

In terms of the Church of Scientology, the report summarized a 1983 High Court decision as a result of which the Church of Scientology is recognized as a religious institution. In that case, the High Court had to decide whether the Church met the description of a "religious, public and voluntary institution" in order to be exempted from taxes on wages paid to staff under the income tax law. The High Court found in favour of the Church and indicated that the status of a "religion" did not apply only to theistic denominations. The High Court specified that there were two criteria for determining the existence of a religion: belief in a supernatural being, thing, or principle and submission to rules of conduct shaping such a belief. The Court also proposed that any organization which purported to be religious and whose belief and practices were reminiscent of, or reflected, ancient forms of worship could claim to believe in one or more supernatural beings, a god or an abstract entity and would be regarded as a religion.

The report also notes, however, that in discussions with the SR several religious and non-governmental commentators expressed the view that Scientology was really a sect based on a combination of elements borrowed from psychology and religion and, on a search for profit at the expense of its members, achieved its objectives through brainwashing chiefly young people. Scientology awoke not only suspicions, but also fears owing to its aggressiveness and virulence, especially in its legal proceedings against any opponent.

Notwithstanding the concerns and fears expressed by some, representatives of the Church of Scientology indicated that they enjoyed total religious freedom, including places of worship, and enjoyed good relations with the authorities. Scientologists also stated that their church maintained cordial relations with the representatives of major religions. The report commented, however, that Scientology appears to be closer to minority groups such as the Jehovah's Witnesses, the Unification Church, The Family, and the Mormons, and is reported to assist these groups and faiths with advice, moral support, and public relations.

With regard to The Family — derived from the "Children of God" movement and based on the teaching of the Bible, the education of children at home and community life (about 400 persons) — the report recalled that in May 1992, the six Family communities in Sydney and Melbourne were raided by police and members of the medico-social services. House searches were carried out and children were taken from their families for questioning and medical examinations. The children were returned to their parents several days later for lack of evidence supporting charges of sexual abuse against minors or the description of the movement by some media as a "dangerous sect". The report notes that the judicial proceedings which had been initiated, owing in part to differing interpretations of the legal status of teaching in the home as practised by The Family, were suspended following an amicable agreement that included a programme of social activities for the children. The case was

ultimately dismissed in November 1993 by the Children's Court in New South Wales. Representatives of The Family indicated to the SR that they had been seeking damages from agencies, have appealed for rehabilitation by the withdrawal of all allegations against them, and expressed fears of discrimination on the part of the authorities.

On the situation of indigenous peoples (Aboriginals) the report refers to a number of points including that land and sacred sites hold a fundamental significance for indigenous peoples in that their beliefs are identified with the land. Maintaining the integrity of the land therefore takes on a religious dimension which has to be preserved. Following on this, the report notes the 1992 Mabo (No. 2) case in which the High Court held that the common law recognizes some form of native title in accordance with the laws and customs of the Aboriginals and found that Aboriginal peoples may have maintained continued links with that land under traditional law. The SR recalled that in response to the Mabo decision, the government enacted the Native Title Act 1993 which defines native title as "the communal, group or individual rights and interests of the Aboriginal peoples or Torres Strait Islanders in relation to land or water" where: the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; these peoples, by those laws or customs, have a connection with the land or waters; and the rights or interests are recognized by the common law of Australia.

The report then notes: the main features of the Native Title Act are that it recognizes and protects the existence of native title rights and interests in the common law of Australia, validates past Commonwealth acts in relation to land which might otherwise have been invalid as a result of the High Court's decision, provides processes for determining where native title still exists, for future dealings in native title land, and for compensation for extinguishment of native title, and enables compatible state and territory laws to be recognized. Native title is also protected by the Racial Discrimination Act to the extent that, with regard to extinguishment of native title, the government must follow the procedures for extinguishing other interests in land because to extinguish native title alone would be racially discriminatory. The report notes that despite steps to recognize and protect the rights of Aboriginal and Torres Strait Islander peoples to their land and sacred sites, an argument has been made that many Aboriginal and Torres Strait Islander peoples are unable to benefit from improvements because they were dispossessed of their land in the past, their ties to it have been broken, and their traditional land-lore has been lost; an argument has been made that the Mabo decision and the Native Title Act do not provide sufficient protection for Aboriginal and Torres Strait Islander peoples to own and control their culture and heritage; and some Aboriginal groups, such as the New South Wales Land Council, have called for further legislation to transfer the regulation of Aboriginal culture and heritage to Aboriginal control, particularly with respect