Authorised Version No. 011

Racial and Religious Tolerance Act 2001

No. 47 of 2001

Authorised Version incorporating amendments as at
1 August 2011

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Preamble

1 The Parliament recognises that freedom of expression is an essential component of a democratic society and that this freedom should be limited only to the extent that can be justified by an open and democratic society. The right of all citizens to participate equally in society is also an important value of a democratic society.

2 The people of Victoria come from diverse ethnic and Indigenous backgrounds and observe many different religious beliefs and practices. The majority of Victorians embrace the benefits provided by this cultural diversity and are proud that people of these diverse ethnic, Indigenous and religious backgrounds live together harmoniously in Victoria.

3 However, some Victorians are vilified on the ground of their race or their religious belief or activity. Vilifying conduct is contrary to democratic values because of its effect on people of diverse ethnic, Indigenous and religious backgrounds. It diminishes their dignity, sense of self-worth and belonging to the community. It also reduces their ability to contribute to, or fully participate in, all social, political, economic and cultural aspects of society as equals, thus reducing the benefit that diversity brings to the community.

4 It is therefore desirable that the Parliament enact law for the people of Victoria that supports racial and religious tolerance.

The Parliament of Victoria therefore enacts as follows:

PART 1—PRELIMINARY

1 Purposes

The purposes of this Act are—

(a) to promote racial and religious tolerance by prohibiting certain conduct involving the vilification of persons on the ground of race or religious belief or activity;

S. 1(b) amended by No. 16/2010 s. 197(a).

(b) to provide a means of redress for the victims of racial or religious vilification.

S. 1(c) repealed by No. 16/2010 s. 197(b).

* * * * *

2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

(2) If a provision referred to in subsection (1) does not come into operation before 1 January 2002, it comes into operation on that day.

3 Definitions

In this Act—

child means a person under the age of 18 years;

S. 3 def. of *Commission* amended by No. 43/2006 s. 47(Sch. item 6.1).

Commission means the Victorian Equal Opportunity and Human Rights Commission;

* * * * *

S. 3 def. of *Commis-sioner* inserted by No. 14/2009 s. 17(1), repealed by No. 16/2010 s. 198(c) (as amended by No. 26/2011 s. 34(Sch. item 9.1)).

* * * * *

S. 3 def. of *complaint* repealed by No. 16/2010 s. 198(c) (as amended by No. 26/2011 s. 34(Sch. item 9.1)).

detriment includes humiliation and denigration;

disability has the same meaning as in the **Equal Opportunity Act 2010**;

S. 3 def. of *disability* inserted by No. 16/2010 s. 198(a) (as amended by No. 26/2011 s. 34(Sch. item 9.1)).

dispute means a dispute about an alleged contravention of Part 2;

S. 3 def. of *dispute* inserted by No. 16/2010 s. 198(a) (as amended by No. 26/2011 s. 34(Sch. item 9.1)).

dispute resolution means dispute resolution conducted by the Commission under Division 1 of Part 8 of the **Equal Opportunity Act 2010**;

S. 3 def. of *dispute resolution* inserted by No. 16/2010 s. 198(a) (as amended by No. 26/2011 s. 34(Sch. item 9.1)).

S. 3 def. of *employee* amended by No. 16/2010 s. 198(b) (as amended by No. 26/2011 s. 34(Sch. item 9.1)).

employee has the same meaning as in the **Equal Opportunity Act 2010**;

S. 3 def. of *employer* amended by No. 16/2010 s. 198(b) (as amended by No. 26/2011 s. 34(Sch. item 9.1)).

employer has the same meaning as in the **Equal Opportunity Act 2010**;

S. 3 def. of *impairment* repealed by No. 16/2010 s. 198(c) (as amended by No. 26/2011 s. 34(Sch. item 9.1)).

* * * * *

parent includes—

(a) step-parent;

(b) adoptive parent;

(c) foster parent;

(d) guardian;

person—

(a) in relation to a natural person, means a person of any age; and

(b) except in Part 4, includes an unincorporated association;

race includes—

(a) colour;

(b) descent or ancestry;

(c) nationality or national origin;

(d) ethnicity or ethnic origin;

(e) if 2 or more distinct races are collectively referred to as a race—

(i) each of those distinct races;

(ii) that collective race;

religious belief or activity means—

(a) holding or not holding a lawful religious belief or view;

(b) engaging in, not engaging in or refusing to engage in a lawful religious activity;

Tribunal means Victorian Civil and Administrative Tribunal established by the **Victorian Civil and Administrative Tribunal Act 1998**.

