



## **Submission to the New South Wales Law Reform Commission's review of the *Anti-Discrimination Act 1977 (NSW)***

**22 August 2025**

This is a submission by the Rationalist Society of Australia (RSA) to the New South Wales Law Reform Commission's review of the *Anti-Discrimination Act 1977 (NSW)* (ADA). The RSA is Australia's oldest freethought organisation, promoting reason, secularism and evidence-based public policy since 1906. We have members and supporters located across Australia, including in New South Wales. We appreciate the opportunity to take part in this inquiry

The primary focuses of our submission are: the question of whether the range of attributes protected against discrimination requires reform; and also the matter of exceptions to discrimination.

Regarding these, we:

- 1) support the addition of a new attribute to the ADA to protect people against discrimination on the grounds of religion and belief, or lack thereof, in *equal* manner, as long as such a provision were a shield against discrimination and not a sword allowing discrimination;
- 2) support amendments to the ADA to remove broad exceptions that allow religious bodies and religious educational institutions to discriminate for all kinds of reasons.

### **The non-religious community**

Firstly, it is important to provide some understanding about the rich diversity of the non-religious community in New South Wales and, more broadly, Australia. We feel that there is a lack of understanding and appreciation for this rapidly growing section of the population among governments, policy-makers and public institutions.



The non-religious population is growing fast in Australia and in New South Wales, with the proportion of people marking ‘no religion’ in the Census having surged nationally from 16.7 per cent in 2001 to 38.9 per cent in 2021. In New South Wales for the same period, ‘no religion’ increased from 11.7 per cent to 32.8 per cent. According to the trends in the Australian Bureau of Statistics’ (ABS) data, ‘no religion’ is likely to overtake Christianity nationally at the 2026 Census<sup>1</sup>.

It is important to note that these Census figures are *not* an accurate reflection of religious and non-religious affiliation. The figures understate ‘no religion’ because of the inherent bias and coerciveness in the Census religion question. The ABS uses a biased question – ‘What is the person’s religion?’ – that presumes each respondent *has a religion*. This results in acquiescence bias that inflates the data in favour of religious affiliation. Other surveys suggest a significant impact, finding 11-point increases of ‘no religion’ and as many as 52 per cent of Australian adults identifying as religiously unaffiliated when the bias is removed<sup>2</sup>.

There is much diversity among the non-religious population. It includes people who have never been religious, having grown up in non-religious households. And it includes people who are ex-religious, having left a religion they previously affiliated with, especially a religion from their childhood. This latter category – of ex-religious people – includes many people who have escaped from destructive religious cults, where they experienced coercive control, abuse and other harms.

Non-religious people also hold various philosophical stances, or worldviews, informed by, for example, their views about the universe, morality, the nature of reality, and role of reason. Some international data has suggested most non-religionists are “nothing in particular” rather than ‘atheist’ or ‘agnostic’<sup>3</sup>. But many positively identify with a particular label, while others affiliate, or simply feel comfortable, with multiple labels.

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<sup>1</sup> Australian Bureau of Statistics (2021), ‘Religious affiliation in Australia’, accessed August 2025, <https://www.abs.gov.au/articles/religious-affiliation-australia>

<sup>2</sup> Pew Research Centre (2025), ‘Around the World, Many People Are Leaving Their Childhood Religions’, accessed July 2025, <https://www.pewresearch.org/religion/2025/03/26/around-the-world-many-people-are-leaving-their-childhood-religions/>; National Secular Lobby (2021), ‘The Essential Report – National Secular Lobby’, accessed July 2025, <https://www.nsl.org.au/wp-content/uploads/2021/08/NSL-Essential-Report-Census-2021-final.pdf>

<sup>3</sup> Francis, N (2021), *Religiosity in Australia, Part 2: Religious minds, religious collectives*, Rationalist Society of Australia, Melbourne, accessed July 2025, <https://rationalist.com.au/religiosity-in-australia/>



The following are among the most common labels adopted by non-religious people: ‘atheists’ do not believe in the existence of any god; ‘agnostics’ believe knowledge of a divine realm is impossible; ‘rationalists’ value applying reason and not religion to human problems; ‘humanists’ value reason, empathy and democracy without god; ‘secularists’ focus on the world of here and now; ‘freethinkers’ think independently of religious orthodoxy; ‘naturalists’ reject the existence of a supernatural realm; ‘skeptics’ are doubtful about paranormal and supernatural claims; and the ‘spiritual but not religious’ are committed to altruism, contemplation and interconnectedness<sup>4</sup>.

