

**THE
SECULAR ASSOCIATION
OF NSW**

Secular Matters

SUMMER 2022



**THE CATHOLIC BISHOP OF DARWIN THREATENS TO CLOSE THE NORTHERN
TERRITORY'S CATHOLIC SCHOOLS IN RESPONSE TO GOVERNMENT AMENDMENTS
TO THE NT ANTI-DISCRIMINATION ACT**

The new amendments include the repeal of Section 37A of the Northern Territory Act which provided that religious schools may exclude job applicants on the basis of their religious belief, activity or sexuality if they did so in good faith to avoid offending the sensibilities of people in their particular religion. Various religions believe that having any employees or students who may be gay, transgender or intersex could effectively contaminate their religion. The passing of this legislation has obvious implications for the federal government's Anti-Discrimination Bill in 2023. Bishop Gauci has been cited as saying on Darwin's Radio Mix 104.9 on or around 17 November 2022 that the amendment could 'force Catholic schools to let teachers promote atheism or polygamy to students' an inflammatory quote that was not published in the *Catholic Weekly* of 17 November detailing the Bishop's threat to close the schools (*continued p.3*).

Richard Ely



29 November 1934 – 6 November 2022

This issue of *Secular Matters* is dedicated to the memory of Professor Richard Ely. Born in Sydney, Richard attended Sydney Grammar Preparatory School and Scotch College but later completed his Leaving Certificate at Ultimo Technical College after which he received a scholarship to Sydney University. He was a committed Christian and married fellow student Jean Miller in 1962. The couple moved to Queensland University where he completed a Masters degree in the philosophy of history. With two children, Richard and Jean moved to Tasmania where he lectured in history for the next thirty years. He was a prolific author. His most influential book was *Unto God and Caesar*, Melbourne University Press, 1976, which closely detailed and analysed how s.116 of The Australian Constitution of 1901 made its way into the text of that all-important document. As Christians, Richard and Jean perfectly understood that without a separation of government and religion there are consequences for both, and the failure of Australia to achieve that balance has caused great harm to public school funding. They courageously defended public schools through their Defence of Government Schools organisation which continues today.

IN THIS ISSUE

Richard Ely **2**
Northern Territory Anti-Discrimination Bill (cont) **3**

Alison Courtice:
Thou Shalt Not Discriminate **4**

Keith Porteous Wood:

Failure of Catholic Church Worldwide, Including the Vatican and the Pope, To Confront Sexual Abuse of Minors in Church Environments **7**

Media Release:
The Australian Census 'Religion' Question **10**

Church & State
The Foetus: A 'Person' At Law? **11**

Advertisement, just published: David Rand
Stillbirth: The Failure of Secularism in the English-Speaking World **12**

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(Continued from p.1)

The passing of this legislation has obvious implications for the federal government's Anti-Discrimination amendments in 2023.

Interestingly, a comment by the Leader of the Opposition in the Assembly on 22 November unintentionally made a mockery of the Bishop's hyperbole by providing commentary that supported the government's position that she was arguing against.

Mrs Lia Finocchiaro said:

I was at a Catholic school the other day and they said that they have a full open enrolment, many students who identify as being gay, teachers who identify as being gay and transgender students. There is no discrimination in that school, and if you went around to schools you would find that people of faith are not trying or wanting to discriminate against anyone ... They embrace individuality and the inherent dignity of a human being.

(Draft Hansard 22 November 2022, pp36-7)

If that is so, what is Bishop Gauci's problem? It seems Aussie informality has got ahead of Catholic theological intolerance.

For her part, Mrs Finocchiaro tried to make one example of a Catholic school's reasonable acceptance of gay teachers, gay and transgender students synonymous with all other schools in the NT which is clearly not the case.

For his part, did Bishop Gauci consult parents before he made this threat? Are threats like this consistent with Christian ethics? What about the welfare of the

children in his schools if he was to put his threat into practice? How much notice will he give the government? The school year is due to start 31 January 2023.

