Freedom for some: 
Australia’s war on Christianity

Stand tall. Fight hard.
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“Hence this is the first precept of law, that good is to be done and pursued, and evil is to be avoided.”

St Thomas Aquinas – The Summa Theologica

“...we are pre-eminently a Christian people – as our laws, our whole system of jurisprudence, our Constitution... are based upon and interwoven with our Christian belief...”

Sir Henry Parkes

“If a uniformed member were to support a gathering that insulted strongly held beliefs of a religion other than Christianity (to use his example, vilifying Islam with ‘Mohammed is Gay’ signs vs the ‘Jesus is Gay’ signs in the Mardi Gras) that member would be severely dealt with. In the case of the Mardi Gras, the opposite occurred.”

Australian Defence Force Quick Assessment Report 013/13 for COMDT DCSTSC, 16 April 2013

“This acknowledgement pays respect to the traditional custodians, ancestors and continuing cultural, spiritual and religious practices of Aboriginal and Torres Strait Islander people.”

University of Sunshine Coast, Welcome to Country
Introduction

Thank you for the opportunity to provide a submission to the Religious Freedom Review.

I am uniquely positioned to provide informed comment on this inquiry. Over the past five years I have lost my employment and been subjected to numerous anti-discrimination complaints for expressing views that do nothing more than uphold traditional and well-known Catholic positions on issues such as marriage, family and morality.

These views sought to uphold those teachings in public policy and political debates and all of them were (and many continue to be) reflected in various state and Commonwealth laws.

This submission is broken into three key areas.

The first part deals with true religious liberty and the obligations it places on the state in the Australian legal context.

The second part outlines the situation Christians within Australia face today and the loss of freedom they endure, even despite laws that should prevent this.

I have detailed four case studies of the adverse consequences I faced for daring to express Catholic views as part of political debate – it should be noted that these consequences are not merely having to put up with a robust or critical response.

They go far beyond the usual verbal jostling that those who engage in political debate inevitably face and include direct threats against me and my family ignored by partisan police investigators, state-sanctioned ‘lawfare’ aimed at seizing my assets, threats to close my bank accounts and loss of employment from an organisation that prides itself on ‘diversity’ and ‘respect’ for all.

Even though I do not live in New South Wales, I also have the dubious honour of having that state change the internal process of its legal system (which has been found to be unconstitutional) simply to assist anti-free speech activists living within it continue legal action against me.

Some of these things occurred because various state and Commonwealth laws directly limit religious freedom for Christians. Others occurred despite laws in place to prevent them but because those laws are ignored and not enforced when Christians are victims of seemingly unlawful behaviour.

The third part touches briefly on three other issues of religious freedom that warrant consideration: Islam and halal certification, abortion and ‘Welcome to Country’.

In short, in ‘modern’, ‘tolerant’ and ‘diverse’ Australia, if you have the temerity to express the same views on morality that would have been par for the course during the time of the Anzacs, you will find yourself in the firing line. And you certainly will not enjoy the freedoms that they defended.

I published this submission on my website on 25 January 2017. In just [xx] days it has been signed by [insert number] of Australians. Their details are enclosed at the end of this submission.

Bernard Gaynor
### Contents

**Introduction** .................................................................................................................................................. 3

**Part 1: True religious freedom**

1.1 The hypocritical background of this inquiry .......................................................................................... 6

1.2 Flawed structure of this inquiry ............................................................................................................. 7

1.3 The true foundation of religious liberty ................................................................................................... 9

1.4 Australia’s debt to Christianity ............................................................................................................... 10

1.5 Answering key objections to true religious freedom ............................................................................ 11

1.6 Religious freedom and the Australian legal context .............................................................................. 12

**Part 2: The assault on Christianity**

2.1 Current situation: assault on Christianity .............................................................................................. 16

2.2 Case Study 1: The Australian Defence Force ......................................................................................... 20

2.3 Case Study 2: Anti-Discrimination law .................................................................................................. 26

2.4 Case Study 3: The attitude of police ..................................................................................................... 30

2.5 Case Study 4: National Australia Bank ................................................................................................. 34

**Part 3: Abuse of religious freedom**

3.1 Religious freedom and Islam .................................................................................................................. 38