In his comprehensive *Religiosity in Australia* research series, Francis notes that negative framing (being “without religion” or having an “absence” of religion) conceals “a rich scaffolding of positive self-images, sense of purpose, self-mastery, open-minded and humanistic thinking, and the experience of wonder, awe, and beauty”<sup>5</sup>.

## **Australia’s commitments to freedom of religion and belief**

In July this year, the Rationalist Society of Australia detailed a number of examples of discriminatory and unfair treatment against non-religious Australians in a submission to the United Nations Human Rights Council’s Universal Periodic Review into Australia’s human rights<sup>6</sup>. The submission was supported by another eight non-religious, ex-religious and pro-secular organisations. Some of the issues raised in the submission also apply to the New South Wales context.

Australia is a signatory to a number of international human rights commitments and declaratory statements that protect the right to freedom of thought, conscience and religion, and treat religion and belief equally. These include the International Covenant on Civil and Political Rights (ICCPR) (Articles 18 and 26)<sup>7</sup>, the Universal Declaration of Human Rights (Article 18)<sup>8</sup>, the

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<sup>4</sup> We are grateful for the contribution of Leslie Allan to this section; Francis, N (2021), *Religiosity in Australia, Part 2: Religious minds, religious collectives*, Rationalist Society of Australia, Melbourne, accessed July 2025, <https://rationalist.com.au/religiosity-in-australia/>

<sup>5</sup> Francis, N (2021), *Religiosity in Australia, Part 2: Religious minds, religious collectives*, Rationalist Society of Australia, Melbourne, accessed July 2025, <https://rationalist.com.au/religiosity-in-australia/>

<sup>6</sup> Rationalist Society of Australia (2025), ‘Coalition of groups highlights discrimination of non-religious people in submission to UN Human Rights Council’, accessed August 2025, <https://rationalist.com.au/coalition-of-groups-highlights-discrimination-of-non-religious-people-in-submission-to-un-human-rights-council/>

<sup>7</sup> United Nations, ‘International Covenant on Civil and Political Rights’, accessed August 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>8</sup> United Nations, ‘Universal Declaration of Human Rights’, accessed August 2025, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>



International Convention on the Elimination of All Forms of Racial Discrimination (Article 5)<sup>9</sup>, and Convention on the Rights of the Child (Article 14)<sup>10</sup>.

Australia is a member of the International Religious Freedom or Belief Alliance. The alliance is “fully committed to advancing freedom of religion or belief around the world” and advocates for “freedom of religion or belief for all, including the right of individuals to hold any belief, to change it or to hold none”.

The Australian government recognises that such commitments apply equally to religious and non-religious beliefs. The website of the federal Attorney-General’s Department says the government must ensure that legislation, policies and programs “respect the right to freedom of thought, conscience and religion or belief”, and adds that the government may not impose religious beliefs<sup>11</sup>.

Similarly, in 2017 an expert panel – commissioned by the federal government – reported in its *Religious Freedom Review* that the right to “freedom of thought, conscience and religion belongs to all”<sup>12</sup>. The report said:

*The atheist and the agnostic receive the same protection as the religious adherent. Each is free to hold their beliefs and to live free of coercion to adopt some different set of beliefs.*

## **Discrimination against non-religious people**

We are deeply concerned about discrimination that is occurring against non-religious people in New South Wales. Non-religious citizens are being discriminated against on the basis of religion and belief, including in government institutions and programs.

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<sup>9</sup> United Nations, ‘International Convention on the Elimination of All Forms of Racial Discrimination’, accessed August 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

<sup>10</sup> United Nations, ‘Convention on the Rights of the Child’, accessed August 2025, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>11</sup> Attorney-General’s Department, ‘Right to freedom of thought, conscience and religion or belief’, accessed August 2025, <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-freedom-thought-conscience-and-religion-or-belief>

<sup>12</sup> Attorney-General’s Department (2018), *Religious Freedom Review: Report of the Expert Panel*, accessed August 2025, <https://www.ag.gov.au/sites/default/files/2020-03/religious-freedom-review-expert-panel-report-2018.pdf>



The following is not an exhaustive list of examples of discrimination against non-religious people in New South Wales. They are among the examples highlighted in the submission to the UN Human Rights Council's Universal Periodic Review.

