

Invisible Victims

CONSIDERING CULT SURVIVORS IN ANTI-DISCRIMINATION LAW

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ACKNOWLEDGEMENTS

We extend our deepest gratitude to the many survivors of cults and high-control groups who have generously shared their knowledge, insights and hard-won wisdom.

We acknowledge the Wurundjeri, Wadawurrung, Turrbal and Yuggera people as the traditional custodians of the land on which we work. We pay respect to elders past, present and emerging.

ABOUT THE ORGANISATIONS

Survivors of Coercive Cults and High-Control Groups is an advocacy collective comprising individuals with lived-experience of coercive, high-control environments. Drawing on years of sustained advocacy across legal, policy, and support sectors, members have contributed to law reform, public policy, research, media engagement, and peer support initiatives. The collective exists to ensure survivor-informed perspectives shape systemic responses to coercive control in group contexts.

SOCCHG runs the Victorian Cult Survivors Network, which, while intended as a Victorian-specific community of survivors, has accepted survivors of New South Wales-based cults.

Stop Religious Coercion Australia is a national advocacy initiative founded by survivors of the Geelong Revival Centre. The group works to raise public awareness of religious coercion and its impacts, and advocates for legal and policy reform to prevent the misuse of spiritual authority to control, isolate, or harm. Its members collaborate across faith, legal, and survivor sectors to support rights-based protections for those affected by high-demand religious groups.

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EXECUTIVE SUMMARY

This submission to the New South Wales Law Reform Commission's Anti-Discrimination Act review is prepared on behalf of Survivors of Coercive Cults and High-Control Groups (SOCCHG) and Stop Religious Coercion Australia. We have been honoured to hear the stories of numerous survivors in New South Wales and other states. SOCCHG is an Australia-wide advocacy group set up with survivor-led law reform, media, communications and services in mind. SRCA focuses on ending coercive and cultic practices in religious and pseudo-religious settings in Australia. Our existence is necessitated by significant lacks in knowledge about, and support for, Australia-based survivors of cults and coercive groups.

Chief among our recommendations is this: issues pertaining to cults and high-control groups are complex and nuanced, and no single area of law currently gives adequate coverage to prevent cult damage or holds its perpetrators accountable.

Our first recommendation is that this commission understands the complex ways in which cult survivor challenges apply to every area of life, and that anti-discrimination law represents only a limited lens through which this can be viewed. We recommend that the committee open up meaningful dialogue with cult survivor advocate groups to drive meaningful change in the cult and high-control group space.

Anti-discrimination law is vital for cult survivors because it provides a legal safety net in a society where their experiences are often misunderstood, minimised, or dismissed. To date, most papers on the topic of cults and discrimination focus on the cult being discriminated against. They do not identify the detrimental ways in which a cult may discriminate against someone who leaves, or engage in retaliatory, defamatory campaigns against survivors, thus putting said survivors in the path of discrimination and its effects. Also poorly recognised is the way cults and high-control groups may use employment, housing or access to services as a medium by which to recruit new members, with discrimination being a core aspect of this.

Survivors of coercive cults and high-control groups can face stigma, social exclusion, and institutional bias after leaving. They may be stereotyped as “gullible,” “unstable,” or “troublemakers,” which can unfairly affect their ability to access housing, employment, education, and health care. They are frequently defamed by the cult or coercive group they leave, which can leave them in the path of discriminatory actions. Moreover, many cults make concerted efforts at holding influential positions in the community, which may lead them to gatekeep services, housing or employment at the expense of survivors. Without explicit legal protections, survivors can be left vulnerable to discrimination based on their past association with a cult, the lingering impacts of coercive control, or even their resistance to engage in unfair expectations with regard to accessing affiliated services or employment.

Leaving a cult often involves rebuilding life from scratch. Survivors may have gaps in their education or work history, limited financial security, or ongoing trauma. If discrimination is allowed to occur unchecked, it can compound these disadvantages and slow recovery. At worst, it can drive their re/engagement with noxious and abusive groups because they cannot source support elsewhere.

Anti-discrimination protections do not level the playing field, as cult survivors have significant barriers to cross in order to integrate into a society they are frequently ill-equipped to navigate. However, ensuring that anti-discrimination law adequately recognises cult survivors, and deceptive recruitment tactics, can be a step towards protecting survivors from unfair treatment. This may also assist in limiting the ongoing damage and harm of a cult that may seek to defame, harm or limit the success of an exiting member.

