

# FACT SHEET:

## NT ANTI-DISCRIMINATION AMENDMENT BILL 2025

On the 30<sup>th</sup> of July, the NT Government announced that amendments would be made to the NT Anti-Discrimination Act (1992). Here's what you need to know.



### What is the Anti-Discrimination Amendment Bill 2025?

It's a proposed change to the NT Anti-Discrimination Act 1992 (ADA). The Government says it restores "balance" by amending vilification laws, reintroducing religious school exemptions, and altering the complaints process.

### What are the main changes?

#### Vilification laws (s 20A)

Based on the federal Racial Discrimination Act, the current law says it is unlawful to 'offend, insult, humiliate or intimidate' a person based on an attribute (eg. gender, race, sexuality etc.) and operates on a *harm model*.

Proposed changes operate from an *incitement model* which only makes conduct unlawful if it 'incites hatred, serious contempt or severe ridicule'.

#### Religious exemptions (new s35B)

This will allow schools of religious faith to preference staff e.g. during recruitment, of the same religion and set workplace conduct rules in line with religious doctrine (limited to the attribute of religious belief or activity). This requires a policy to be published to make it clear to current and prospective staff.

#### Complaints process

The changes will remove the requirement for the Commissioner to "evaluate" a complaint before referring it to the Tribunal.



### How does this affect protections?

#### Vilification provisions (s 20A)

The changes will raise the bar for proving vilification and some harmful public conduct will no longer be unlawful. Even with the change, the NT still has more progressive vilification laws than much of Australia because it doesn't limit the attributes it applies to.

#### Religious exemption (s 35B)

This will give religious schools (and other educational institutions like colleges and early childhood) the ability to lawfully refuse to hire, or impose behavioural rules in the workplace on any staff. This will only apply in the area of work (i.e. staff) and does not apply to students or parents.

## Example 1

### Vilification incitement model

The vilification model is different because it looks at whether an ordinary, reasonable observer is capable of being incited to hatred (and other relevant emotions).

While it might be harder to prove, it has led to many successful outcomes, including the below:

#### Race

A person who said over the radio that another person was a "wog" and a "dago s\*\*t" who should "go back to where she came from", and told other listeners to "give her as much s\*\*t as you like".

#### Sexuality

Residents called out "f\*\*\*\*ts" to their neighbours in front of the landlord and told other residents "make sure those p\*\*fs pay you. F\*\*\*\*ts are notorious for not paying".

## Example 2

### Religious Exemption

If passed, a religious school could:

- preferentially hire a Catholic gardener over a Muslim applicant who is equally or even more experienced and qualified.
- preferentially subcontract work to Christian applicants over Jewish applicants
- require certain conduct of people while at the workplace relating to religious belief or activity. i.e. require that other religions are not taught or preached at the school.



## Examples of conduct that are not exempt



- Schools cannot discriminate on any other ground such as sex, gender identity, sexual orientation. i.e. preferentially hiring someone who is married rather than someone who is unmarried and living with a partner (whether this complies with the religious doctrine of the institution).
- Requirements of conduct that relate to any other protected attribute. i.e. a requirement that LGBTIQ+ teachers do not disclose their sexual orientation or speak about their relationship while at the workplace.
- Conduct rules cannot be established for things that occur outside of the workplace, just how the person conducts themselves while at work. This does not allow a school to say that they don't allow their staff to be divorced, or in a same-sex relationship.

## How do these changes compare nationally?

### Vilification

The NT's current law is one of the most protective in Australia. The change aligns vilification with NSW, QLD, and VIC *incitement* models but loses broader harm protections which are contained in the federal legislation.

### Religious exemption

The religious exemption regarding conduct is narrower than federal law but broader than other states such as Victoria's, which requires the religious belief or activity to be an inherent requirement and a proportionality test. The preferencing exemption is broadly in line with what is recommended for changes to the federal law by the Australian Law Reform Commission.

## How will the complaints process change?

If a matter is not resolved through conciliation, complainants can request referral directly to the Tribunal without the Commissioner evaluating whether the matter has reasonable prospects of success.



## If you or a community member have experienced vilification:

Reach out to the Anti Discrimination Commissioner :  
**Ph:** (08) 8999 1444  
**Free call:** 1800 813 846  
[www.adc.nt.gov.au](http://www.adc.nt.gov.au)  
Level 9, NT House 22 Mitchell Street Darwin

You can also consider speaking to your local member about your concerns and experiences.



We acknowledge that these proposed changes might bring up lots of feelings for people in our community. If you would like additional support:

**NT Mental Health Line** - 1800 682 288  
**Beyond Blue** - 1300 224 636  
**Lifeline** - 13 11 14

You can also visit [www.mentalhealthnt.com.au](http://www.mentalhealthnt.com.au) to find services within the NT.