### *Prayers in government*

In New South Wales, the state parliament and a number of local governments impose acts of religious worship as part of formal business procedures. In the parliament, both houses observe daily Christian prayers at the opening of proceedings. Similarly, many local councils begin formal meetings with Christian prayers. In 2019, it was estimated that 56 per cent of councils in New South Wales – the highest proportion for any state in Australia – imposed Christian prayers in meetings<sup>13</sup>. However, a number of councils have since removed prayers. The practice of imposing acts of religious worship alienates and excludes many people in attendance, including elected representatives.

The rules that govern the Legislative Assembly and Legislative Council, known as Standing Orders, are a matter for each new parliament. As long as it is the will of the members in these houses of parliament, then the practice can continue. Yet, the privileges afforded to the parliament do not extend to local governments.

Imposing acts of religious worship is inconsistent with state laws and guidelines under which local governments, or councils, operate. The *Local Government Act 1993 (NSW)* requires councils to “act fairly, ethically and without bias in the interests of the local community”. In decision-making, they are to “recognise diverse local community needs and interests” and “should consider social justice principles”. Also, incorporating prayers into meetings is considered likely unlawful on the basis that local governments are exceeding the powers granted to them by the *Local Government Act 1993 (NSW)*<sup>14</sup>. Also, the state's *Model Code of Meeting Practice* obligates councils to conduct meetings in an ‘inclusive’ manner that “respect[s] the diverse needs and interests of the local community”<sup>15</sup>.

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<sup>13</sup> Beck, L (2019), ‘Local Government Prayers in Australia’, *Journal for the Academic Study of Religion*, accessed August 2025, <https://journal.equinoxpub.com/JASR/article/view/21309>

<sup>14</sup> Beck, L (2021), ‘Our Father who art in town hall: do local councils have power to pray?’, *Alternative Law Journal*, volume 46, issue 2, June 2021, pp128-133, accessed June 2025, <https://www.scopus.com/record/display.uri?eid=2-s2.0-85102716152&origin=inward&txGid=6727dc7ee1e164ec160f21bc169c1746>

<sup>15</sup> *Model Code of Meeting Practice for Local Councils in NSW* (2021), accessed August 2025, <https://www.olg.nsw.gov.au/wp-content/uploads/2021/10/Model-Code-Meeting-Practice-2021.pdf>



In recent years, an increasing number of non-religious (and non-Christian) councillors across New South Wales have been calling for change and highlighting the discriminatory nature of imposing acts of religious worship in meetings<sup>16</sup>.

### *Faith Affairs Council*

In our submission to the UN Human Rights Council, we also raised the New South Wales Faith Affairs Council (FAC). In 2023, the state government established the FAC, providing exclusively community faith leaders with a vehicle to advise government decision-makers directly on public policy matters relating to religion and belief, and affecting all New South Wales citizens. However, despite a number of requests from the non-religious community, the government has refused to extend the same opportunity to leaders of the non-religious community. As a result, the privileged access that faith leaders already had to government and policy-makers has been strengthened, while the voices of non-religious citizens have been further marginalised.

Documents obtained by the Rationalist Society of Australia under freedom of information laws have confirmed that the FAC has used its position to influence government policy to favour narrow religious interests<sup>17</sup>. When urged to consider non-religious viewpoints on numerous public policy matters, the FAC has declined to do so<sup>18</sup>.

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<sup>16</sup> See, for example: Rationalist Society of Australia (2025), 'Port Stephens councillors insist on reciting prayers during formal meetings instead of in private', accessed August 2025, <https://rationalist.com.au/port-stephens-councillors-insist-on-reciting-prayers-during-formal-meetings-instead-of-in-private/>; Rationalist Society of Australia (2025), 'Defiant councillors block attempt to impose prayers in local government meetings', accessed August 2025, <https://rationalist.com.au/defiant-councillors-block-attempt-to-impose-prayers-in-local-government-meetings/>; Rationalist Society of Australia (2023), 'Hawkesbury councillors block push to re-introduce prayers', accessed August 2025, <https://rationalist.com.au/hawkesbury-councillors-block-push-to-re-introduce-prayers/>; Rationalist Society of Australia (2022), 'RSA welcomes Wagga Wagga council's decision to replace prayers', accessed August 2025, <https://rationalist.com.au/rsa-welcomes-wagga-wagga-councils-decision-to-replace-prayers/>; Rationalist Society of Australia (2022), 'Councillor's speech draws inspiration from RSA president as opening prayer is removed', accessed August 2025, <https://rationalist.com.au/councillors-speech-draws-inspiration-from-rsa-president-as-opening-prayer-is-removed/>

