a conciliation or an investigation.

**8 Section 81 amended (Conclusion of conciliation)**

(1) Section 81(1) and (2)

*omit*

shall

---

*insert*

must

(2) Section 81(3)

*omit, insert*

5 (2A) If the complaint mentioned in subsection (2) is an individual complaint, the Commissioner must also notify the complainant and the respondent that:

(a) the complainant can request that the complaint be referred to the Tribunal under subsection (3); and

10 (b) the request is required to be made by the complainant within the time allowed by subsection (4).

(3) If an individual complaint is not resolved by conciliation, the complainant may request the Commissioner to refer the complaint to the Tribunal for hearing.

15 (3) Section 81(4)

*omit*

subsection (2).

*insert*

subsections (2) and (2A).

20 (4) Section 81(6)

*omit*

evaluated,

*insert*

25 referred to the Tribunal within the time allowed by subsection (4) or as extended under subsection (5),

## **9 Part 6, Division 4 repealed (Evaluations)**

Part 6, Division 4

*repeal*

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**10 Sections 86, 87 and 87A replaced**

Sections 86, 87 and 87A

*repeal, insert*

**86 Application**

5 This Division:

- (a) applies to an individual complaint; and
- (b) does not apply to a representative complaint.

**87 Referral of complaint to Tribunal for hearing**

10 (1) The Commissioner must refer a complaint that has been accepted under section 66 to the Tribunal for hearing if the complainant requests the complaint be referred under section 81(3).

(2) As soon as reasonably practicable after referring a complaint under subsection (1), the Commissioner must notify the complainant and the respondent that the complaint has been referred to the Tribunal.

**15 87A Commissioner to provide statement of reasons and other materials to Tribunal and parties**

20 (1) If the Commissioner refers a complaint to the Tribunal under section 87(1), the Commissioner must provide the following materials to the Tribunal and the parties within 60 days after referring the complaint:

- (a) a written statement of the Commissioner's reasons for accepting the complaint under section 66;
- (b) any information in relation to the complaint that the Commissioner obtained from the complainant or respondent in the course of assessing the complaint;
- (c) any order made by the Commissioner under section 100(1) or 101(1) in relation to the complaint.

25  
30 (2) In addition to the materials mentioned in subsection (1), the Commissioner may provide to the Tribunal and parties any other information or evidentiary material that the Commissioner considers may assist the Tribunal in hearing and determining the complaint under section 88.

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- (3) To avoid doubt, this section does not prevent the Tribunal from obtaining any other information or evidentiary material in relation to the complaint.

#### **11 Section 87B amended (Parties to a complaint)**

- 5 (1) Section 87B, after the heading

*insert*

- (1) If the Commissioner refers a complaint to the Tribunal under section 87(1), the Commissioner must determine the parties to the complaint.

- 10 (2) Section 87B, before "Despite"

*insert*

- (2)

- (3) Section 87B

*omit*

- 15 section 86(3)

*insert*

subsection (1)

#### **12 Part 11, Division 3 inserted**

After section 127

- 20 *insert*

### **Division 3 Amendments commencing by Gazette notice**

#### **128 Pending complaints made before commencement**

- (1) This section applies in relation to an individual complaint (a ***pending complaint***) that:

- 25 (a) was made under Part 6 before the commencement; and
- (b) immediately before the commencement, was the subject of proceedings under this Act which had not yet been finally determined.

(2) The proceedings in respect of the pending complaint must be determined in accordance with Part 6, as in force immediately before the commencement, as if Part 3 of the amending Act had not commenced.

5 (3) In this section:

**commencement** means the commencement of Part 3 of the amending Act.

### **13 Act further amended**

The Schedule has effect.

## 10 **Part 4 Repeal**

### **14 Repeal of Act**

This Act is repealed on the day after it commences.

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**Schedule Act further amended**

section 13

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Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 13(1)(a)	and evaluate	
section 66F(1)	(1)	
section 66F(2)	whole subsection	
section 71(3)	evaluating the complaint under Division 4 or	
section 102, heading	<b>or evaluation</b>	
section 102	or an evaluation	
section 109(2)(c)	whole paragraph	

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