

Clr. Nathan Zamprogno MTeach BA JP
332 Saunders Rd
Oakville, 2765
New South Wales, Australia.
H: 0245 736 337
M: 0412 141 811
nathanzamprogno@gmail.com

9th February 2018.

TO: The Federal Inquiry into Religious Freedom in Australia
The Chair, the Hon. Philip Ruddock.

Firstly, I should like to express my gratitude to your chair, Mr Ruddock, for meeting with me recently at the margins of the NSW Local Government conference, to hear my views and to foreshadow this submission. I am a leader within my community as a Councillor on Hawkesbury City Council, and I am a high school teacher of English, History and Technology who has worked in Christian schools for 20 years. These views, however, are my own.

I grant permission for this submission to be published.

Part 1: On the difference between belief and behaviour, and of the proper limits to tolerance.

"Less well known is the paradox of tolerance: Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them... We should therefore claim, in the name of tolerance, the right not to tolerate the intolerant."

--Karl Popper, The Open Society and Its Enemies, 1945

This inquiry into religious freedom will grapple with a paradox.

Australia, a liberal and democratic society, enshrines the rights of individuals to follow their convictions of belief, association and speech. However, these freedoms also enable people to hold religious beliefs that are at times risibly and objectively nonsensical, ruinous to their dignity and finances, which destroy the bonds of family and friendship, and rarely, drive people to catastrophically destructive behaviour. This Inquiry must acknowledge that it is not inherently intolerant to periodically discuss and rebalance society's tolerance to religion.

A common complaint you will hear is that some choose to focus on the disreputable rump-end of belief, and not on all the good works done in the name of religion. To acknowledge that there is both "bad religion" and "good religion" in Australia is to state the obvious. However, any fruitful discussion of the limits of religious freedom, like any discussion about the law, necessarily focuses on the *boundaries* between the *permissible* and in the *impermissible*. Some conduct is lawful, and some lays outside the law. Most religious conduct offends no one, but some conduct transgresses a clear boundary and should be censured by the State. Your Inquiry should conclude that these boundaries are not fixed for all time; they change to reflect society's expectations, and that the law evolves to reflect new social norms.

It is not at issue that mainstream religious beliefs and practices can confer a range of genuine benefits to civilisation. These include a stronger sense of community, the provision of moral education, welfare and advocacy for the vulnerable. The Inquiry should refute the claim that religious freedom to do *these* things is under any threat in Australia, because this is simply not true. Religion has never enjoyed greater protection both by (and arguably *from*) the law than it does now in Australia, and the comparison is favourable to any other country or in any age.

Your Inquiry is at liberty to conclude that one of the gravest threats to *beneficial* religious belief and practice is not the encroachment of a secular zeitgeist, but rather the actions of religious groups that are intolerant, that cause social harm, or which endanger public safety or human rights. Such groups abuse the good-will granted to religions by our society (not to mention the many tax concessions) on the tacit understanding that they should do good and not evil.

The Inquiry may find a way through by recalling that all Australian laws already properly focus on *behaviour* that transgresses boundaries rather than *beliefs*. There is no “thoughtcrime” in Australia; at least, not yet. If a person commits financial fraud, a law exists that will bring them to account. If a person inflicts a physical assault; likewise. If a person holds terrorist sympathies based on a fundamentalist belief, a prosecution can still only proceed on the basis of some proven behaviour that this belief was *enacted*, even if it is by way of dissemination or promotion. To reiterate: *Belief* has never been under threat, and is not now. *Behaviors do* fall within the remit of the law, and properly so.

Australians are entitled to expect that our laws will reflect our social norms. Despite our innate tolerance, it must be acknowledged that there are religiously-motivated *behaviours* that outrage society and which demand that boundaries in law are made and respected. This is entirely separate from freedom of *belief*, which is and should remain sacrosanct.

Part 2: Four examples of religiously motivated behaviour that outrage society and do not deserve protection under the guise of religious freedom.

Example 1, Canon law protecting the perpetrators of child sexual abuse:

I am a high school teacher, having worked in Christian schooling for 20 years. I am therefore also statutorily a mandatory reporter of child abuse, should I come to any knowledge of harm to a child. I accept this grave responsibility as both obvious

and necessary. There is no situation in which I could ever live with my conscience by withholding knowledge of such harm from the proper authorities.

However, it is the current policy of the Catholic Church to regard the seal of the Confessional as having primacy over Australian law, and as trumping the rights of children to have their abusers dealt with by the processes of State justice. I put to the Inquiry that this dispensation, claimed as it is in Canon law on solely religious grounds, outrages society and should end.

