



Baptist Churches
of NSW & ACT

Submission to the NSW Law Reform Commission
Into the Review of the Anti-Discrimination Act 1977 (NSW)

15 August 2025



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NSW Law Reform Commission
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Submitted electronically

REVIEW OF THE NSW ANTI-DISCRIMINATION ACT

Dear Commissioners,

Thank you for the opportunity to participate in this inquiry. This submission is written on behalf of the Baptist Association of NSW & ACT, which represents over 360 churches and communities across the State as well as the Canberra region. The Baptist movement has been active in NSW since 1836 when the first Baptist Church was established at Bathurst Street in Sydney.

The Baptist movement has always advocated for justice, equality and diversity. In addition to our hundreds of congregations, the Baptist Homes Trust was established in 1944 and later became BaptistCare – which today is one of our nation’s largest aged and community care service providers. Australian Baptists have also established a diverse range of schools and colleges, and continue to contribute to the nation’s social fabric. We look forward to continuing this contribution.

Questions regarding this submission are welcome and may be directed in first instance to Edwin Ho, Governance Manager via our contact details on the previous page.

Thank you again for the opportunity to comment.

Yours sincerely

Rev. Dr. Steve Bartlett
Director of Ministries
Baptist Association of NSW & ACT

Introduction

Law must keep pace with social as well as technological change; and much has indeed changed since the introduction of the State's Anti-Discrimination Act in 1977¹.

The Anti-Discrimination Act effectively sought to codify Australia's response (in NSW) to the introduction of the Twin Covenants in international human rights law: the International Covenant on Civil and Political Rights² and the International Covenant on Economic, Social and Cultural Rights.³

The Anti-Discrimination Act has not been comprehensively reviewed since 1999. The Baptist Association of NSW & ACT (Baptist Association) welcomes the current review of the Act, and the efforts made to consult with faith communities – including via the NSW Faith Affairs Council.

Post-9/11 and the shift to today's digitally-connected Multipolar World has brought about both opportunities and risks. In NSW and in the national context, fringe groups at various political, social and religious extremes, have emerged in what the ASIO Director General recently described as a “polarised, grievance-rich environment” where “social cohesion will remain strained”.⁴

Even in the last few years, various levels of Australian government have responded accordingly to international tensions that have impacted domestic society, including establishment of envoys for Islamophobia and Anti-Semitism, with the Australian Government earlier this year launching its Counter Terrorism and Violent Extremism Strategy.⁵

The Baptist movement in NSW encompasses over 360 congregations across NSW and the ACT. Across the breadth of these churches there is significant diversity in context, culture and ethnic heritage.

The Baptist movement is home to some of the State's best schools and colleges, including the Morling Theological College which has its primary campus located in Macquarie Park.

¹ *Anti-Discrimination Act 1977* (NSW)

² United Nations, International Covenant on Civil and Political Rights (1966), Ratified by Australia in November 1980.

³ United Nations, International Covenant on Economic, Social and Cultural Rights (1976), Ratified by Australia in March 1976.

⁴ Mike Burgess, Office of National Intelligence Annual Threat Assessment, 18 February 2025 <<https://www.oni.gov.au/news/asio-annual-threat-assessment-2025>>

⁵ Australian Government, Counter Terrorism and Violence Extremism Strategy, January 2025 <<https://www.nationalsecurity.gov.au/what-australia-is-doing-subsite/Files/australias-counter-terrorism-violent-extremism-strategy.pdf>>

BaptistCare is now the nation's third-largest integrated care and service provider⁶, providing essential aged care and community services during a cost-of-living crisis and with Australia facing a rapidly ageing population.

Baptists, and Christians more broadly, as followers of Jesus, seek to live Christ-filled lives individually as well as in community. This includes living out values of equality, help for the needy, service to others, forgiveness and justice. Baptist distinctives from other Protestant denominations include a generous degree of autonomy for the local church, the importance of baptism on profession of individual faith in Jesus Christ, and of course the separation of church and state.

Baptists in NSW are supportive of and have been ardent advocates of positive social change and equality. We seek a sound balance in the law, between protection of citizens from discrimination on the one hand, and the need to preserve religious freedoms on the other.

We support the submission of [Freedom for Faith](#), and will continue to work with like-minded Christian organisations and stakeholders to achieve the right balance in any legislation or law reform effort.