4 Objects of Act

(1) The objects of this Act are—

(a) to promote the full and equal participation of every person in a society that values freedom of expression and is an open and multicultural democracy;

(b) to maintain the right of all Victorians to engage in robust discussion of any matter of public interest or to engage in, or comment on, any form of artistic expression, discussion of religious issues or academic debate where such discussion, expression, debate or comment does not vilify or marginalise any person or class of persons;

(c) to promote dispute resolution and resolve tensions between persons who (as a result of their ignorance of the attributes of others and the effect that their conduct may have on others) vilify others on the ground of race or

S. 4(1)(c) amended by No. 16/2010 s. 199.

religious belief or activity and those who are vilified.

(2) It is the intention of the Parliament that the provisions of this Act are interpreted so as to further the objects set out in subsection (1).

5 Contravention does not create civil or criminal liability

A contravention of this Act does not create any civil or criminal liability except to the extent expressly provided by this Act.

6 Act binds the Crown

This Act binds the Crown in right of Victoria and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

PART 2—UNLAWFUL CONDUCT

Division 1—Unlawful vilification

7 Racial vilification unlawful

(1) A person must not, on the ground of the race of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.

(2) For the purposes of subsection (1), conduct—

(a) may be constituted by a single occasion or by a number of occasions over a period of time; and

(b) may occur in or outside Victoria.

Note

Engage in conduct includes use of the internet or e-mail to publish or transmit statements or other material.

8 Religious vilification unlawful

(1) A person must not, on the ground of the religious belief or activity of another person or class of persons, engage in conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.

Note

Engage in conduct includes use of the internet or e-mail to publish or transmit statements or other material.

(2) For the purposes of subsection (1), conduct—

(a) may be constituted by a single occasion or by a number of occasions over a period of time; and

(b) may occur in or outside Victoria.

9 Motive and dominant ground irrelevant

(1) In determining whether a person has contravened section 7 or 8, the person's motive in engaging in any conduct is irrelevant.

(2) In determining whether a person has contravened section 7 or 8, it is irrelevant whether or not the race or religious belief or activity of another person or class of persons is the only or dominant ground for the conduct, so long as it is a substantial ground.

10 Incorrect assumption as to race or religious belief or activity

In determining whether a person has contravened section 7 or 8, it is irrelevant whether or not the person made an assumption about the race or religious belief or activity of another person or class of persons that was incorrect at the time that the contravention is alleged to have taken place.

S. 11 amended by No. 25/2006 s. 9 (ILA s. 39B(1)).

11 Exceptions—public conduct

(1) A person does not contravene section 7 or 8 if the person establishes that the person's conduct was engaged in reasonably and in good faith—

(a) in the performance, exhibition or distribution of an artistic work; or

(b) in the course of any statement, publication, discussion or debate made or held, or any other conduct engaged in, for—

(i) any genuine academic, artistic, religious or scientific purpose; or

(ii) any purpose that is in the public interest; or

(c) in making or publishing a fair and accurate report of any event or matter of public interest.

(2) For the purpose of subsection (1)(b)(i), a religious purpose includes, but is not limited to, conveying or teaching a religion or proselytising.

S. 11(2) inserted by No. 25/2006 s. 9.

12 Exceptions—private conduct

(1) A person does not contravene section 7 or 8 if the person establishes that the person engaged in the conduct in circumstances that may reasonably be taken to indicate that the parties to the conduct desire it to be heard or seen only by themselves.

(2) Subsection (1) does not apply in relation to conduct in any circumstances in which the parties to the conduct ought reasonably to expect that it may be heard or seen by someone else.

Division 2—Other unlawful conduct

13 Prohibition of victimisation

A person must not victimise another person.

14 What is victimisation?

(1) A person victimises another person if the person subjects or threatens to subject the other person to any detriment because the other person, or a person associated (whether as a relative or otherwise) with the other person—

(a) has brought a dispute against any person to the Commission for dispute resolution;

S. 14(1)(a) substituted by No. 16/2010 s. 200(1)(a) (as amended by No. 26/2011 s. 34(Sch. item 9.2)).

(ab) has made a complaint against any person;

S. 14(1)(ab) inserted by No. 16/2010 s. 200(1)(a) (as amended by No. 26/2011 s. 34(Sch. item 9.2)).

(b) has brought any other proceedings under this Act against any person;

(c) has given evidence or information, or produced a document, in connection with any proceedings under this Act;

S. 14(1)(d) substituted by No. 16/2010 s. 200(1)(b).

(d) has attended a compulsory conference or mediation at the Tribunal in any proceedings under this Act;

(e) has otherwise done anything in accordance with this Act in relation to any person;

(f) has alleged that any person has contravened a provision of this Act, unless the allegation is false and was not made in good faith;

(g) has refused to do anything that would contravene a provision of this Act—

or because the person believes that the other person or the associate has done or intends to do any of those things.