<sup>17</sup> Rationalist Society of Australia (2024), 'Faith advisory body commits to "secular democracy" with space for "all faiths and none"', accessed August 2025, <https://rationalist.com.au/faith-advisory-body-commits-to-secular-democracy-with-space-for-all-faiths-and-none/>; Rationalist Society of Australia (2024), 'Scripture lobbyist advocates education policies on new faith advisory body', accessed August 2025, <https://rationalist.com.au/scripture-lobbyist-advocates-education-policies-on-new-faith-advisory/>

<sup>18</sup> Rationalist Society of Australia (2024), 'Faith Affairs Council declines to act on instances of religious-based', accessed August 2025, <https://rationalist.com.au/faith-affairs-council-declines-to-act-on-instances-of-religious-based-discrimination/>



When the Labor state government was in the process of establishing the FAC in 2023, it rejected the application of an atheist leader who, with the endorsement of a Christian minister, had nominated for a position on the FAC<sup>19</sup>. The government did not provide a position for a non-religious leader on the initial 16-member body (now 19 members), despite the responsible government minister having previously committed to introducing a body that would reflect a “diversity of viewpoints”. The atheist leader argued it would be “an injustice” to exclude the non-religious community given that FAC would be influencing government policy on matters affecting all citizens of New South Wales<sup>20</sup>.

### *Scripture classes in public schools*

In government schools in New South Wales, non-religious students face unfair disruption to their normal learning time while doctrinal religious instruction is held for those children whose parents have consented to their participation.

The *Education Act 1990 (NSW)* provides for every government school to allow time for the delivery of scripture as part of the Special Religious Education (SRE) program. In practice, the SRE program, with classes held during normal learning hours, disrupts formal curricular education for those who attend and for those who do not. It segregates children according to family or parental religious affiliation, creating a sense of alienation and difference based on religious and non-religious affiliation.

Non-participating students have variable and limited options to fill their time. The New South Wales government says these children can undertake “alternative meaningful activities”, including reading, homework or private study. Logistical issues, such as a lack of classrooms, mean that, often, these do not occur. As a result, many students do not even get to engage in the specified “alternative meaningful activities”, instead having to bide their time in crowded classrooms and school halls, or sit idle outside.

The *Education Act 1990 (NSW)* provides for an alternative program, Special Education in Ethics (SEE), for parents who do not want their children to partake in SRE. However, it is believed that SEE is available in only about 25 per cent of primary schools and is not available to all students in schools that may have it.

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<sup>19</sup> Rationalist Society of Australia (2023), ‘Minns government rejects atheist’s application, privileges religious voice’, accessed August 2025,  
<https://rationalist.com.au/minns-government-rejects-atheists-application-privileges-religious-voice/>

<sup>20</sup> Rationalist Society of Australia (2023), ‘NSW multiculturalism minister promises “diversity of viewpoints” on faith advisory body’, accessed August 2025,  
<https://rationalist.com.au/nsw-multicultural-minister-promises-diversity-on-faith-advisory-council/>



Previous United Nations reports have called for governments to provide alternative programs that would “accommodate the wishes of parents and guardians”<sup>21</sup>. In 2010, the Special Rapporteur on Freedom of Religion or Belief said: “...wherever possible, students not participating in religious instruction due to their different faith should have access to alternative courses provided by the school”<sup>22</sup>.

### *Chaplains in public schools*

In New South Wales public schools, federal funds are being used to employ chaplains according to religious requirements under the National Student Wellbeing Program (NSWP), formerly known as the National School Chaplaincy Program (NSCP). NSWP workers are not employed directly by schools (or education departments). They are engaged through outsourcing arrangements, with schools entering into contracts with the third-party provider organisations which hire NSWP workers.

Religious discrimination against job applicants is prohibited by the anti-discrimination legislation of all states and territories, except in New South Wales and South Australia.

Under the Albanese government’s NSWP, schools have been given the option of either a secular wellbeing officer or a chaplain. According to data provided by the New South Wales’ Department of Education to the Rationalist Society of Australia last year, there has been a surge in public schools opting for the secular option – 57 per cent, compared to 41 per cent that chose chaplains<sup>23</sup>. However, where schools still seek chaplains the hiring practices unfairly block suitably qualified and experienced non-religious people from applying for these roles on the basis of religion and belief.

