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# The Saturday Paper

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## NEWS

Two parliamentary inquiries into Prime Minister Scott Morrison's religious freedom legislation are under way, with many, including Liberal Party supporters, wondering why the divisive bill has not been scrapped. By *Mike Seccombe*.

## Why Morrison refuses to drop the religious discrimination bill

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Scott Morrison introduces the Religious Discrimination Bill in parliament last November.

CREDIT: AAP / MICK TSIKAS

Nathan Zamprogno is a teacher who was sacked by a Christian school because he is gay. He is, as he testified before a parliamentary committee hearing last week, just one example of “very many” such cases.

The story he told the committee – of the circumstances of his sacking, and the years of casual homophobia he silently endured before it happened – is not what makes him exceptional.

What makes him different is the fact he is a 30-year member of the Liberal Party who, until July last year, sat as a Liberal on the Hawkesbury City Council in New South Wales. He was dumped amid factional intrigue precipitated by Scott Morrison’s consigliere and co-religionist Alex Hawke.

It was not the first time Zamprogno has been a victim of factional warfare. A couple of years earlier, when he sought preselection for a state seat, an anonymous dirt sheet was circulated to preselectors, outing him as gay.

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He's never been able to establish who was responsible for that, but he's sure it was "an inside job". He takes some satisfaction in the fact Hawke's preferred candidate, Sarah Richards, also missed out on preselection. She has now been selected as the Liberal candidate for the ultra-marginal federal NSW seat of Macquarie.

Zamprogno ran as an independent in December's local government elections and won. He still hews to the values that made the Liberal Party a "comfortable ideological home" for three decades.

"I want governments to live within their means," he says. "I want them to balance their budgets. I want policies that are evidence-based. I want them to be broadly consonant with Australia's founding as an enlightenment nation."

However, he's concerned that the party's religious right is taking it in a direction that is "very, very socially conservative ... often ignoring, I think, the pragmatic political centre that the rest of Australia occupies".

It is leading, he says, to a "huge outflow of previously devoted Liberal Party members ... seeking greener pastures with a party that's, you know, less morally ideological and more pragmatic on key issues".

That is what makes his critique of the proposed religious discrimination legislation particularly piquant. His argument is not just that it protects those who would discriminate against him and people like him; it's that he thinks it's also dumb politics.

The proposed legislation, he says, "effectively empowers the less compassionate and less moderate and less ecumenical side within faith communities and effectively sides with those hardliners".

Given the government's parlous electoral position, he says, the discrimination bill is a millstone around its neck. The fact Morrison appears intent on pressing ahead with it calls into question the Pentecostal prime minister's acumen.

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The question of how to balance the competing demands of religious conservatives against those of the great majority of Australians has been a problem for the federal Coalition for four years now, ever since the passage of historic marriage equality reforms, which were bitterly opposed by the religious right.

Despite the fact almost 62 per cent of Australians answered "Yes" in the 2017 postal vote, some two-dozen members of the Liberal and National parties could not bring themselves to vote for it in the parliament. The most notable abstentions from the vote were Morrison, the current leader of the Nationals, Barnaby Joyce, and the current attorney-general, Michaelia Cash.

In deference to the concerns of religious conservatives, the government announced the appointment of an expert panel to consider whether the human right to freedom of religion was adequately protected under Australian law. This became known as the Religious Freedom Review, or Ruddock review, after its chair, Philip Ruddock.

After receiving some 15,500 submissions and conducting 90 hearings across the country, the Ruddock review reported back. In December 2018, the government, under its new leader, Scott Morrison, announced a commitment to introduce a Religious Discrimination Bill.

The government released a draft of the legislative package for consultation (which took submissions between August 29 and October 2, 2019) and then a second draft (which took submissions between December 10, 2019 and January 31, 2020). About 13,000 submissions were received.

Both attempts at legislation fell over in the face of criticism from legal experts, business groups, unions and a wide range of civil society organisations. The points of contention were several and complex, but the

essence of the problem was and is simple: one side of the argument sees religious discrimination laws as a shield to protect conservative faith against the encroachment of secular values relating to gender and sexuality, while the other sees them as a sword the religious right will wield against those whose views and lives are at odds with their own.