A best-case scenario would be one in which individuals are not subjected to less-favourable treatment because of their lack of or resistance to religious belief, and those seeking employment or support would not be subject to unreasonable work requirements such as a requirement to engage with cultic or spiritual programs.

This may serve as a needed impediment to deceptive cult recruitment tactics.

For New South Wales to consider anti-cult law reform more broadly would be highly beneficial, as numerous cults are thought to exist in the jurisdiction, and their impacts are many and devastating. The scope of the ADA review is inadequate to understand the entire impact, and we recommend reading "[Beyond Belief](#)" or engaging with the Victorian Inquiry into Cults and Fringe Groups to engage with the broader issues.

Recognition of cult survivors under the ADA would signal that the government of New South Wales takes cult harm seriously. Extending anti-discrimination law to cult survivors acknowledges the unique ways coercive groups undermine autonomy and dignity. It reinforces the principle that no one should be discriminated against or treated less favourably for having been exploited or manipulated, and that survivors deserve the same protections and opportunities as anyone else.

Furthermore, it would reinforce that cult survivors – once they have left – should not have access to employment, housing, supports or resources revoked due to the actions a cult may take to defame them or limit their access.

This report will recommend that the Anti-Discrimination Act Review undertake the following:

- **Close broad exemptions** for religious and voluntary bodies by replacing **s.56** and **s.57** with a narrow, evidence-based genuine occupational requirement (**GOR**) test modelled on *UK Equality Act 2010, Schedule 9* (proportionate means, legitimate aim)¹².

¹ <https://www.legislation.gov.uk/ukpga/2010/15/schedule/9?>

² https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1977-048?utm_source=chatgpt.com#sec.7

- **Create a new protected attribute:** *religious belief or activity (including lack of belief)*, with coverage for perceived attributes and association—NSW currently has no general ban on religious discrimination, only religious vilification (civil) under **s.49ZE**³.
- **Introduce a positive duty** requiring organisations, including religious bodies, to take reasonable and proportionate steps to prevent discrimination, harassment and vilification⁴.
- **Public funding rule:** exemptions cannot be relied on by entities providing publicly funded services; require transparency reports when any exemption is used.
- **Enforcement that works:** keep conciliation (**s.91A**) and Board functions (**s.119**), but add own-motion investigations, compliance notices and audits (mirroring the AHRC’s systemic powers)⁵.
- **Alignment on vilification:** retain **religious vilification (s.49ZE)** and clarify guidance; align serious conduct with **Crimes Act 1900 (NSW) s.93Z** (criminal “threaten or incite violence”)⁶.

This submission focuses on the under-recognised issue of survivors of cults and fringe groups requiring protection from discrimination that might affect their employment, housing, or other rights following their exit from these groups. Many survivors experience coercive, retaliatory or discriminatory practices beyond singular group settings and into many areas of life. It points out that cults often use front groups (such as bona fide businesses or volunteer groups) to recruit.

This form of coercive or deceptive recruitment may overlap with discrimination law in that it imposes unfair expectations and provides an advantage to those who do engage with the cult (which is quite often, but not always, a religious-based group). At present, this behaviour may occur behind the legitimacy shield of ‘religious freedom.

Thank you for considering the following recommendations.

³ <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1977-048?>

⁴ https://classic.austlii.edu.au/au/legis/vic/consol_act/EOA2010250/s15.html?

⁵ <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1977-048?>

⁶ chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://legislation.nsw.gov.au/view/pdf/asmade/act-2023-15?

RESPONDING TO THE TERMS OF REFERENCE

For the most part, discussions around discrimination and cults are focused on cults themselves as the victims of discrimination, not as perpetrators of the same. Coercive cults and high-control groups may run businesses in the community, place people in positions of high regard, or defame the survivor or engage in other destructive behaviour.

This may result in the survivor struggling to engage in activities such as gaining new employment or education, accessing housing or other social supports, or maintaining a good reputation in the community, among other challenges.

