

West Australian

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# Scientology no religion, court rules

**MELBOURNE:** The Victorian Full Supreme Court ruled yesterday that the Church of the New Faith, practising scientology, was not a religion or a religious institution.

The full court unanimously dismissed an appeal by the organisation against a ruling by Mr Justice Crockett in December 1980 that it was not a religious organisation.

Mr Justice Crockett was dismissing an appeal against a decision by the Commissioner of Payroll Tax not to grant the organisation an exemption from tax as a religious organisation.

Yesterday, the Chief Justice, Sir John Young, Mr Justice Kaye and Mr Justice Brooking, in written judgments, all agreed that scientology could not be called a religion.

Mr Justice Brooking said that the church was committing a criminal offence by holding itself out as willing to teach scientology.

So far as Victoria was concerned, the church was a body formed for an object that was illegal under criminal law.

Mr Justice Kaye said: "There are strong reasons for concluding that the Church of the New Faith was incorporated in South Australia to defeat the provisions of the Psychological Practices Act by which the practice of scientology in Victoria is outlawed."

The best neutral expression he was able to apply to scientology was a set of ideas.

He was not persuaded that the nature of the set of ideas was such as to entitle the church to be described as a religion.

## Prohibition

The Psychological Practices Act of 1965 prohibited, under penalty, any person from advertising or holding himself out as being willing to teach scientology or from demanding or receiving any fee or reward in connection with the teaching, practice or application of scientology.