

27 August 2025

NSW Law Reform Commission

Via email: [nsw-lrc@dcj.nsw.gov.au](mailto:nsw-lrc@dcj.nsw.gov.au)

**RE: Consultation on the *Anti-Discrimination Act 1977 Review***

ClubsNSW welcomes the opportunity to comment on the Review of the *Anti-Discrimination Act 1977* (NSW) (the Act) consultation paper.

ClubsNSW is the peak body representing more than 1,200 registered clubs across the state. Clubs are not-for-profit, member-owned organisations that deliver hospitality, sporting, cultural and recreation infrastructure to their members and the wider community. These clubs support 75,500 direct and indirect jobs in the state.

Clubs offer their local communities a diverse range of entertainment and creative options and activities, including live music, stand-up comedy, cabaret performances, and family-friendly children's shows. In NSW, clubs host approximately 15,000 complimentary events for members and guests each month, generating \$167 million annually.

Clubs take their responsibility to provide a safe, respectful and inclusive environment to all staff and patrons seriously.

Clubs serve as a pillar for their local communities and have high patronage rates. Because of the high volume of interactions with a broad cross-section of the general public, clubs tend to face a high amount of discrimination claims.

Registered clubs in New South Wales serve a diverse range of community purposes, including sporting, religious, cultural and returned services functions. In NSW, there are religious clubs including Catholic and Jewish clubs as well as ethnic clubs such as Greek, Italian, Polish, German and Croatia clubs.

Given this diversity, clubs can lawfully apply certain membership criteria in limited circumstances, including where a club is established to provide benefits to people of a particular race or religion. These exceptions are essential to preserving the unique character and purpose of these clubs.

For example, religious clubs have certain practices aimed at maintaining the club's religious ethos, principles and character, and any amendments to the Act should not directly or indirectly outlaw these practices. For instance, clubs with a religious purpose may:

- Have a class of membership for which only members of a certain religion are eligible. This class of membership may have certain rights or privileges available to other classes, such as being able to vote on resolutions at a general meeting or stand for the governing body; or
- Only allow club members of a certain religion to stand for the governing body.

The inherent structure of registered clubs enables them to support specific religious and/or ethnic purposes, fostering social connection and belonging. These clubs operate inclusively, with many allowing social members and guests of members to access facilities and goods and services offered at their venues. They have consistently operated effectively and continue to meet community expectations.

It is important that any amendment to the Act continues to allow for religious and ethnic clubs to utilise existing religious and cultural practices that are lawful. If there were to be amendments to the Act and how a club with a religious or cultural club could operate, clubs may face legal challenges and incur unnecessary legal costs. It is important any amendment to the Act in relation to this is clear and does not cause any unintended ambiguity.

**ClubsNSW recommends that clubs with a regional or ethnic purpose continue to operate as they currently do to preserve the benefits they provide to their communities.**

ClubsNSW appreciates the opportunity to provide a submission and welcomes the opportunity to comment further, particularly on the proposed second round of consultation which will deal with matters including the current complaint process for complaints.

For further information, please contact Simon Sawday, Director of Government Affairs

Kind regards,

Simon Sawday

Director of Government Affairs

ClubsNSW