An astute, religious conservative commented in *The Australian* ...

Unfortunately, the biggest Catholic School in the NT [MacKillop College] is in the Leader of the Oppositions seat [but] the ALP probably had that figured out. In fact, it might be interesting to see where families enrolled in Catholic and other Christian Schools are enrolled to vote because it may be that the government has figured this out and has little to fear politically from this attempt to implement its anti-religious ideology. If Bishop Charles did go through with his threat then that might actually cause the government some fiscal alarm to dampen their enthusiasm.

Even with this mis-characterisation of the legislation as 'ideology', the comment has some credibility. But it is very unlikely Bishop Gauci will go ahead with his threatened closures which would entail major disruptions for parents across the Territory and bring a downpour of criticism on the church nationally and himself personally.

So, what is this threat all about?

We suggest his threat goes to the point that religious organisations cannot tolerate government policies that their religion would characterise as 'sin'.

There is a direct line from the 2017 opposition to same sex marriage to Bishop Gauci's threat in 2022.

THOU SHALT NOT DISCRIMINATE

Alison Courtice

Spokesperson Queensland

Parents for Secular State Schools

INTRODUCTION

All Australian states and territories have anti-discrimination laws. The Oxford dictionary defines discrimination as *[making] an unjust or prejudicial distinction in the treatment of different categories of people.*

On 30 July 2022, the Queensland Human Rights Commission (QHRC) provided the Queensland government with a report titled *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991.*

This article discusses one rather extraordinary submission to that Review.

NATIONAL SCHOOLS CHAPLAINCY PROGRAM

Queensland Parents for Secular State Schools (QPSSS) of which I am the spokesperson, is a grassroots movement of parents advocating for secular state schools. Secularism ensures public schools are inclusive and welcoming places for all children, regardless of religion. QPSSS oppose the National School Chaplaincy Program (NSCP) started by John Howard in 2007. Since then the federal government has spent about a billion taxpayer dollars putting religious chaplains into public schools.

The NSCP Project Agreement made between the federal government and the states/territories describes the role of chaplain as a pastoral care role; no mention is made that it is a religious role and the modern meaning of pastoral care is simply the wellbeing of people.

Queensland's Department of Education policy description of the role of chaplain and student welfare worker is one and the same and makes no mention of religion.

But there is a religious catch here – the Project Agreement requires chaplains be

...recognised through formal ordination, commissioning, recognised religious qualifications

or

...[have] endorsement by a recognised or accepted religious institution ...

essentially ensuring chaplains will be religious.

In his 2012 judgement regarding the High Court case brought against school chaplaincy by Ron Williams, who disapproved of his children receiving care from religious chaplains, Justice Heydon said ...

The work described could have been done by persons who met a religious test. It could equally have been done by persons who do not.

MERRY GO ROUND

As noted, the NSCP requires states and territories have religious chaplains perform a non-religious role in public schools. The Rudd/Gillard/Rudd governments (2006-2013) opened the program to secular workers as well as religious chaplains, but the Tony Abbott led federal Coalition reversed that when re-elected.

Now, almost a decade later, Jason Clare, Education Minister in the 2022 Labor government, has committed to reversing that reversal!

It's easy to do as there is no legislation for the NSCP, just funding allocations in budgets. What a merry-go-round is chaplaincy!

More progressively, the ACT withdrew from the NSCP in 2019 altogether, with Education Minister, Yvette Berry, announcing chaplaincy was inconsistent with the requirement of their Education Act that public schools be secular. That same year, Victoria's Department of Education, after settling an anti-discrimination case with an unsuccessful chaplaincy applicant who was not religious, changed their chaplaincy policy to state a chaplain can be a person of faith or no faith.

That sounds good but the Christian religious chaplaincy providers still only choose to hire Christians and the Department of Education and the Victoria Equal Opportunity Commission have proved to be reluctant to correct them.