3.2 Religious freedom and abortion ........................................................................................................... 39

3.3 Religious freedom and ‘Welcome to Country’ .................................................................................... 39

4.1 Recommendations .................................................................................................................................. 42

5.1 Signatures ................................................................................................................................................ 45

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**A note on terminology**: where this document refers to homosexuals or homosexuality it encompasses all the ever-changing plethora of ‘sexualities’ that are understood by the LGBTWHATEVER acronym.
Part 1

True religious freedom
1.1 The hypocritical background of this inquiry

At the outset it is important to note the hypocrisy and absurdity that led to this inquiry.

On 15 September 2017, the Prime Minister and Leader of the Opposition both pledged their support for the concept of religious freedom.

Malcolm Turnbull told the Australian public that ‘he believes in religious freedom even more than gay marriage’\(^1\), while Bill Shorten went so far as to vow that the ‘Labor Party would not support legalising same-sex marriage unless religious freedoms were adequately protected’\(^2\).

In true modern political form, slightly less than three months later and amidst thunderous applause, the parliament rejected amendments to ‘homosexual marriage’ laws that would protect the freedom of faith-based charities, religious celebrants and even ordinary Australians who may venture an opinion based on religious belief about the nature of marriage.

As they say, actions speak louder than words.

Throughout the marriage postal survey campaign churches were vandalised, Christians threatened and people who stated that they supported the ‘No’ vote were sacked.

As religious freedom for Christians was trammelled before the nation’s eyes, ‘homosexual marriage’ laws were passed through parliament.

And now, after the event, we have this inquiry.

There are terms in the Australian vernacular that aptly describe this situation but I will refrain from publishing them here. In politer language, this inquiry can justly be likened to investigating if the horse has bolted after the gate has already been opened and with a caveat that it cannot report if the horse has bolted and it cannot recommend that the gate be closed.

In blunter terms, this entire inquiry is a sham with no other aim than to give the pretence that action will be taken to protect Australia’s Christian communities following the passage of laws legalising ‘homosexual marriage’.

Yet nothing could be further from the truth.

There can be no trusting a government that removes real freedoms while promising sometime in the future to examine whether they have been taken. And there can be no trusting a government that is so divorced from reality that it believes it has the power to pass legislation that can override the natural order and impose a new morality in direct conflict with it.

The parliament may as well have legislated that day is night, or that Australians can use gravity but only after obtaining bureaucratic approval and licensing from the Minister for Falling.

Laws that violate the natural order cannot long be enforced. But while they are, totalitarian and draconian measures will be brought against citizens by a state that believes it has the power to play God. In these

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circumstance there can be no freedom. And it is in these circumstances that this inquiry has been established to give false hope of liberty.

In the interests of efficiency, this inquiry could stop now and return a report to the government with one line: ensure religious freedom by repealing the laws legalising ‘homosexual marriage’.

However, I very much doubt that will happen.

Despite the farcical nature of this inquiry it would still be remiss not to take this opportunity to defend true religious freedom. That is why I lodge this submission.

1.2 Flawed structure of this inquiry

It is also important to note what this inquiry is and what it is not.

It is obvious that this inquiry has been established by a government that has no understanding of the true nature of religious freedom, which is why it has set terms of reference that make no sense.

This inquiry (and several others conducted by various parliamentary inquiries and other government agencies in recent times) purports to examine the state of religious freedom in Australia, which is labelled as a ‘human right’. The inquiry’s purpose is detailed as such:

_The Panel shall examine and report on whether Australian law (Commonwealth, State and Territory) adequately protects the human right to freedom of religion._

A human right is a mysterious thing. Nowhere is it adequately defined. The United Nations, in its Universal Declaration of Human Rights, speaks of:

..._the inherent dignity and of the equal and inalienable rights of all members of the human family_...

and

..._disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind_...

and

..._it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected against the rule of law_..."}

Implicit in this language, however a ‘human right’ may be defined, is the admission of good and evil and that there are higher laws and powers relating to human conduct which even governments do not have the authority or jurisdiction to meddle with.

When governments do meddle with them, evils and tyrannies and oppressions occur which outrage the conscience of mankind.