(2) It is sufficient for subsection (1)(f) that the allegation states the conduct that would constitute the contravention, without actually stating that this Act, or a provision of this Act, has been contravened.

(3) In determining whether a person victimises another person it is irrelevant—

(a) whether or not a factor in subsection (1) is the only or dominant ground for the treatment or threatened treatment, so long as it is a substantial ground;

(b) whether the person acts alone or in association with any other person.

S. 14(4) inserted by No. 16/2010 s. 200(2).

(4) In this section, ***complaint*** means a complaint lodged under section 20, as in force before its repeal.

15 Prohibition of authorising or assisting vilification or victimisation

A person must not request, instruct, induce, encourage, authorise or assist another person to contravene a provision of this Part.

16 Liability of person who authorises or assists

S. 16 substituted by No. 16/2010 s. 201 (as amended by No. 26/2011 s. 34(Sch. item 9.3)).

If, as a result of a person doing any of the things specified in section 15, the other person contravenes a provision of this Part, a person may—

(a) bring a dispute to the Commission for dispute resolution; or

(b) make an application to the Tribunal—

against either the person who authorises or assists or the person who contravenes a provision of this Part or both of those persons.

17 Vicarious liability of employers and principals

S. 17 substituted by No. 16/2010 s. 202 (as amended by No. 26/2011 s. 34(Sch. item 9.4)).

If a person in the course of employment or while acting as an agent—

(a) contravenes a provision of this Part; or

(b) engages in any conduct that would, if engaged in by the person's employer or principal, contravene a provision of this Part—

both the person and the employer or principal must be taken to have contravened the provision and a person may bring a dispute to the Commission for dispute resolution or make an application to the Tribunal against either or both of them.

18 Exception to vicarious liability

An employer or principal is not vicariously liable for a contravention of a provision of this Part by an employee or agent if the employer or principal proves, on the balance of probabilities, that the employer or principal took reasonable precautions to prevent the employee or agent contravening this Part.

PART 3—DISPUTES

Pt 3 (Heading and ss 19–23) amended by Nos 25/2006 ss 10, 11, 14/2009 s. 17(2)(3), 16/2010 s. 213, substituted as Pt 3 (Heading and ss 19–23D) by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

Division 1—Dispute resolution by the Commission

S. 19 substituted by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

19 Who may bring a dispute?

(1) The following persons may bring a dispute to the Commission for dispute resolution—

(a) a person who claims that another person has contravened a provision of Part 2 in relation to that person;

(b) if that person is unable to bring a dispute because of disability—

(i) a person authorised by that person to act on his or her behalf; or

(ii) if that person is unable to authorise another person, any other person on his or her behalf;

(c) if that person is a child—

(i) the child; or

(ii) a parent of the child on the child's behalf; or

(iii) if the Commission is satisfied that the child or a parent of the child consents, any other person on the child's behalf.

(2) A person may bring a dispute on behalf of the person and another person or persons if the Commission is satisfied that—

(a) each person—

(i) is entitled to bring a dispute under subsection (1)(a); and

(ii) has consented to the dispute being brought on the person's behalf; and

(b) the alleged contravention arises out of the same conduct.

(3) An authorisation under subsection (1)(b)(i) may be given—

(a) in writing; or

(b) in any other manner approved by the Commission.

(4) Two or more people may jointly bring a dispute to the Commission for dispute resolution.

(5) It is not necessary for the alleged contravention to relate exclusively to the person bringing the dispute.

S. 20 substituted by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

20 Representative body may bring a dispute to the Commission

(1) A representative body may bring to the Commission for dispute resolution a dispute on behalf of a named person or persons if the Commission is satisfied that—

(a) each person—

(i) is entitled to bring a dispute under section 19(1)(a); and

(ii) has consented to the dispute being brought by the body on the person's behalf; and

(b) the representative body has a sufficient interest in the dispute; and

(c) if the dispute is brought on behalf of more than one person, the alleged contravention arises out of the same conduct.