While the program rules say chaplains and wellbeing officers can be “of any faith, or of no faith”, those hired as chaplains (via third-party labour hire firms which are overwhelmingly Christian) must meet a number of religious credentials, including formal ordination, commissioning, recognised religious qualifications or endorsement by a recognised or accepted religious

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<sup>21</sup> Office of the High Commissioner for Human Rights (1993), ‘CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)’, accessed June 2025, <https://www.refworld.org/legal/general/hrc/1993/en/13375>

<sup>22</sup> Human Rights Council (2010), ‘Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt’, accessed June 2025, <https://docs.un.org/en/A/HRC/16/53>

<sup>23</sup> Rationalist Society of Australia (2024), ‘Public schools choosing secular wellbeing roles over religious chaplaincy in New South Wales’, accessed August 2025, <https://rationalist.com.au/public-schools-choosing-secular-wellbeing-roles-over-religious-chaplaincy-in-new-south-wales/>

institution. Yet, the NSW funding agreement says the program is explicitly not religious. Also, the role descriptions for chaplains and wellbeing officers are identical<sup>24</sup>.

In other states that protect religion and belief in their anti-discrimination laws, human rights and equal opportunity commissioners have indicated that the hiring practices are legally problematic. The same outsourcing mechanism was used in the former NSCP and attracted the following criticism:

- In 2020, Victoria’s Equal Opportunity and Human Rights Commission told a member of parliament: “we agree that the program may be in breach of [Victoria’s] Equal Opportunity Act 2010”<sup>25</sup>;
- In 2020, Queensland’s Human Rights Commissioner said the practice involved “potential contraventions of the [Qld Anti-Discrimination] Act”<sup>26</sup>;
- In 2021, Western Australia’s Equal Opportunity Commissioner said he was concerned that the practice was “prima facie religious conviction discrimination” under the state’s Equal Opportunity Act 1984<sup>27</sup>.

Where public schools hire chaplains, the program also discriminates on the grounds of religion and belief in failing to cater for non-religious students and families. The religious nature of chaplain roles creates an automatic barrier to some seeking care. This can be particularly so for ex-religious people who have previously experienced trauma in destructive religious cults and high-demand groups. As part of a 2022 evaluation of the former NSCP, students raised concerns about religious judgmentalism and proselytising<sup>28</sup>. The use of almost exclusively

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<sup>24</sup> National Student Wellbeing Program, ‘Federation Funding Agreement’, accessed August 2025, [https://federalfinancialrelations.gov.au/sites/federalfinancialrelations.gov.au/files/2023-01/National%20Student%20Wellbeing%20Program%20-%20All%20states\\_0.pdf](https://federalfinancialrelations.gov.au/sites/federalfinancialrelations.gov.au/files/2023-01/National%20Student%20Wellbeing%20Program%20-%20All%20states_0.pdf)

<sup>25</sup> Rationalist Society of Australia (2021), ‘Religious-based discrimination in school chaplaincy program sending ‘wrong message’, accessed August 2025, <https://rationalist.com.au/religious-based-discrimination-in-school-chaplaincy-program-sending-wrong-message/>

<sup>26</sup> Rationalist Society of Australia (2021), ‘QLD education department questioned over religious-based discrimination in chaplaincy’, accessed August 2025, <https://rationalist.com.au/qld-education-department-questioned-over-religious-based-discrimination-in-chaplaincy/>

<sup>27</sup> Rationalist Society of Australia (2021), ‘Commissioner raises concern over religious discrimination in WA school chaplaincy program’, accessed August 2025, <https://rationalist.com.au/commissioner-raises-concern-over-religious-discrimination-in-wa-school-chaplaincy-program>

<sup>28</sup> Department of Education (2022), ‘2022 National School Chaplaincy Programme Evaluation Report’, accessed August 2025, <https://www.education.gov.au/national-student-wellbeing-program-nswp/resources/2022-national-school-chaplaincy-programme-evaluation-report>



Christian roles in highly diverse public schools is inherently exclusionary and leaves non-Christians uncatered for.

## **A shield against discrimination**

Any new provision in the ADA to protect religion and belief should be a shield against discrimination and not a sword allowing more discrimination. There should be no expansion of the ability of religious organisations or individuals to engage in discrimination

The complete failure of the Morrison government to gain community support for its extreme Religious Discrimination Bill at the federal level is instructive. In various drafts of the bill, the federal Liberal-National government sought to provide religious people and communities with positive religious freedom rights that would have acted as a sword for them to discriminate on the basis of religion. The Religious Discrimination Bill would have unfairly privileged the rights of religious people over non-religious people and vulnerable sections of the community, including LGBTIQ people, women and disabled people.