At least Victoria acknowledged the problem of discrimination.

A QUEENSLAND REVIEW

Australia's largest employer of chaplains, Scripture Union Queensland, made a submission to the review of the Queensland Anti-Discrimination Act undertaken by the Queensland Human Rights Commission. One can only imagine the discussions that went on because they ultimately decided to own up, in writing, in a public document, that they discriminate against non-Christians when employing chaplains under the NSCP.

They kindly explained this is so because NSCP chaplains do not fall under the exempted categories available to religious organisations as priests, ministers, and members of religious orders. SU justified their discrimination because the Queensland government has always turned a blind eye to it. This is a fair point, but it doesn't make it legal. It does, however, implicate successive Queensland governments in unlawful discrimination. Successive federal and Queensland governments have either failed to recognise the inherent problems or ignored them.

And what did the Queensland Human Rights Commission think about SU Qld's submission? Not much, it seems. Its recommendation was to broaden exempted roles to

include lay people who have a role which is the same as, or is similar to, the role of a priest, minister of religion or member of a religious order or where the person otherwise has a role that involves the propagation of that faith.

Again, this will not apply to a NSCP chaplain as their role, technically, is not a religious role and they are prohibited from proselytising under the Project Agreement.

But Scripture Union Qld may now rue outing themselves as illegally discriminating when employing chaplains, and I'm sure glad they did!

CONCLUSION

- 1) The role of chaplain is not a religious one.
- 2) It is unlawful for chaplain-employing organisations to

consider only religious candidates to work in public schools in most states.

- 3) Allowing discriminatory hiring practices under the NSCP subsumes the principle of hiring on merit to religious preferencing and does not prioritise student wellbeing.

QPSSS and other secular parent groups recently co-authored a letter to federal Education Minister, Jason Clare, requesting the option for schools to hire a chaplain be removed in the interests not only of equal job opportunities, but, more importantly, so people hired to support students are selected solely on merit, whatever their faith status.

Copies were also sent to all state and territory education ministers, and we have written to the federal and Queensland Attorneys-General and the Queensland Education Minister. If they all decide to continue allowing religious chaplains in public schools, it will be in full knowledge of this unlawful discrimination by religious chaplaincy providers.

The Project Agreement is currently being renegotiated, as happens every four years, so the federal government has the opportunity to address all these issues *now*.

FAILURE OF THE CATHOLIC CHURCH WORLDWIDE, INCLUDING THE VATICAN AND THE POPE, TO CONFRONT SEXUAL ABUSE OF MINORS IN CHURCH ENVIRONMENTS

Speech by Keith Porteous Wood, president of the National Secular Society (UK) spokesperson for the International Association of Freethinkers, Lyon, France, 10 November 2022

Catholicism does not have a monopoly in clerical abuse: it is a feature of practically

WHAT IS SECULARISM?

Equality of treatment for all

Freedom of conscience

Religious neutrality of the state

Separation between religions and state

all denominations and religions. But the reported scale is so much higher in countries where Catholicism is prevalent.

In the first decade of the fourth century, the agenda of the provincial Council of Elvira (in Spain), from which the laity were excluded, dealt with a range of

disciplinary matters including “the abuse of children”.

The first record I have found of a Pope (Paul VI) being told that sexual abuse of minors by clerics was a serious problem was in 1963 when the head of a US order offering rehabilitation warned that paedophilia was untreatable. One “solution” that was dismissed was purchasing an island on which to exile or imprison paedophile priests.

Wherever there have been inquiries into clerical child sexual abuse, a shocking amount of it has been found, generally related to the Catholic Church. Abuse scandals and the appalling outcome of inquiries build pressure for inquiries in nearby countries.

In France’s case this includes Ireland, Belgium, Germany, Britain and the Netherlands. I cannot prove it, but I suspect that the offer of the Catholic Church in France to undertake its own inquiry may have been motivated by a wish to avoid an inquiry by the Republic; certainly, the problem was the subject of a Senate report that preceded the French CIASE (Independent Commission on Sexual Abuse in the Church) inquiry.