The survivor may also face significant discrimination from the community upon exiting a cult. Given the profound ways in which a survivor must rehabilitate themselves upon exit, this adds a layer of challenge that may be detrimental to the survivor.

Other areas of law, such as family and intimate partner violence, modern slavery and organised crime, overlay into the cult space. However, despite the similarities, cultic abuse sits in a category of its own. SOCCHG seeks to introduce *group-based coercive control* as a distinct area of harm. Anti-discrimination law is a limited but necessary lens to consider with regard to cult survivors.

While reactive or retaliatory discrimination is one area of significant difficulty for survivors, a second area of discrimination exists. Here, a healthcare, disability, or goods and services agency run by a cult may require patients or consumers to engage with their cultic or religious practices as a condition of treatment. For example:

- A drug rehabilitation centre may require patients to engage in religious or cult-based practices as a condition of treatment. Religion-based organisations offering drug rehabilitation may be affiliated with or run by religious or cultic organisations,

It is also important to acknowledge that cults engage in other discriminatory practices. Families, friends, professionals, journalists and community members who resist or question a cult's authority may also be vilified, excluded or denied fair treatment. This

wider scope of harm needs to be recognised in anti-discrimination law. However, the focus of this submission is on the unique forms of discrimination faced by survivors after leaving, and the urgent need for legal protections specific to their circumstances.

To this end, we offer the following suggestions:

1 - Modernise and simplify the Act

Problem: The ADA is complex and exemptions are scattered, leaving overly-broad carve-outs for religious bodies (s.56) and voluntary bodies (s.57)⁷. These carve-outs and exemptions may act to the direct detriment of those who have left these bodies, including cultic groups that may seek to use these exemptions. No group will self-identify as a cult. However, people who have exited these groups should not be discriminated against on the basis of having left said groups.

Suggested Reform:

- Redraft in plain English; consolidate core definitions in s.4; insert an *Objects clause* to prioritise equality and clarify that religious freedom does *not* authorise discrimination except where a tightly limited, proportionate exemption applies.
- Replace s.56/s.57 with a *GOR* test modelled on *UK Schedule 9*: the organisation must prove the requirement is (a) an occupational requirement, (b) proportionate to a legitimate aim, and (c) no less-restrictive alternative exists⁸.

2 - Protected attributes — add ‘lack of belief’ or similar

Current law: NSW *does not* prohibit discrimination on religious belief/activity. NSW does prohibit religious vilification (civil) under s.49ZE, introduced by the Anti-Discrimination Amendment (Religious Vilification) Act 2023⁹. As it stands, cults may exercise discrimination against, or vilification of a person who has left their group on the basis of their lack of belief. Likewise, cultic organisations that employ members of the community in legitimate business activities may discriminate against individuals on the basis of their lack of belief or use such activities as an opportunity to recruit.

Current law does not identify situations in which a person may be subjected to positive or negative discrimination based on their willingness to engage with religious or cult-related programs in order to be eligible for employment or services. Nor does it offer protections for individuals in such situations.

Suggested Reform:

⁷ <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1977-048?>

⁸ <https://www.legislation.gov.uk/ukpga/2010/15/schedule/9>

⁹ chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://legislation.nsw.gov.au/view/pdf/asmade/act-2023-15?utm_source=chatgpt.com

- Insert a new attribute covering *belief, activity, lack of belief, and perceived/association* coverage.

Drafting note: mirror existing structure used for other attributes (definition + tests for direct/indirect discrimination + areas of public life + exceptions)¹⁰.

Model text (extract):

“Religious belief or activity” includes holding or not holding a religious belief, engaging or not engaging in a lawful religious activity, and being perceived to do so; and association with such persons.

3- Areas of public life — attribute-specific, not a single “s.22”

Current law: The ADA uses attribute-specific Parts/sections for work, education, goods/services, accommodation, clubs, etc. For example: Race – s.17 (education), s.19 (goods/services); Sex – s.31A (education); Disability – s.49L (education), s.49M (goods/services); Homosexuality – s.49ZO (education), s.49ZP (goods/services)¹¹.

Suggested reform:

- When inserting the new religious attribute (i.e. no belief), include coverage across work, education, goods and services, accommodation and clubs, consistent with this structure.

