

LEGISLATIVE COUNCIL
**JUSTICE LEGISLATION AMENDMENT (ANTI-VILIFICATION AND SOCIAL
 COHESION) BILL 2024**

(Amendments and New Clauses to be proposed in Committee by AIV PUGLIELLI)

1. Clause 4, after line 17 insert—

"*homelessness* has the same meaning as in section 4(1) of the **Equal Opportunity Act 2010;**
***immigration status* has the same meaning as in section 4(1) of the **Equal Opportunity Act 2010**;"**.
2. Clause 4, after line 21 insert—

"(ba) homelessness;
 (bb) immigration status;"
3. Clause 4, after line 25 insert—

"(fa) sex worker status;"
4. Clause 4, page 4, after line 10 insert—

"*sex worker status* has the same meaning as in section 4(1) of the **Equal Opportunity Act 2010;"**.
5. Clause 7, line 27, omit "definition—" and insert "definitions—".
6. Clause 7, after line 27 insert—

**"*homelessness* has the meaning given by section 4A;
immigration status includes—**
 (a) being an immigrant; or
 (b) being a refugee or an asylum seeker; or
 (c) holding any kind of visa under the Migration Act 1958 of the Commonwealth;"
7. Clause 7, line 28, omit "***protected***" and insert "***protected***".
8. Clause 7, line 29, omit '102B;"' and insert "102B;"
9. Clause 7, after line 29 insert—

'*sex worker status* means a person's status of providing, or having provided, commercial sexual services within the meaning of section 35(1) of the **Crimes Act 1958;"**.

NEW CLAUSE

10. Insert the following New Clause to follow clause 7—

'7A New section 4A inserted

After section 4 of the **Equal Opportunity Act 2010** insert—

"4A Meaning of *homelessness*

- (1) For the purposes of this Act, *homelessness* means the state of having inadequate access to safe and secure housing.
- (2) A person has inadequate access to safe and secure housing for the purposes of this section if the only housing to which the person has access—
 - (a) damages, or is likely to damage, the person's health; or
 - (b) threatens the person's safety; or
 - (c) marginalises the person through failing to provide access to—
 - (i) adequate personal amenities; or
 - (ii) the economic and social supports that a home normally affords; or
 - (d) places the person in circumstances which threaten or adversely affect the adequacy, safety, security and affordability of that housing.
- (3) Additionally, if a person has inadequate access to safe and secure housing for the purposes of a law of the Commonwealth, that person has inadequate access to safe and secure housing for the purposes of this section.
- (4) Nothing in subsection (2) or (3) limits the circumstances in which, for the purposes of this Act, a person is to be taken to have inadequate access to safe and secure housing for the purposes of this section.".

11. Clause 9, page 12, after line 23 insert—

"(ba) homelessness;
 (bb) immigration status;"

12. Clause 9, page 12, after line 27 insert—

"(fa) sex worker status;"

NEW CLAUSES

13. Insert the following New Division to follow Division 1 of Part 3—

'Division 1A—Duty to eliminate vilification

9A Heading to Part 3 amended

In the heading to Part 3 of the **Equal Opportunity Act 2010**, after "**discrimination**," insert "**vilification**,".

9B Purpose of Part

In section 14 of the **Equal Opportunity Act 2010**, after "discrimination," insert "vilification,".

9C Section 15 amended

(1) In the heading to section 15 of the **Equal Opportunity Act 2010**, after "**discrimination**," insert "**vilification**,".

(2) After section 15(2) of the **Equal Opportunity Act 2010** insert—

"(2A) A person must also take reasonable and proportionate measures to eliminate contraventions of Part 6A in connection with the person's relevant activities.

(2B) The person's relevant activities are the activities that the person undertakes in the capacity in respect of which the person has a duty under Part 4, 6 or 7."

(5) In section 15(3), (4) and (5) of the **Equal Opportunity Act 2010**, after "subsection (2)" insert "or (2A)".

(6) In section 15(5)(a) of the **Equal Opportunity Act 2010**, for "6" substitute "6, 6A".

14. Clause 32, line 7, before "Acquired" insert "1".

15. Clause 32, line 8, omit '(HIV).'. and insert "(HIV)".

16. Clause 32, after line 8 insert—

'2 Hepatitis.'.

17. Clause 36, line 28, after "operation" insert "and effectiveness".

18. Clause 36, after line 32 insert—

"(1A) The Attorney-General must cause the review to be conducted by a person who, in the opinion of the Attorney-General, possesses appropriate qualifications and expertise relating to the prevention of vilification.

(1B) The matters examined by the review must include whether this Act should be amended to confer further powers on the Commission in relation to vilification, including powers to do any of the following—

(a) to undertake an investigation under Part 9 in relation to a possible contravention of Part 6A—

(i) as a public inquiry; and

(ii) on the Commission's own initiative; and

(iii) without the requirement that the matter meets the criterion set out in section 127(a)(ii), so long as the Commission reasonably suspects that the criterion is met; and

- (iv) without the requirement that the matter meets the criterion set out in section 127(a)(iii);
- (b) to compel any of the following things for the purposes of an investigation under Part 9 in relation to a possible contravention of Part 6A, and instead of having the Tribunal do so by order—
 - (i) the production of information or documents to the Commission; or
 - (ii) attendance of a person before the Commission to answer questions;
- (c) receiving an enforceable undertaking, or issuing a compliance notice, as a consequence of an investigation under Part 9 in relation to a possible contravention of Part 6A."