(2) A representative body has sufficient interest in a dispute if the conduct that constitutes the alleged contravention is a matter of genuine concern to the body because of the way conduct of that nature adversely affects or has the potential to adversely affect the interests of the body or the interests or welfare of the persons it represents.

21 Proceedings against unincorporated associations

S. 21 substituted by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

(1) A dispute or other proceeding under this Act against an unincorporated association may be instituted and carried on against the association in the name of its president, secretary or other similar officer.

(2) The death, resignation or removal of the person against whom the proceeding was instituted does not affect the continuity of the proceeding and it may be continued against the association in the name of that person's replacement.

22 Application of Equal Opportunity Act 2010 to a dispute

S. 22 substituted by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

(1) Division 1 of Part 8 of the **Equal Opportunity Act 2010** applies to a dispute brought to the Commission for dispute resolution under this Act as if it were a dispute brought under that Act.

(2) To avoid doubt, Division 3 of Part 11, Divisions 1 and 3 of Part 12 and section 189 of the **Equal Opportunity Act 2010** apply to disputes brought to the Commission for dispute resolution under this Act.

Division 2—Applications to the Tribunal

S. 23 substituted by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

23 Application may be made to Tribunal in respect of dispute

A person may make an application to the Tribunal in respect of an alleged contravention of Part 2, whether or not the person has brought a dispute to the Commission for dispute resolution.

S. 23A substituted by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

23A Who can apply?

(1) The following persons may make an application to the Tribunal under section 23—

(a) a person who claims that another person has contravened a provision of Part 2 in relation to that person;

(b) if that person is unable to make an application because of disability—

(i) a person authorised by that person to act on his or her behalf; or

(ii) if that person is unable to authorise another person, any other person on his or her behalf;

(c) if that person is a child—

(i) the child; or

(ii) a parent of the child on the child's behalf; or

(iii) if the Tribunal is satisfied that the child or a parent of the child consents, any other person on the child's behalf.

(2) A person may make an application on behalf of the person and another person or persons if the Tribunal is satisfied that—

(a) each person—

(i) is entitled to make an application under subsection (1)(a); and

(ii) has consented to the application being made on the person's behalf; and

(b) the alleged contravention arises out of the same conduct.

(3) An authorisation under subsection (1)(b)(i) may be given—

(a) in writing; or

(b) in any other manner approved by the Tribunal.

(4) It is not necessary for the alleged contravention to relate exclusively to the person making the application.

23B Representative body may apply to Tribunal

S. 23B inserted by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

(1) A representative body may make an application to the Tribunal on behalf of a named person or persons if the Tribunal is satisfied that—

(a) each person—

(i) is entitled to make an application under section 23A(1)(a); and

(ii) has consented to the application being made by the body on the person's behalf; and

(b) the representative body has a sufficient interest in the application; and

(c) if the application is made on behalf of more than one person, the alleged contravention arises out of the same conduct.

(2) A representative body has sufficient interest in an application if the conduct that constitutes the alleged contravention is a matter of genuine concern to the body because of the way conduct of that nature adversely affects or has the potential to adversely affect the interests of the body or the interests or welfare of the persons it represents.

S. 23C inserted by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

23C What may the Tribunal decide?

After hearing the evidence and representations that the parties to an application desire to adduce or make, the Tribunal may—

(a) find that a person has contravened a provision of Part 2 and make any one or more of the following orders—

(i) an order that the person refrain from committing any further contravention of this Act;

(ii) an order that the person pay to the applicant, within a specified period, an amount the Tribunal thinks fit to compensate the applicant for loss, damage or injury suffered in consequence of the contravention;

(iii) an order that the person do anything specified in the order with a view to redressing any loss, damage or injury suffered by the applicant as a result of the contravention; or

(b) find that a person has contravened a provision of Part 2 but decline to take any further action; or

(c) find that a person has not contravened a provision of Part 2 and make an order that the application or part of the application be dismissed.

23D Commission may apply to enforce order of Tribunal

S. 23D inserted by No. 16/2010 s. 203 (as amended by No. 26/2011 s. 34(Sch. item 9.5)).

(1) This section applies if—

(a) the Tribunal has made an order referred to in section 23C(a); and

(b) a person has failed to comply with the order.