Inquiries are underway in Spain and Portugal. However not so in Italy, despite knowing from the main victim group there that abuse is a major issue. Maybe a factor is that the Vatican has immense political influence, some believe aided by provisions of the Concordat originally agreed with Mussolini.

With the growing awareness of abuse in South America, calls will grow for inquiries there. After the Pope had accused victims of defaming a Chilean bishop called Juan

Barros, it later turned out, to Francis’ great embarrassment, that he had already been given a letter warning him of Barros’ activities. This led to a 2,300-page Vatican report on abuse in Chile and the whole episcopate offering its resignation, predictably not accepted.

I suspect the next major scandals will come from the Far East and Africa, to which many incorrigible priests were banished. And an even larger one about the abuse of nuns by priests, which is endemic.

CIASE’s final report contains some comparators around the world of the percentage of priests/religious that are abusers; however only some of the inquiries have attempted to quantify abuse.

The gold standard is Australia, which did the most comprehensive report. It concluded that 7% of priests and religious (monks) were guilty of abuse of minors. The England and Wales inquiry came to a similar figure. The figures from US and Germany came out lower at over 4%, but convincing concerns have been raised that these are understated because of design flaws. In Germany for instance, even though theirs was a completely independent inquiry, it was denied direct access to records and the ones it did see showed obvious signs of pages having been removed.

In all these inquiries, the Church’s treatment of clerical abuse and abuse victims was condemned. Other common threads are that while many more girls than boys are abused in general society and in non-Catholic and non-Anglican denominations, in the Catholic and

Anglican churches it is the reverse - up to 80% male victims. CIASE reports from one of its cohorts just over half of priests were homosexual, a far greater percentage than in the population. This is a hugely complex question that requires much more investigation, and I am not claiming to be an expert on sexuality. And I am not asserting that homosexuality = paedophilia, as I know some still unjustifiably maintain. However, there may be attraction between some homosexual clerics and some post-pubescent young males, which is technically called ephebophilia.

Generally, higher abuse rates have been found with diocesan priests (as opposed to male religious/monks) and in areas of low religious practice, where there are lower levels of supervision.

In contrast, the rate of abuse in the Christian Brothers was found to be 22% in Australia. At such a level, effective supervision and enforcement of discipline becomes impossible.

Some women religieuses (nuns) abuse – victims can be boys or sometimes girls – but the rate is much lower. In the Australian report the maximum number of claimants was four for a female religious (nun), compared with a maximum of 80 for a male religious (monk).

Rates of compensation for clerical abuse of minors tend to be much greater in the US where juries often award compensation that can be further boosted by a punitive component. In contrast, elsewhere where levels are much lower, these have been further depressed by the basis of civil claims

argued by lawyers behind closed doors being loaded unfairly against victims. For example, the estimate of victims' future earnings (a key component of the compensation, although not of course in the French Church's internal scheme) was hugely reduced by the abuse suffered. Also, some victims in Britain were offered unreasonable settlements that they could not in practice refuse because doing so risked exposing themselves to huge legal costs that they would have had to bear if they had not accepted the offer.

Where the Church has introduced a compensation scheme it does so in my opinion because it believes this will cost it less than if the victims seek civil damages. Melbourne, Australia has been notorious for its miserly compensation: the maximum was raised from A\$75,000 to A\$150,000 in 2016. As I am speaking in France, I should perhaps invite the audience to reflect that these figures are far higher than any of those awarded so far by the Church in France.

The Church does everything in its power to avoid paying victims. A typical ploy is for dioceses, especially in the US, to declare bankruptcy. Also in the US, the Vatican formally approved Cardinal Dolan's transferring US\$57 million from Milwaukee diocese to a cemetery fund, as a result of which he put the money out of reach of abuse victims in a home for the deaf. On appeal, a judge who ruled that canon law overruled state law upheld the transfer. Fortunately, years later after a further appeal, this transfer was finally deemed unlawful, reversed and the money returned.