Below we will explore specific areas and questions related to the Review of the Act in further detail.

Positive Right to Religious Freedom

Our preferred option is that the Act recognises a positive right for religious expression and association, as opposed to relying on an exceptions-based model. In its present form, the Act seeks to protect religious belief and activity through the language of exemption and exclusion.⁷

Relying on exemption alone is problematic because it is predicated on the basis that religious belief does not inherently attract protection as a primary right. We believe religious freedom is a fundamental human right, certainly consistent with our values as a society as well as international law.⁸

As we will explore further in this Submission, relying on the exceptions-based model carries practical limitations and risks.

⁶ Australian Ageing Agenda, 'BaptistCare merger legally completed' (10 March, 2025) <<https://www.australianageingagenda.com.au/noticeboard/baptistcare-merger-legally-completed/>>

⁷ See for example *Anti-Discrimination Act 1977* (NSW) Pt 6; s 49ZE(2) and other provisions.

⁸ United Nations, International Covenant on Civil and Political Rights (1966), Ratified by Australia in November 1980.

Potential New Protected Attributes (Q5)

We see practical and moral benefits in the addition of religion as a protected attribute from discrimination. Protected attributes should seek to protect people of faith and faith communities from discrimination or harm.

Since the introduction of the *Anti-Discrimination Act*, the landscape with regards to religion and faith has changed dramatically in Australia. Christianity, once the faith of the overwhelming majority, today represents under half the population – with 43.9% of Australians identifying as Christian.⁹

Additionally, the growth in a range of other religions, particularly Islam, Buddhism and Hinduism¹⁰, has only bolstered the case for making religion a protected attribute, given the increased depth and diversity of different faith groups and communities.

Areas of Public Life (Q6)

6.2 – Work and Employment

6.3 – Education

6.4 – 6.8 – Goods and Services

The Baptist Association has robust anti-discrimination, WHS and employment frameworks in place. This includes policies and agreements with personnel that clearly outline faith-based values as well as professional values.

Should the law fail to establish a positive right of freedom of religion, the types of exceptions currently found in for example Section 56 of the Act¹¹ would be crucial for Christian educational institutions, especially theological colleges such as Morling College who are involved in the training, education, ordination and appointment of individuals into religious orders. This would also be a critical consideration across other Christian denominations, as well as other faith communities altogether.

Wider Exceptions (Q7)

7.1 and 7.2 – Religious Personnel and Religious Bodies

7.5 – Private Educational Authorities and Employment Exceptions

7.6 – Students and Prospective Students

7.8 – Charities

7.9 – Voluntary Bodies

7.10 – Aged Care Accommodation Providers

⁹ Australian Bureau of Statistics, Australian Census 2021 'Religious Affiliation' (Updated July 2022).

¹⁰ Ibid.

¹¹ *Anti-Discrimination Act (NSW) 1977* s 56.

Religious Personnel and Religious Bodies

As previously mentioned, a model that adopts a positive right to religious freedom is preferred over an exceptions-based model.

The Baptist movement is broad and diverse. Although there are areas of divergence, there is widespread acceptance of a minimum set of primary faith values and beliefs. To assert that church leaders, Bible college candidates and other key personnel need to share these values if they wish to be part of our organisation is a basic, fundamental principle for obvious reasons. This should not need defending via specific exceptions, but rather the freedom of the church to be the church should be expressed as a positive right in the first place.

Staff and volunteers in Christian organisations are also usually involved in practising their faith practically and meaningfully in the workplace e.g. through prayer (individual or corporate) or participation in corporate devotion. Often these include or intersect with Christian training on intercultural and other safe practices.

Private Educational Authorities

Baptist educational institutions are as diverse as the movement itself and encompass primary and secondary schools, as well as colleges such as Morling Theological College and Bedford College, which commenced in 1943 as a vocational training centre for the betterment of women.

Each educational institution has a generous degree of autonomy and would also reflect their respective broader communities in terms of cultural diversity, socioeconomic status and other factors. This is evident in the range of costs in accessing Baptist schools, with each individual school setting a unique fee structure. This provides parents and families in NSW greater choice in selecting the right education for their children.