4 - Discrimination tests — harmonise and recognise intersectionality

Current law: The direct/indirect tests vary across attributes—e.g., **s.7 (race), s.24 (sex), s.49B (disability)**¹².

Suggested Reform:

- Create a single test Part applying across attributes (including the new religious attribute).
- Codify intersectional discrimination and clarify “reasonableness” (draw on **Vic EOA s.9**)¹³.

¹⁰ <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1977-048?>

¹¹ <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1977-048?>

¹² <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1977-048?>

¹³ <https://www.legislation.vic.gov.au/in-force/acts/equal-opportunity-act-2010/020?>

5 - Vilification — keep religious vilification; align serious conduct with s.93Z

Current law: Religious vilification is unlawful (civil) under **s.49ZE** (Part 4BA). Serious conduct involving threats or incitement of violence is a criminal offence under the *Crimes Act 1900 (NSW)* **s.93Z**¹⁴. Cult leavers or survivors may experience vilification for their lack of belief upon exiting high-control groups. They may then experience vilification by others due to their past involvement in the group.

Reform:

- Keep **s.49ZE**; publish statutory guidance on thresholds (public act, incite, harm/impact).
- Ensure no person can be vilified for *not* having, or no longer having a religious belief.
- Ensure agencies and complainants understand when to use civil (**ADA**) vs criminal (**s.93Z**) pathways¹⁵.

6 - Harassment — extend beyond sexual harassment

Current law: Harassment is only expressly covered for sexual harassment in Part 2A (s.22A–s.22B). NSW Legislation

Suggested Reform:

- Prohibit harassment on any protected attribute across all public areas of life (work, education, goods/services, accommodation, clubs).
- Define harassment consistently (serious single incident or repeated conduct; reasonable person test).

¹⁴ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://legislation.nsw.gov.au/view/pdf/asmade/act-2023-15?

¹⁵ <https://stoppublicthreats.legalaid.nsw.gov.au/about-the-laws/public-threats-of-or-incitement-to-violence?>

7 - Positive duty — proactive prevention

Suggested Reform:

- Adopt a positive duty like Vic EOA s.15: duty holders must take reasonable and proportionate measures to prevent discrimination, harassment and vilification. Publish codes of practice for religious schools, charities, clubs and service providers¹⁶.

8 - Exceptions & exemptions — narrow, proportionate, transparent

Suggested Reform: Replace s.56/s.57.

- Limit exemptions to core religious functions (ordination, appointment of clergy, worship/ritual, selection of religious office-holders).

All other differential treatment must satisfy a GOR test (UK Schedule 9), be necessary and proportionate, and not available where the body delivers publicly funded services. Require annual public reporting on any exemptions applied.¹⁷

Exemptions by application:

- Keep the mechanism (e.g., current s. 126) but add: time limits, a public interest test, publication of reasons, and a register¹⁸.

9 - Complaints, remedies & systemic enforcement

Current law: Conciliation (s.91A) and Board functions (s.119) are valuable but largely reactive and individual-complaint driven¹⁹.

Suggestion Reform:

- Add *own-motion investigations, compliance notices, audits, and public inquiries into systemic issues*—mirroring the Australian Human Rights Commission’s powers framework²⁰.

Enable enforceable undertakings and penalties for non-compliance with notices.

¹⁶ <https://www.humanrights.vic.gov.au/for-organisations/positive-duty/>

¹⁷ <https://www.legislation.gov.uk/ukpga/2010/15/schedule/9?>

¹⁸ <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1977-048?>

¹⁹ <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1977-048?>

²⁰ https://classic.austlii.edu.au/au/legis/vic/consol_act/ea2010250/s15.html?

10 - Interaction with Commonwealth law

Recommended Considerations:

The Commonwealth Sex Discrimination Act 1984 (Cth) s.37 contains broad exemptions for religious bodies.

While SOCCHG and SRCA oppose the use of religious exemptions for discrimination against LGBTQA+ people, we also recognise that many cults have recruited new members through front businesses, introducing their transcendent belief system through heavily suggested or mandatory participation in group activities. We also acknowledge that these exemptions may be used to fire or discriminate against an ex-member who no longer holds their beliefs.

- Ensure that NSW standards afford stronger protections for survivors who may be subject to discrimination because they no longer adhere to cultish beliefs²¹.