Perhaps for these sterling efforts, Cardinal Dolan was promoted to be Archbishop of

New York. Here he openly spent a small fortune in lawyer and lobbyist fees to oppose state legislation that would increase his archdiocese's exposure to abuse settlements, for example, through the lifting of time limits on abuse claims. I am pleased to report that this failed too.

It is revealing that the Vatican raises no objection to such blatant manoeuvres to deprive victims of compensation that they so need and justly deserve. I am sceptical that any Pope has been on the side of victims, nor their all-powerful secretaries of state. One, Cardinal Sodano, asked the Irish President in 2003 to block access to Church documents when investigating child abuse. She refused.

A tip: giving the Vatican money helps them to overlook abuse. American Cardinal McCarrick, a serial abuser for decades, frequently bestowed generous monetary gifts on his friends in the Vatican who almost certainly knew of his abuses. One of the most notorious paedophiles, Marciel Maciel, the founder of the Legion of Christ, escaped any punishment from John Paul II, with whom he had a close relationship, or Benedict XVI who was presented with a dossier of his misdeeds. Maciel was a major source of funds for the Vatican.

On a positive note I would like to pay tribute to the power of films to highlight egregious abuse and influence public opinion. Most notably these include *Spotlight* about Boston, Mass (US), and many in Poland. Also let us not forget Ozon's masterpiece about Lyon: its title, *By the Grace of God*, echoes Cardinal Barbarin's bizarre admission to journalists who said something like "By the Grace of God nearly all the perpetrators' crimes

were prescribed or beyond the statute of limitations."

My sad conclusion is that I know of no Catholic country in the world where the Church reports suspected abusers to civil authorities or that volunteers reasonable settlements to victims.

UNITED NATIONS CRC

Just a brief overview about how the CRC works. Apart from the US, nearly every other country has ratified the *Convention on the Rights of the Child*. It includes an obligation to submit a report every five years to include, inter alia, difficulties in meeting the requirements of the Convention.

The Vatican/Holy See has also ratified the Convention. It claims that, despite being able to appoint and dismiss bishops it does not have the authority to impose its will on the worldwide Church, so refuses to be answerable for anywhere beyond the somewhat cramped confines of Vatican City. The Committee disagrees. The Holy See has been very late with its submissions and is currently five years overdue. I would not be surprised if it never submits another report, as it is these reports that trigger the Committee's review, the last one of which was damning.

As part of the five-yearly process, NGOs are invited to submit reports to the UN to alert it to particular concerns. Organisations with which I am associated raise problems on a variety of topics, but also some related to clerical abuse - usually but not always involving the Catholic Church.

We typically advocate a robust mandatory reporting of abuse scheme. Australia's

schemes appear the best. Their criminal law requires those in institutions to report suspected abuse, with no exceptions for prescription time limits in criminal or civil law concerning child abuse.

After countries submit their report relevant NGOs are invited to a meeting at which the Committee questions them. Afterwards, the country is also asked questions by the Committee. Then the Committee prepares its “Concluding Observations”, which contain observations (some of which may be critical of the country concerned)

the confession, but with protection for those who report in good faith. We also routinely argue for the removal of

recommendations. This is a public document, so it provides an opportunity to us all to highlight any shortfalls or concerns to the country’s Government, members of Parliament and the press. No doubt organisations will publicise it.

I invite you to highlight any shortfalls or concerns next year when France’s Concluding Observations will be published.

MEDIA RELEASE: November 2022

Census21 – Not Religious? campaign urges the Australian Bureau of Statistics to fix problems in the religion question

The coalition of community organisations behind the *Census21 – Not Religious?* campaign is now urging the Australian Bureau of Statistics (ABS) to fix the problems with the religion question to ensure greater accuracy of Census data. In a submission to an ABS review of the religion question, the *Census21 – Not Religious?* campaign has recommended, as its top priority, that the ABS re-word the current question – “What is the person’s religion?” – to remove the loaded bias that assumes each respondent has a religion.