There is no doubt where the majority of public opinion sits. Ahead of the 2019 federal election, when the issue was running hot, a Fairfax-Ipsos survey found 74 per cent of voters, including 62 per cent of Coalition supporters, opposed laws to allow religious schools to select students and teachers based on their sexual orientation, gender identity or relationship status.

Regardless, Morrison committed to having legislation in place in the next term of parliament. On November 25 last year, with time running out, Morrison announced mission accomplished.

“Today we fix an important weakness in our discrimination laws, as our government promised the Australian people that we would do at the last election,” he told the house of representatives as he introduced the bills. “Today we honour that commitment.”

His triumphalism was premature; this third attempt at placating the religious right also fell apart. A handful of moderate members of the government refused to support the package. Threats were made that some could cross the floor to vote against it.

In reality, it was always unlikely to get through the senate. Labor had serious concerns about this latest iteration of the laws and the Greens and key crossbenchers saw no need for them at all. So it’s questionable whether Morrison was motivated by his genuine religious commitment or a desire to shift the blame for the legislation’s failure.

He succeeded only in wedging himself. An attempt to win over the internal dissenters with a promise to amend the existing Sex Discrimination Act to protect gay students from discrimination in religious schools only made matters worse.

Several major religious groups, including the Australian Christian Lobby and Christian Schools Australia, threatened to withdraw their support over the deal. So the government reneged on that commitment.

In any case, not all the moderate dissidents were mollified.

A commitment to have the Australian Law Reform Commission inquire into religious exemptions in all Australian laws and report 12 months after the Religious Discrimination Bill is passed by the parliament – first made by then attorney-general Christian Porter in 2019 – continues to please neither side.

So the problem was handballed to not one but two parliamentary committees. The government sent it to the parliamentary joint committee on human rights on November 26 and the non-government majority in the senate sent it to the legal and constitutional affairs legislation committee on December 2. Next Friday, February 4, both will deliver their reports on the proposed legislation.

In a somewhat perverse way, Morrison was lucky there was not much focus on the work of these committees over the past month or so. Because the country was caught up in the government’s mishandling of the Covid-19 Omicron outbreak, there was not much reporting of the disturbing stories of people such as Nathan Zamprogno.

Nor was adequate attention given to the circumlocutions of the likes of Mark Spencer, director of public policy at Christian Schools Australia, when pressed by various members of the committees to simply say they wanted to maintain the right to discriminate against teachers and students who did not conform to doctrinaire religious views on marriage, sexuality and gender roles.

An example: Greens senator Janet Rice put it to Spencer that “you want the schools that you represent to continue on the basis of the religious sensibilities of the school, to be able to choose to not have particular

students at their school if their gender identity, their sexuality is at odds with the religious beliefs of the school?”

Spencer replied: “What we want in schools is to continue to have the opportunity to teach what we believe, to employ staff who share those beliefs and are able to model those beliefs ... and to be able to conduct our schools in a way that supports and reinforces those beliefs.”

There were many other such evasions. Suffice it to say, the testimony of witnesses on both sides of the issue served to underline the view that conservative religious institutions were intent on preserving their right to continue to behave in a discriminatory way.

All in all, the issue is shaping as another big negative for a government already struggling with the public perception that it has drifted far to the right of Australian society on a range of issues.

Zamprogno, who lives in the electorate of Macquarie, feels this acutely. He has no doubt a raft of moderate Liberal MPs, under challenge from centrist independent candidates, do too.

He “rather suspects” from the questioning of members of the committees, including Coalition members, that they also realise the current religious discrimination bills are vote losers.

As the chief executive of Equality Australia, Anna Brown tells *The Saturday Paper*: “The government could have had broad support for a conventional reform that protected people of faith from discrimination. Instead it chose a convoluted pathway that has attracted opposition from every corner of society, including businesses, unions and affected communities.

“After three years and multiple drafts, the government has failed to achieve community consensus on this bill. Even among faith-based groups, support is lukewarm at best. The government must abandon this friendless piece of legislation.”

Zamprogno agrees, not only from a moral point of view but from a political one. “Of all the distractions and unnecessary divisions within the Liberal Party,” he says, “you can dispense with this one easily, by just quietly burying the bill.” ●

*This article was first published in the print edition of The Saturday Paper on Jan 29, 2022 as "Freedom fighters".*

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**Mike Seccombe** is *The Saturday Paper's* national correspondent.

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