11- Funding & procurement – “no public money for discrimination”

- Make access to NSW Government funding contingent on compliance with ADA standards (including narrowed exemptions).
- Require funding contracts to include anti-discrimination clauses, reporting, and a right for the State to withhold/recoup funds for breaches.

12 - Transitional arrangements & implementation

- **Grace period** (12–18 months) for institutions to audit policies, train staff, and adjust contracts.
- **Guidance:** publish model policies for religious schools/charities; tailored templates for recruitment using the GOR test (when justified).
- **Monitoring:** annual ADNSW report on exemptions usage, systemic inquiries, and outcomes.

²¹ <https://www.legislation.vic.gov.au/in-force/acts/equal-opportunity-act-2010/020?>

ANNEX A — DRAFTING SUGGESTIONS (ILLUSTRATIVE)

1. New Part: Discrimination on the ground of religious belief or activity

- **Definition section:** belief/activity/lack of belief; perceived; association.
- **Direct discrimination** (purpose/effect) & **indirect discrimination** (condition/requirement/practice, unjustified).
- **Areas of public life** mirrored from other attributes (work, education, goods/services, accommodation, clubs).
- **Exceptions:** limit to core religious functions; otherwise require **GOR** (proportionate, legitimate aim, less-restrictive test). [Legislation.gov.uk](https://legislation.gov.uk)

2. Amend s.56 and s.57

- Repeal blanket wording; insert cross-reference to the **GOR clause**; exclude **publicly funded** services from relying on exemptions. [NSW Legislation](#)

3. Insert Positive Duty Part

- Duty to take reasonable and proportionate measures; ADNSW may issue **compliance codes**; failure can trigger **own-motion** action. (Vic model.) [AustLII Classic](#)

4. Enforcement Part

- **Own-motion** investigations; **compliance notices**; **audits**; **public inquiries**; **register** of exemptions and reasons.

ANNEX B — QUICK REFERENCE TO KEY PROVISIONS CITED

Anti-Discrimination Act 1977 (NSW) (current in-force consolidated). [NSW Legislation+1](#)

Religious vilification added by **Anti-Discrimination Amendment (Religious Vilification) Act 2023** (established s.49ZE). [NSW Legislation](#)

Sexual harassment: Part 2A (s.22A–s.22B). [NSW Legislation](#)

Conciliation (s.91A) and Board functions (s.119). [NSW Legislation](#)

Crimes Act 1900 (NSW) s.93Z (criminal “threaten or incite violence”). [AustLII](#)

Vic Equal Opportunity Act 2010: s.9 (indirect discrimination), **s.15** (positive duty). [Victorian LegislationAustLII Classic](#)

UK Equality Act 2010, Schedule 9 (GOR). [Legislation.gov.uk](#)

Sex Discrimination Act 1984 (Cth) s.37 (religious body exemption). [Victorian Legislation](#)

CONCLUSION

We extend our sincere thanks to the *Anti-Discrimination Act Review* for their consideration of cult and high-control group survivors in their review process. As the volume and quality of submissions to the Victorian Parliamentary Inquiry into Cults and Fringe Groups has recently made clear, the harms inflicted by cults and high-control groups are devastating, longstanding, and undeniable.

The discrimination a person may undergo when leaving a cult that may have considerable control over their employment, housing, reputation and access to services, or access to people who can gatekeep services to cult survivors, is significant. Yet the paucity of policy and knowledge around this phenomenon makes this another area of powerlessness, disadvantage and complexity.

Numerous Australian States are undergoing seismic shifts in their understanding of cult and group-based coercion, control, and abuse. Successive inquiries and reforms - across family violence, institutional child abuse, disability, mental health, elder abuse and human rights - have matured our legal and policy frameworks to a point where public recognition of the damage caused by cults and high-control groups is not only responsible, but requisite to create civic and governmental commitment to justice, safety, and systemic protection for cult survivors.

We believe that survivor-led law reform is the most effective way to craft meaningful change, and therefore, we welcome the opportunity to speak with the committee at their convenience. We also believe that a dedicated group-based coercive control law, as outlined in [Beyond Belief](#), is a logical next step, as the discrimination aspect of cult survivorship is only an extraordinarily limited aspect of the struggles survivors face.

We thank the committee for its consideration.