(2) If the applicant consents, the Commission may enforce the order on behalf of the applicant in accordance with section 121(1) or 122(1) of the **Victorian Civil and Administrative Tribunal Act 1998**.

Note

If the Commission enforces the order in accordance with section 121(1) or 122(1) of the **Victorian Civil and Administrative Tribunal Act 1998**, the applicant may subsequently enforce that order as an order of the court. See sections 121(3) and 122(3) of the **Victorian Civil and Administrative Tribunal Act 1998**.

PART 4—SERIOUS VILIFICATION OFFENCES

24 Offence of serious racial vilification

(1) A person (the offender) must not, on the ground of the race of another person or class of persons, intentionally engage in conduct that the offender knows is likely—

(a) to incite hatred against that other person or class of persons; and

(b) to threaten, or incite others to threaten, physical harm towards that other person or class of persons or the property of that other person or class of persons.

Note

Engage in conduct includes use of the internet or e-mail to publish or transmit statements or other material.

Penalty: In the case of a body corporate, 300 penalty units;

In any other case, imprisonment for 6 months or 60 penalty units or both.

(2) A person (the offender) must not, on the ground of the race of another person or class of persons, intentionally engage in conduct that the offender knows is likely to incite serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.

Note

Engage in conduct includes use of the internet or e-mail to publish or transmit statements or other material.

Penalty: In the case of a body corporate, 300 penalty units;

In any other case, imprisonment for 6 months or 60 penalty units or both.

(3) For the purposes of subsections (1) and (2), conduct—

(a) may be constituted by a single occasion or by a number of occasions over a period of time; and

(b) may occur in or outside Victoria.

(4) A prosecution for an offence against subsection (1) or (2) must not be commenced without the written consent of the Director of Public Prosecutions.

25 Offence of serious religious vilification

(1) A person (the offender) must not, on the ground of the religious belief or activity of another person or class of persons, intentionally engage in conduct that the offender knows is likely—

(a) to incite hatred against that other person or class of persons; and

(b) to threaten, or incite others to threaten, physical harm towards that other person or class of persons or the property of that other person or class of persons.

Note

Engage in conduct includes use of the internet or e-mail to publish or transmit statements or other material.

Penalty: In the case of a body corporate, 300 penalty units;

In any other case, imprisonment for 6 months or 60 penalty units or both.

(2) A person must not, on the ground of the religious belief or activity of another person or class of persons, knowingly engage in conduct with the intention of inciting serious contempt for, or revulsion or severe ridicule of, that other person or class of persons.

Note

Engage in conduct includes use of the internet or e-mail to publish or transmit statements or other material.

Penalty: In the case of a body corporate, 300 penalty units;

In any other case, imprisonment for 6 months or 60 penalty units or both.

(3) For the purposes of subsections (1) and (2), conduct—

(a) may be constituted by a single occasion or by a number of occasions over a period of time; and

(b) may occur in or outside Victoria.

(4) A prosecution for an offence against subsection (1) or (2) must not be commenced without the written consent of the Director of Public Prosecutions.

26 Incorrect assumption as to race or religious belief or activity

In determining whether a person has committed an offence against section 24 or 25, it is irrelevant whether or not the person made an assumption about the race or religious belief or activity of another person or class of persons that was incorrect at the time that the offence is alleged to have been committed.

27 Liability of body corporate

(1) If a body corporate is guilty of an offence against this Part, each officer of the body corporate who knowingly directed, authorised or permitted the commission of the offence by the body corporate, is also guilty of an offence against this Part.

(2) Nothing in subsection (1) affects any liability imposed on a body corporate for an offence committed by it against this Part.

(3) If, in a proceeding for an offence against this Part, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show that—

(a) the conduct was engaged in by an employee, agent or officer of the body corporate within the scope of his or her actual authority; and

(b) the employee, agent or officer had that state of mind.

(4) If an employee, agent or officer of a body corporate engages in conduct on behalf of the body corporate within the scope of his or her actual authority, the body corporate must be taken, for the purposes of a prosecution for an offence against this Part, also to have engaged in the conduct unless the body corporate establishes that it took reasonable precautions to avoid the conduct.

(5) In this section ***officer***, in relation to a body corporate, means—

(a) a director, secretary or executive officer of the body corporate; or

(b) any person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act; or

(c) a person substantially concerned in the management of the body corporate.

28 Issue of search warrant by magistrate

Section 465 of the **Crimes Act 1958** applies to and in respect of an offence against section 24 or 25 of this Act as if it were an indictable offence.