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It is useful to contrast this language with that used by St Thomas Aquinas, who reasoned the existence of ‘natural law’. It is the higher law implied in the statements above and it is founded on the precept of:

...good is to be done and pursued, and evil is to be avoided.\(^5\)

Australia has signed the United Nations Universal Declaration of Human Rights and has therefore implicitly acknowledged that it is bound to respect this greater ‘natural law’. In this context, ‘human rights’ are therefore logically understood as those areas of human conduct that governments cannot limit without limiting the ability of men to do good or avoid evil.

On the question of the ‘human right’ of religious freedom, the government has an obligation to ensure that its laws allow citizens to do good (by ensuring that citizens can worship God in a proper manner) and to avoid evil (by ensuring that they are not prevented from worshipping God, or forced to do so in an improper manner).

Of course, this implies the existence of God. There are many in Australia who would deny his existence and the natural law. There is also the fact that there are many different ideas and systems that claim to be religions, each with ideas conflicting and contradicting the other in a manner that cannot reconciled.

Now it is self-evident that two conflicting and contradictory ideas cannot both be true.

Consequently, it is also true that two conflicting and contradictory religious ideas cannot both be true. One (or both) must be false. And a false religion is not a religion at all.

It follows from this that the government, if it is to ensure true freedom of religion, must ensure its laws do not prevent citizens from practicing the true religion. It also necessarily follows that the government does not limit religious freedom if it restricts false religion in order to protect the common good.

And this is where this inquiry faces a serious obstacle because of what it most certainly does not seek to do: investigate and identify the true religion.

It is akin to holding an inquiry into the human right to oxygen without detailing what oxygen is for. Knowing the Australian political system, we may find ourselves with such an inquiry in future times that, with typical bureaucratic efficiency, recommends oxygen be sucked from the atmosphere and equitably distributed.

\(^5\) http://dhspriory.org/thomas/summa/FS/FS094.html#FSQ94OUTP1

**Is homosexual behaviour contrary to the natural law?**

Sexual activity has a primary purpose. This purpose is the procreation of children.

It is erroneous to claim that it has some other primary purpose, such an enjoyment.

It is enjoyable to breath. But we do not breathe because it is enjoyable. We breathe to sustain life.

It is enjoyable to eat. But we do not eat because it is enjoyable. We eat to sustain life.

It is the same for sexual activity. It may be enjoyable but its function and purpose is to sustain the life of the human race.

Homosexual behaviour is intrinsically disordered because it is conduct that by its very nature cannot meet the purpose of sexual activity. Indeed, in a strict sense, homosexual behaviour does not even involve sex, which requires both male and female sexual organs.

Instead, homosexual behaviour abuses other organs of the body which have no sexual purpose. The abuse of these organs very often results in illness and sickness.

The Kirby Institute *Annual Surveillance Report on HIV, viral hepatitis and STIs in Australia 2017* records that homosexuals have far higher rates of hepatitis, HIV and other sexually-transmitted diseases than the general population.

Homosexual behaviour is contrary to the natural order.
amongst all Australians (with appropriate redistribution to assist disadvantaged persons) in a frozen form to ensure that their right to oxygen is met.

This inquiry is likely to make similarly absurd recommendations about religious freedom because it has been structured to provide advice to the government about laws that may hinder religion without being also tasked to identify the true religion and the freedoms it requires.

1.3 The true foundation of religious liberty

While this this inquiry is not examining religion at all and has no interest in determining the ‘true’ religion, some things still need stating clearly in this submission because this inquiry, for want of any other, is still the most appropriate forum in which they should be stated.

The truth is that God is knowable and so is his religion. The true religion is the religion founded by Christ.

In all of human history, he is the only man that human authorities saw fit to fear to such an extent that a guard was placed over his tomb. That guard had a job: ensure that Christ remained within it.

Christ did not. His tomb was emptied and instead the world was filled with his teaching.

The religion Christ founded was headed by the first pope and continues to this day. It is the Catholic religion. All other Christian denominations survive from the vitality of the Catholic Church’s teaching.

