



**NSW Anti-Discrimination Laws:**

**Inquiry by the NSW Law Reform Commission**

Submission by the NSW Libertarian Party

15 August 2025

1. **Anti-Discrimination laws from first principles**

The NSW Libertarian Party is absolutely committed to freedom of association and freedom of speech. For us these are not cheap slogans with a vague meaning, but a clear statement of genuine principles.

- Anti-discrimination laws are forced association laws, which obviously flies in the face of freedom of association. They should not exist.
- Anti-vilification laws are anti-speech laws that prevent people from saying things that are considered cruel. They should not exist.

We understand that these laws are often motivated by good intentions, but we believe they are counter-productive, immoral, and dangerous. In a free society, all people (including hateful and



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horrible people) should have an absolute right to decide who they associate with, and what they say about other people.

While we disagree with the status quo, some of the changes being considered will make things even worse. The rest of this submission looks at three worrying suggestions.

## 2. Should the law do more to promote substantive equality?

Most Australians believe it is wrong to treat people different because of immutable characteristics such as race. This concept was famously described by MLK Junior of “judging people by the content of their character instead of the colour of their skin”, and the NSW Libertarians share this belief. If anti-discrimination laws are to exist, they should be narrowly focused on preventing acts of unfair discrimination.

“Substantive equality” turns this basic principle on its head. The concepts of non-discrimination and substantive equality are inherently in conflict. Different people are different, so in a world without discrimination there would be different outcomes – which flies in the face of



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substantive equality. The only way to force the same outcomes on different people is to actively discriminate.

This has been seen most dramatically in the Scandinavian countries, which have been world leaders in preventing discrimination based on sex, and yet have relatively large differences in career choices between the sexes. Non-discrimination leads to diversity of outcomes. If a country wants to “fix” the non-problem of outcome diversity... they will need to impose a dystopian system of discrimination and control.

The MLK maxim of non-discrimination has overwhelming public support. The perverse idea of substantive equality does not. Most Australians would reject the idea of discriminating to force the same outcomes... but when this sort of discrimination is dishonestly smuggled into public policy under the misleading name of “anti-discrimination” then it manages to avoid scrutiny.

We suggest that polling be done to explicitly ask Australians:



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*“Do you support discrimination on the basis of race and sex in order to achieve the same group outcomes?”*

The answer will be a resounding “no”, which is why the advocates of such discrimination will not ask the question, and why they hide their agenda in Orwellian double-speak.

### 3. Should religious & cultural exemptions be weakened?

The conflict between anti-discrimination laws and freedom of association are most glaring when it comes to religious and cultural matters. No religion, school, or voluntary group should be forced to act or speak against their deeply held values. We believe this principle should apply to all groups, but we are thankful that (until now), religious & cultural exemptions exist to partly protect freedom of association.

Those who want to limit freedom of association and free speech are now attempting to expand their control into religion and culture. This has become more realistic because Australians have become less religious over time, which means the public will no longer defend religious freedom out of self-interest. This issue is a litmus test.



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Freedom of religion was at the heart of the enlightenment, evolving into the free speech movement, and the liberal idea that we should tolerate diversity. The response to this issue will show whether Australians genuinely value this bedrock freedom, or whether it was just something politicians said to woo religious voters, back when they made up a bigger chunk of the electorate.

The NSW Libertarians believe that religious and cultural groups must be free to decide how they act and what they say. This is not because we are pushing a religions or cultural agenda, but precisely the opposite – political meddling in religion & culture is both immoral and dangerous. If anti-discrimination laws are to exist, they should not apply to religion or culture. Freedom of religion must remain sacrosanct.

#### 4. Should we expand the range of protected categories?

To the degree that anti-discrimination laws exist, they should be strictly limited to immutable characteristics. Race and sex are immutable characteristics. Most other suggestions – including gender, actions, beliefs, and religion – are not immutable characteristics, and should not be covered by anti-discrimination laws.



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The proposal to replace sex with gender is particularly worrying. To the degree that gender is a different concept, it relates to self-perception and self-expression. This proposal seems to be more about pushing a culture war that prioritises transgender activism over women's rights, and this sort of activism has no place in Australian law.

## 5. Last word

Australia's forced-association laws are bad enough. Please don't make them even worse.

Yours in freedom,

Hon. John Ruddick MLC NSW Parliament

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