Example 2, Psychological abuse perpetrated by religious cults, and the failure of an attempted reform to the law that should be revisited:

In 1996, the **Standing Committee of Attorneys General** -- a body consisting of peak lawmakers from the Commonwealth and every state and territory, proposed to introduce an offence of "*Recklessly or intentionally causing harm to a person's mental health, including 'significant psychological harm'*" to Australian law¹. The intent was to recognise that harm that is at least as devastating as assault can be inflicted on people in ways that are not always physical. This includes domestic violence situations, and in the context of harmful religious groups. It was heartening to see an acknowledgment that the law should provide some redress.

Your Inquiry will receive other submissions, such as that from CIFS (Cult Information and Family Support)² which will detail the ways in which religious cults abuse, coerce, brainwash, and commit fraud on thousands of Australian victims every year. Cults do this with substantial impunity from the law precisely because the practices are claimed to be religious in nature. Such stories as CIFS and others will tell are the kinds of things this proposed change to the law was intended to

¹ It was included in Chapter 5 ("Non-fatal offences against the person") of a discussion paper on the **Model Criminal Code**. The SCAG's final report on the matter was made in September 1998. Sections 5.1.17 and 5.1.18, include an extended discussion of what constitutes "harm", and include an acknowledgement that psychological abuse is most frequently perpetrated by religious groups.

² <http://www.cifs.org.au>

address. Having had a long affiliation with CIFS, I associate myself with and endorse their submission.

However, in the face of opposition from religious groups, this proposal to criminalise gross psychological harm caused by harmful religious practices was never implemented in any Australian state³. To press the case, I personally met with the NSW Attorney General Greg Smith in 2011 and his appalling response to me was to cite as an example groups like the Exclusive Brethren, one of the most demonstrably egregious and harmful religious groups in Australia, and defended them as entitled to do as they please with their own adherents under the cover of “Religious Freedom”. Such a comment reveals huge ignorance of the harm this and similar groups have perpetrated. This is not good enough.

Your inquiry, wishing as it does to walk the line between protecting religious freedom and suggesting reasonable reforms, should recommend that this law, focusing on unethical *behaviour*, and not belief *per se*, be reconsidered for adoption by every Australian jurisdiction.

Example 3, The subversion of public safety, public health, and human rights on religious grounds:

I wish to briefly tell a true story, sadly drawn from the experience of one once dear to me, to illustrate that great evils can be perpetrated when the balance between religious freedom and accountability to the law, is wrong.

A fringe religious church⁴ based in Canberra practices quack therapies on vulnerable people. They claim to be experts in the phenomenon of ‘Dissociative Identity Disorder’, a contentious psychological diagnosis characterised by multiple personalities and suppressed memories of abuse. The church has no qualification in psychology, and yet their published materials use explicitly medical and

³ Actually, it *was* implemented in the Northern Territory, where I believe not a single prosecution has ever been made under that statute.

⁴ The group is named and the broader story told in this article:

<http://baliset.blogspot.com.au/2012/03/spirited-away-sydney-morning-herald.html>

psychological vocabularies, misleading people to believe it has a medically validated or accredited character. They refer to the structure of the brain and the physiological processes related to the formation of memory. Their website contains a series of presentations, videos and therapy manuals which spell out in great detail their belief that most people who present to them, and who are objectively in need of acute psychiatric care, are suppressing the memories of sexual and Satanic abuse perpetrated by the victim's own families. The church boasts several dozen people under active treatment and hundreds more "touched" by their work.

Unfortunately, they also believe in beings called "Nephilim"—demonic incubi who walk the earth and engage in unwilling trysts with women to impregnate them with half-demon babies. In radio interviews the lead Pastor of the church affirms his belief that the British royal family are shape-shifting reptilian demons in disguise. He says these demons rove the earth in UFO's built by captured Nazi scientists at the end of World War 2, and that women captured by these UFOs are taken to a secret underground facility in Israel for the purposes of forced impregnation or birth. He claims there is a worldwide occult program of ritual sacrifice and cannibalism and that demonic 'sleeper agents' are placed in many positions of secular and military power. These agents remain unaware of their status – you might be one – and will be 'activated' at the onset of Armageddon. A world-level conspiracy implicating every major government (including the Australian government) exists to cover up this truth.

He emphasises that the patients he treats may have no recollection of this horrific abuse until his techniques cause the memories to re-emerge into conscious awareness. Then, the unwanted personalities (some of which may be demonic 'passengers') can be removed through exorcism. Victims are then persuaded to think of their own family as Satanic abusers and to reject their family ties in favour of the church. A former associate of this church confides a belief that these therapy practices will one day lead to a death.