If the state is to fulfil its role of providing for the common good so that citizens can do good and avoid evil, or, in other words, provide the ‘human right’ to religious freedom, it must ensure that its laws grant freedom to Australians to practice this religion. Further, it is a matter of justice that the state, which is part of creation, recognise its creator and Divine King, Jesus Christ.

There are, perhaps, no better words to express the requirement of states to recognise Christ as King than those written by Pope Pius XI on the encyclical Quas Primas:

Thus the empire of our Redeemer embraces all men. To use the words of Our immortal predecessor, Pope Leo XIII: "His empire includes not only Catholic nations, not only baptized persons who, though of right belonging to the Church, have been led astray by error, or have been cut off from her by schism, but also all those who are outside the Christian faith; so that truly the whole of mankind is subject to the power of Jesus Christ." Nor is there any difference in this matter between the individual and the family or the State; for all men, whether collectively or individually, are under the dominion of Christ. In him is the salvation of the individual, in him is the salvation of society...

...If, therefore, the rulers of nations wish to preserve their authority, to promote and increase the prosperity of their countries, they will not neglect the public duty of reverence and obedience to the rule of Christ. What We said at the beginning of Our Pontificate concerning the decline of public authority, and the lack of respect for the same, is equally true at the present day. "With God and Jesus Christ," we said, "excluded from political life, with authority derived not from God but from man, the very basis of that authority has been taken away, because the chief reason of the distinction between ruler and subject has been eliminated. The result is that human society is tottering to its fall, because it has no longer a secure and solid foundation."

http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_11121925_quas-primas.html
Almost a century ago Pius XI noted the declining respect for public authority and the reason for it. It is the hallmark of politics today.

The foundation of good government and respect of the people rests on the acknowledgement of Christ the King. Any discussion about religious freedom in Australia must also rest on that foundation.

It is true that every person has the ability to choose whether to accept Christ’s teaching. Consequently states, being comprised of a society of people, are also free to reject Christ’s teaching.

But both individuals and states are only free to do so in the sense that they can reject truth. They cannot avoid the consequences of doing so. The first consequence is that rejection of truth results in the embrace of error. And error results in flaws, imperfections and failings. In the moral order, error results in vices and evil conduct. Individuals and societies that reject truth will be subjected to difficulties of their own making because they choose to pursue a path that can only lead to failure and misery.

1.4 Australia’s debt to Christianity

The foundation of good government in Australia might rest upon the official acknowledgment of Christ the King. However, in the current environment it is difficult to envision that ever occurring.

Therefore I appeal to this inquiry to accept some other important reasons for acknowledging Australia’s debt to Christianity.

Every institution in this nation, from the family to the Commonwealth parliament, rests upon Christian teaching and philosophy. Christian values have infused Australia’s way of life since first settlement in 1788 and they link Australians to the great history of Western civilisation and its legal, cultural, artistic and moral advances.

The cross is on our flag, war memorial, uniforms and coat of arms. The values of the man who died on that cross underpin our charities, social relations, common law and families. The God who died on that cross is recognised in our Constitution by its framers, who understood our nation is built on Christianity, as perhaps best expressed by Sir Henry Parkes:

“we are pre-eminently a Christian people – as our laws, our whole system of jurisprudence, our Constitution... are based upon and interwoven with our Christian belief...”

Our main national holidays revolve around the birth of Christ and his resurrection from the dead.

And even our nation’s title is derived from a language that was kept alive by the Catholic Church.

It is undeniably true that many in Australia reject Christianity. That number is growing. But Australia has a debt to Christianity that it must repay. That debt can only be repaid if Christianity’s place in Australia is preserved. And Christianity can only be preserved in Australia if it is legally recognised as the primary religious influence in Australian society, culture and history and Australians remain free to practice it and express views based upon it.

7 https://www.cai.org/bible-studies/australia%E2%80%99s-christian-heritage
Necessarily, that means Christianity must receive special status in any legal protections given to religious freedom in general.

The alternative is to continue removing Christianity from our nation’s foundations. Given it is the material that gave that foundation strength, it is highly likely that doing so would see those foundations crumble and the institutions that rest upon them fall.

### 1.5 Answering key objections to true religious freedom

I acknowledge that there will be those who deny that there is a true religion and who seek to diminish religious freedom for Christians while promoting freedom for those opposed to Christianity.