The *Census21 – Not Religious?* campaign has urged the ABS to, at a minimum, re-word the question and insert ‘if any’ as a qualifying suffix – to make the question: **“What religion does the person belong to, if any?”** However, the submission also said that the preferred approach would be for the ABS to use a two-part question: **a) “Does the person have a religion?” b) “What is the person’s religion?”**

Census 21 -Not Religious? argues

The current question presumes that the person has a religion. This results in a serious form of research bias known as acquiescence bias. While not addressing all deficiencies with the question, adding ‘if any’ is the simplest way to remove some inherent bias in the current question, while maximising the continuity of question wording in relation to longitudinal data and analysis.

As governments rely on the Census data to inform policy-making and the allocation of billions of dollars of public funds, it’s time for the ABS to fix the fundamental problems with the religion question.

The *Census21 – Not Religious?* campaign also noted that other respected social surveys, such as the Australian Survey of Social Attitudes, already include the rider “if any”, or a similar conditional clause, in their question on religion. The Irish census, conducted in March 2022, also adopted this qualifier.

THE FETUS: A 'PERSON' AT LAW?

US Supreme Court Declines New Abortion-Related Case

(From *Church & State*, November 2022)

The U.S. Supreme Court announced October 11 2022 that it will not hear a case that argues that the fetus is not entitled to constitutional rights.

[A lower court's ruling, the Rhode Island Supreme Court, found that a fetus does not have 'legal standing' in the eyes of the law and the higher US Supreme Court ruling was rejecting an appeal against the lower court's finding. Some Republicans at the state level have also pursued what they call 'fetal personhood laws'. One has been enacted in Georgia granting fetuses various legal rights and protections from about the time of six weeks pregnancy. This means a group of cells would have similar rights to an adult person. Even more absurd, a woman having an abortion in this state could be charged with a crime akin to murder. More than a dozen US states have recently enforced variously strict abortion laws and we await legal commentary on the constitutionality of these laws in the wake of the October ruling.]

The lawsuit, *Doe v. McKee*, was brought by an anti-abortion group that challenged a 2019 Rhode Island law that codified abortion as a legal right, using the standard laid down in 1973's *Roe v. Wade*. The Roe ruling was overturned by the high Court June 24.

The anti-abortion group, Catholics for Life, represented two pregnant women who argued that that the state's abortion

policy violates the "personhood" of the fetus, reported *Religion News Service*.

The Rhode Island Supreme Court rejected the lawsuit in May, holding that the fetus lacks legal standing. The U.S. Supreme Court's refusal to hear the case brings the matter to a close.

Anti-abortion groups have advocated for "fetal personhood" for years. If the Supreme Court were to adopt the standard, it would mean that abortion would be criminalised nationwide.

Comment: *Meg Wallace*

[Elizabeth Brusie et al](#) point out that 'Article 1 opens the Universal Declaration of Human Rights with the fundamental statement of inalienability: "All human beings are born free and equal in dignity and rights" (Art.1). They point out that