This church's troubling beliefs feature on the *A Current Affair* TV show and in a feature article in the Sydney Morning Herald/ Melbourne Age, which brings out yet more accounts of abuse from members of the public.

The activities of this religious group would outrage most citizens.

I hope they outrage you.

Yet sadly, I must inform you that religious freedom laws, as they are presently composed, grant the fullest protection and even government subsidy by way of tax concessions to this church, who even today are tearing families apart.

This is not good enough.

In relation to a particular victim of this church, formal complaints were rendered to the ACT Health Services Commissioner (HSC) and the NSW Health Care Complaints Commission, on the basis that the treatment offered was overtly medical/psychological in character.

The case was presented to the Police on the basis that a vulnerable person was being subjected to psychological abuse by a religious group.

The case was presented to the NSW Guardianship Tribunal on the basis that a victim had been coerced into signing over their power of guardianship to associates of the church over the wishes of the victim's family.

The church was reported to the Australian Charities and Not for Profit Commission, on the basis that it was offensive that a group professing such beliefs should enjoy tax concessions from the Australian taxpayer.

And what happened?

In each and every case, nothing.

Each body complained to reluctantly concluded that if the treatment received was self-defined by the church as *spiritual* rather than *psychological*, then the right to religious freedom trumped the victim's vulnerability, the rights of the victim's family, and the expectation of the broader society, which is that tax concessions and charitable status are only conferred on religious organisations that deliver a genuine public benefit.

If multiple public avenues of regulation and complaint can all fail so badly when presented with so egregious an example of abuse, then our societal balance between accountability and religious freedom is set at the wrong point.

I add this sad story to those many others the Inquiry will undoubtedly receive about other harmful religious groups, and our collective plea is this: Why is there no will for sense to prevail? We make value judgements about every other aspect of human behaviour, placing some acts within the law and others outside it.

Why should religious activity enjoy protected status?

Example 4, Religious employers abusing their exemptions under Australian anti-discrimination law:

I wish you to imagine a teacher at a government, public school who is good at their job, well regarded within the school's community, and broadly engaged in their wider community. The teacher rejoiced that the school was significant in the social fabric of their life, and in every way tried to uphold and emulate good values to all students.

The teacher also happens to be in a committed same-sex relationship.

One day, this fact about the teacher's personal identity, which was so private as to have been unremarked upon despite years of employment, is discovered by the homophobic school Principal. The teacher is confronted, and chooses to answer honestly, while pointing out that it's none of the school's business. In short order, the teacher is sacked, and is humiliated in the manner of their departure.

This story shocks you, and offends your sense of justice, because you are aware that Australian anti-discrimination law prohibits precisely this kind of behaviour, and has since 1984.

And you would be right; In State schools, and in most other employers across the nation, such a grossly unethical act would immediately spark massive recrimination, fines for the employer, and compensation for the victim of such discrimination.

Now, consider that this true (but paraphrased) story has happened innumerable times in private, religiously founded schools receiving substantial Government funding.

Employers who claim a religious exemption under section 38 of the Sex Discrimination Act can hire and fire with impunity, for the flimsy reason of protecting the “religious susceptibilities” of adherents, *even if their personal situation has absolutely no bearing on their ability to do their job well*. If the teacher is in a de-facto relationship, or becomes pregnant out of wedlock, or is gay (or expresses support for LGBTI students), then the religious employer is permitted to show contempt for the standard of ethical behaviour that would be expected of any other Australian employer. This offends that part of our national DNA that valorises the idea of a fair go, and this is a situation that must change.

I have been in Christian employment for over 20 years of one sort or another, and I can attest that situations such as these have been acted out before my eyes many, many times. It is an affront to me and I dare say to most Christians, given that surveys showed a clear majority for the legalisation of same-sex marriage, even among both Protestant and Catholic communities. It is a gross abuse of “religious freedom”, and it must stop. The Sex Discrimination Act must be amended to protect the employees of religious organisations in the same way as other organisations, when the work or the personal circumstance of the employee have little bearing on the doctrinal foundation of the employer.

This Inquiry should recommend a change to discrimination law as a high priority.

In conclusion, it *must* be a key conclusion of this Inquiry that the status quo concerning religious freedoms in Australia no longer reflects the expectations of the community. Inaction is in fact causing real harm, both to individuals, and to societal wellbeing. The Good that religion does in Australia, deserves to be protected from the many abuses of religion that are presently occurring with impunity.

What will you do?