While conservative faith leaders and religious lobbyists supported these drafts of the Religious Discrimination Bill, the public widely condemned the proposals, viewing them as neither necessary nor reasonable.

## **Religious exceptions to discrimination**

We have been deeply troubled by the stream of media reports over recent years featuring people speaking out – especially teachers but also students – about the damaging impacts and harm caused by the use of religious exceptions to anti-discrimination laws in New South Wales. The wider public has been outraged by stories of people being fired or facing disciplinary action for reasons including their sexual or gender status, having experienced a breakdown or divorce in their marriage, having accessed IVF treatment or having fallen pregnant outside marriage. Such discriminatory treatment, enabled by the exceptions in the ADA, are clearly out of step with modern society and community standards.

We accept the argument that faith-based institutions need to appoint people to certain positions that have a *genuine* occupational requirement for adherence to the religious beliefs of the institution. This would include, for example, people who are charged with teaching the tenets of a particular faith. But many of these institutions in New South Wales claim to have a blanket right to discriminate.



We would support amendments to the ADA to remove broad exceptions that allow religious bodies and religious educational institutions to discriminate for all kinds of reasons “to avoid injury to the religious susceptibilities”.

We believe that all bodies in receipt of public funding must be made to abide by public standards. The faith-based education sector, in particular, receives large amounts of taxpayer funding.

Despite the repeated dire warnings of religious lobbyists about the removal of such exceptions, religious schools and bodies have not been negatively affected where such exceptions have been removed or do not exist. For example, the Gillard government introduced the *Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013*, which amended the general exemption for religious bodies provision (section 37) of the Sex Discrimination Act (SDA) to prohibit government-funded aged-care homes operated by religious bodies from engaging in discrimination on the basis of any of the attributes protected by the SDA in the provision of aged-care services. This amendment has worked well. Religious aged-care homes have continued to grow and operate.

In further proof, faith-based schools continue to operate effectively without such exceptions in other state and territory jurisdictions. Indeed, in 2024, the head of the Australian Law Reform Commission (ALRC), Justice Mordecai Bromberg, told ABC Radio’s *Law Report* program that religious schools had failed to provide evidence for how their operations in jurisdictions without exceptions to anti-discrimination laws had been negatively affected<sup>29</sup>.

Earlier that year, following a public inquiry into religious schools and anti-discrimination laws, the ALRC proposed reforms to the federal *Sex Discrimination Act* and *Fair Work Act* to prevent students and staff being discriminated against based on their sexual orientation and gender identity. The report said:

*“In the majority of Australian states and territories it is therefore already unlawful for religious educational institutions to directly or indirectly discriminate against a student on the grounds of sex, sexual orientation, gender identity, marital or relationship status, or pregnancy.”*

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<sup>29</sup> Rationalist Society of Australia (2025), ‘Law Reform Commission head “surprised” by religious schools’ claims over exemptions’, accessed August 2025, <https://rationalist.com.au/law-reform-commission-head-surprised-by-religious-schools-claims-over-exemptions-issue/>



Justice Bromberg said he was "surprised" by the resultant claims of Christian schools associations that the ALRC's proposals were "direct attack on faith" and faith schools would "cease to exist"<sup>30</sup>. He added:

*"The idea that religious schools will cease to exist is quite surprising. The exemptions that we've been talking about do not currently exist in a range of places. There was no evidence that religious schools or institutions were affected by the removal of those exemptions. And we asked for it. We did ask for evidence of that kind – if it was available – and nothing came forward."*

Religious exemptions unnecessarily harm and hurt many Australians. We urge New South Wales to right this wrong.

In closing, we again thank the NSW Law Reform Commission for the opportunity to participate in this review and to share our views. We hope that the Commission gives due consideration to the positions we have expressed.

Regards,

**Si Gladman**  
**Executive Director,**  
**Rationalist Society of Australia**

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<sup>30</sup> Christian Schools Australia, et al (2024), 'ALRC Report a Direct Attack on Faith', accessed August 2025, [https://www.csa.edu.au/CSA/CSA/Resources-and-Media/Media-Centre/Media-Release/2024/ALRC\\_report\\_a\\_direct\\_attack\\_on\\_faith.aspx](https://www.csa.edu.au/CSA/CSA/Resources-and-Media/Media-Centre/Media-Release/2024/ALRC_report_a_direct_attack_on_faith.aspx)