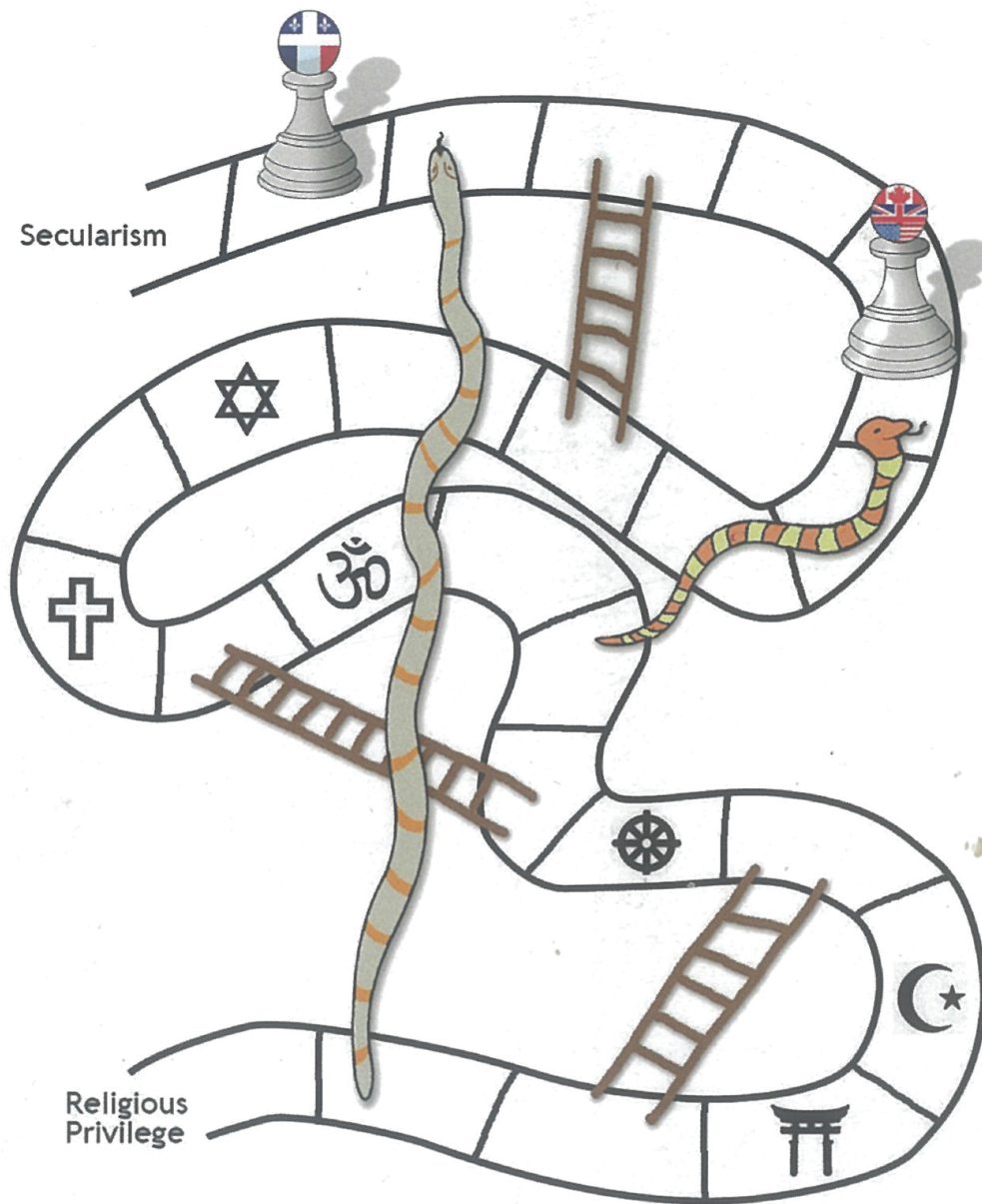
- 'Significantly, the word "born" was used intentionally to exclude the fetus or any antenatal application of human rights.'
- 'The Human Rights Committee, which interprets and monitors States parties' compliance with the International Covenant on Civil and Political Rights, has repeatedly emphasised the threat to women's lives posed by prohibitions on abortion that cause women to seek unsafe abortions.'
- It 'has also emphasised the states' responsibility to eliminate women's mortality from clandestine abortion and recognised that such criminal laws could violate women's right to life.'

David Rand

Foreword by Nina Sankari

Stillbirth

The Failure of Secularism in the English-Speaking World



How Anglo Ethnocentrism, French Postmodernism
& Fashionable Nonsense have Neutralized Secularism