PART 5—TRANSITIONAL PROVISIONS

Pt 5 (Heading and ss 29–31) amended by Nos 25/2006 s. 12, 43/2006 s. 47(Sch. item 6.2), substituted by No. 16/2010 s. 204 (as amended by No. 26/2011 s. 34(Sch. item 9.6)).

29 Definitions

S. 29 substituted by No. 16/2010 s. 204 (as amended by No. 26/2011 s. 34(Sch. item 9.6)).

In this Part—

commencement day means the day that Division 1 of Part 14 of the **Equal Opportunity Act 2010** comes into operation;

complainant means a person who lodges a complaint or on whose behalf a complaint is lodged;

complaint means a complaint lodged under section 20, as in force before the commencement day;

old EO Act means the **Equal Opportunity Act 1995**, as in force immediately before the commencement day.

30 Complaints lodged before commencement day

S. 30 substituted by No. 16/2010 s. 204 (as amended by No. 26/2011 s. 34(Sch. item 9.6)).

(1) This section applies to a complaint that was lodged with the Commissioner, but not finally dealt with before the commencement day.

(2) Part 3 of this Act as in force immediately before the commencement day and the old EO Act continue to apply to the complaint if the respondent was notified of the complaint under section 107 of the old EO Act before the commencement day, unless the parties to the

complaint consent in writing to the complaint being dealt with as a dispute.

(3) If the parties to a complaint consent to the complaint being dealt with as a dispute—

(a) the complaint is taken to be a dispute; and

(b) the complainant is taken to have brought a dispute to the Commission for dispute resolution under Part 3; and

(c) anything done under Part 3 of this Act as in force immediately before the commencement day or the old EO Act in relation to the complaint is taken, to the extent it could have been done under Part 3, to have been done under Part 3.

(4) If the respondent had not been notified of the complaint under section 107 of the old EO Act before the commencement day—

(a) the complaint is taken to be a dispute; and

(b) the complainant is taken to have brought a dispute to the Commission under Part 3 for dispute resolution.

S. 31 substituted by No. 16/2010 s. 204 (as amended by No. 26/2011 s. 34(Sch. item 9.6)).

31 Court or Tribunal may make orders of a transitional nature

(1) If any difficulty arises in a proceeding because of the operation of this Part, the court or the Tribunal may make any order it considers appropriate to resolve the difficulty.

(2) The court or the Tribunal may make such an order on the application of any party to the proceeding or on its own initiative.

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 17 May 2001

Legislative Council: 7 June 2001

The long title for the Bill for this Act was "A Bill to promote racial and religious tolerance by prohibiting the vilification of persons on the ground of race or religious belief or activity, to amend the **Equal Opportunity Act 1995** and for other purposes."

The **Racial and Religious Tolerance Act 2001** was assented to on 27 June 2001 and came into operation on 1 January 2002: section 2(2).

2. Table of Amendments

This Version incorporates amendments made to the **Racial and Religious Tolerance Act 2001** by Acts and subordinate instruments.

Equal Opportunity and Tolerance Legislation (Amendment) Act 2006, No. 25/2006

Assent Date:	6.6.06
Commencement Date:	S. 10(3) on 7.6.06: s. 2(1); ss 9, 10(1)(2), 11, 12 on 30.6.06: Government Gazette 29.6.06 p. 1314
Current State:	This information relates only to the provision/s amending the **Racial and Religious Tolerance Act 2001**

Charter of Human Rights and Responsibilities Act 2006, No. 43/2006

Assent Date:	25.7.06
Commencement Date:	S. 47(Sch. item 6) on 1.1.07: s. 2(1)
Current State:	This information relates only to the provision/s amending the **Racial and Religious Tolerance Act 2001**

Equal Opportunity Amendment (Governance) Act 2009, No. 14/2009

Assent Date:	7.4.09
Commencement Date:	S. 17 on 1.10.09: s. 2(2)
Current State:	This information relates only to the provision/s amending the **Racial and Religious Tolerance Act 2001**

Equal Opportunity Act 2010, No. 16/2010 (as amended by No. 26/2011)

Assent Date:	27.4.10
Commencement Date:	S. 213 on 28.4.10: s. 2(1): ss 197–204 on 1.8.11: s. 2(4)
Current State:	This information relates only to the provision/s amending the **Racial and Religious Tolerance Act 2001**

3. Explanatory Details

No entries at date of publication.