



CHURCH OF SCIENTOLOGY  
AUSTRALIA

15 August 2025

NSW Law Reform Commission  
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**Additional Submission**

**NSW Law Reform Commission  
Review of Anti-Discrimination Act 1977**

**INTRODUCTION**

The Church of Scientology Australia (“the Church”) previously provided a Preliminary Submission to the NSW Law Reform Commission's Review of the Anti-Discrimination Act (“the Review”), dated 29 September 2023.

We now wish to make this additional submission to contribute further to the Review.

We appreciate the opportunity to provide input and thank the Commission for its consideration of these important matters.

**ISSUES**

We consider the *Anti-Discrimination Act 1977* (“the Act”) to be significantly deficient in its treatment of religious belief as a protected attribute. Currently, the Act does not include religious belief or activity as a positively protected ground. Instead, it relies on exemptions or exceptions to prohibit discrimination on the basis of religion.

This legislative approach treats religious belief as an outlier or exception to general anti-discrimination norms, rather than recognising it as a fundamental human right. Such a framework risks marginalising people of faith and fails to provide them with equal protection under the law. It is also fundamentally inconsistent with Australia’s obligations under international human rights law, particularly Article 18 of the

International Covenant on Civil and Political Rights (“ICCPR”), which affirms the right to freedom of thought, conscience, and religion:

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

In line with the ICCPR, the Act should affirm freedom of religion as a core and positive legal right, not merely as an exception to general rules.

Accordingly, the Act should be amended to provide clear, comprehensive, and express protections for individuals to hold, practise, and manifest their religious beliefs without fear of discrimination. Religious discrimination can occur in many forms — including ridicule, exclusion, denial of services, workplace bias, or other actions that inhibit the open expression of faith.

In calling for stronger protections for religious belief, we recognise the importance of upholding the rights and dignity of all individuals. Anti-discrimination law necessarily operates in a complex legal and social environment, where multiple rights and freedoms may intersect or come into tension.

However, the current framework under the Act does not strike this balance fairly. In practice, it creates a de facto hierarchy of rights, where religious belief is treated as subordinate to other protected attributes.

Such an approach not only undermines the equal treatment of people of faith, but also falls short of the standard expected in a pluralistic and democratic society. A coherent and modern anti-discrimination framework must seek to accommodate and reconcile different rights, including religious freedom, without allowing the protection of one right to come at the unjustifiable expense of another.

## **RECOMMENDATIONS**

The Act should therefore be reformed to ensure that freedom of religion is given equal legal recognition alongside other protected attributes, with clear guidance to support respectful and lawful coexistence of differing rights and beliefs.

We respectfully urge the NSW Law Reform Commission to recommend that:

1. Religious belief and activity be explicitly included as a positively protected attribute, rather than relying on limited exemptions or exceptions;
2. The Act be redrafted to affirm positive rights to freedom of religion, including the right to practise and express one’s faith in both public and private life;

3. The legislation make clear that faith-based or religious ethos organisations are not engaging in unlawful discrimination when acting in accordance with their genuinely held religious beliefs, doctrines, or missions.

Such reforms are essential to uphold the principles of pluralism, freedom of belief, and mutual respect in a diverse and democratic society.

We thank the Commission for considering this submission.

Yours faithfully,

Sei Kato  
Church of Scientology Australia