A significant motivating factor for why families opt to send their children to Christian schools is that the values of their faith permeate throughout the curriculum of the school and the school life in general. Teachers are responsible for teaching their curriculum – whatever the subject - in alignment with the values of the school and community. The ability of staff to provide spiritual input and guidance consistent with the ethos of the school, flowing from their own support of that ethos, is also crucial in Christian schools. Without this, one of the central rationales behind parents choosing to send their children to these schools would be removed.

As we will discuss in the following paragraphs with regards to charities and social services, the aim of Baptist educational institutions is not to supplant or replace public education, but rather to support and complement it, providing people with greater

choice at a time when services continue to struggle to keep pace with demand.

Charities, Volunteers and Aged Care

Regarding charities, voluntary bodies, aged care and community service providers more specifically – although the concept of modern hospitals and healthcare can trace their roots back to the Christian Church, it is certainly not the intent of Australian Baptists nor any other major Christian denomination to supplant Government in providing health and community services to the public. Indeed, a core Baptist distinctive is the separation of church and state.

Rather, Baptist health and community organisations seek to complement and support public agencies in helping the sick, needy and disadvantaged.

Faith-based health, aged care and community service providers such as BaptistCare fill a growing gap in service provision at a time where Australia faces a cost-of-living crisis, housing crisis, growing inequality and a rapidly ageing population.

The Australian Charities and Not-for-profits Commission (ACNC) in its most recent Australian Charities Report noted that NFP organisations rely heavily on volunteers and goodwill. For every one employee working at an Australian NFP organisation, there are on average 2.4 volunteers at the same organisation.¹²

The ACNC has also consistently identified faith-based organisations as being the single largest category of charity in Australia.¹³ Should regulatory and operational impediments for faith-based service providers and charities increase, it is ultimately the Australian people and the public system who will suffer from an increased burden and growing gap in service provision, at a time when our society can ill afford for that to occur.

Civil Protections Against Vilification (Q8)

8.1 – Protected Attributes

8.3 – Definition of ‘Public Act’

8.5 – Religious Vilification

As mentioned above, we support the addition of religion as a protected attribute under the legislation.

¹² Sue Woodward AM, Australian Charities Report 11th Ed., Australian Charities and Not-for-profit Commission (Australian Government) 4 June 2025.

¹³ Ibid.

Regarding religious vilification, the Common Law has sufficiently defined religion as “Belief in a supernatural being, thing or principle; and acceptance and observance of canons of conduct in order to give effect to that belief.”¹⁴

At present, no changes are sought to the definition of “public act”. As a separate but related issue, rapid advances in technology could impact this area in the future. The growth and adoption in social media for example has changed the way in which individuals and organisations interact with the public.

Substantive Equality (Q11)

The Australian Baptist movement, including through Baptist Mission Australia, publicly expressed support for the Indigenous Voice to Parliament as well as endorsement of the Uluru Statement from the Heart.¹⁵

Within the Baptist Association at a State-level, we have mechanisms of promoting diversity, inclusion and cultural competency. These include raising up over 115 Association leaders across NSW from culturally and linguistically diverse (CALD) communities, a strategy for diverse church planting, and programs to address inequality. These include:

- P’ru Program (Hebrew for “Be Fruitful”) which commenced in 2024 in collaboration with other Baptist agencies within Australia, aimed at providing culturally safe and relevant approaches to Aboriginal and Torres Strait Islander as well as CALD leaders.
- Rural and remote support programs, including disaster relief programs for flooding and natural disasters in the Northern Rivers, Central West and South Coast regions of the State with a focus on recovery as well as improving community resilience and mental health.¹⁶

Conclusion

The Baptist Association welcomes the review of the Act and will continue to participate in ongoing review and consultation mechanisms. We are thankful to the NSW Law Reform Commission for undertaking this important work, and we are hopeful that any future legislation or law reform will strike a sound balance, seeking to protect both religious freedoms as well as ensuring that all in our society can live freely without facing discrimination.

¹⁴ *Church of the New Faith v Commissioner of Payroll Tax (Vic)* (1983) 154 CLR 120.

¹⁵ Australian Baptist Ministries, ‘Australian Baptists support the Voice to Parliament and Uluru Statement from the Heart’ (September 2022).

¹⁶ Baptist Association of NSW & ACT, Annual Report 2024 – Mission and Church Development Group (tabled May 2025).