They will seek to use two key arguments against the true concept of religious freedom. Both of these arguments can be shown to be illogical, nonsensical and dangerous.

The first argument is that the state is above religion. This idea stems from a belief that there is no ‘true’ religion at all and generally involves a denial of the existence of God.

However, it might be easy to deny God exists. It is not so easy to develop any philosophy that adequately deals with the divine attributes that must be granted to something else.

If there is no God, the power and authority to rule and determine good and evil must come from somewhere else. Either each individual man becomes his own divinity, or the state is the supreme arbiter of law, authority and justice and the new divinity in a cult that deifies the government.

In general, the chaos of individualism will be conquered by the rule of organised force. Where the state is the supreme arbiter of law, it necessarily follows that its might is right.

And if the state is the supreme arbiter of law, there are no such things as ‘human rights’. There are only liberties that come from the state and that can be withdrawn by the state as it deems necessary.

Philosophically, it must also be noted that if the state is the supreme law maker, ‘good’ laws will be those that the state enacts and ‘evil’ laws will be those it repeals. A state could choose to be a nation of warmongers or peace activists as it sees fit and neither would be morally superior to the other.

Throughout human history, states that ruled with this idea tended towards tyrannical despotism.

In essence, those that would claim that the state is above religion and able to grant freedoms as it sees fit argue for a system that the Universal Declaration of Human Rights admits has led to tyranny and oppression and barbaric acts which have outraged the conscience of mankind.

The idea that the state is above religion must be rejected.

The second argument is that the state can be ambivalent to religion. This idea itself has its roots in the first absurdity. It can only be promoted by those who assume that the state is above religion and therefore has a power to grant religious freedom to some or all at the whim of the state. But it also stems from a second error: that it is impossible to know the ‘true’ religion.

A state that adopts this approach necessarily gives the same legal standing to both truth and error, good and evil, right and wrong. Such an approach would see the state equally supportive of Satanism and Christianity.
The first idea is directly dangerous to any concept of freedom. The second is more subtle and perhaps far worse. It clothes itself in a façade of freedom but silently erodes the freedom to do good while eliminating any possibility of avoiding evil. And it also brings a different problem to the state.

The first argument smashes freedom with the fist of tyranny. The second destroys it by setting the state on a path of internal conflict.

There is no denying the power of organised morality. Whether it be the morality of Communism, the ideals of Islam or the beliefs of Christianity, nations have vastly different cultures based on the morality of their societies.

Any student of history knows that where those cultures intersect there is tension, conflict and violence.

We are seeing growing violence within Western nations today that are increasingly riven by conflict over their social morals. The multicultural experiment has failed and this is proven in research undertaken by the experts within Australia who promote this idea.

The purpose of the Scanlon Foundation is to:

...see Australia advance as a welcoming, prosperous and cohesive nation particularly related to the transition of migrants into Australian Society.

However, the Scanlon Foundation’s annual surveys, designed to increase support for multiculturalism, show that there has been a consistent drop in social cohesion within Australia over the past decade.

The multicultural experiment was always going to fail. The world is not multicultural but is rather broken up into numerous mono-cultural nations. There is a reason for this: cultures with conflicting and opposing moralities cannot peacefully coexist. They need walls and borders between them to keep the peace.

A state that claims it must be ambivalent to religion is hurling itself down a road that can only result in the undermining of its existing culture and its replacement by a one of a number of other competing cultures. That road leads to ruin and violence.

It is false to argue that the state must grant freedom to all religions. The only requirement the state has in regards to religious freedom is to grant freedom to true religion. It can justly limit the public practice of false religions in order to provide a safe and stable society for the common good.

The idea that the state can be ambivalent to religion must be rejected.

1.6 Religious freedom and the Australian legal context

The legal institutions of the colonies and then the states and Commonwealth have been Christian since the days of first settlement, as noted by Dr Augusto Zimmermann in an article of particular relevance to this inquiry, ‘Constituting a ‘Christian Commonwealth’: Christian foundations of Australia’s Constitutionalism’.

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Australia has had Christian influences since its early colonization — starting with the first English fleet departing for Australia in 1787, when Captain Arthur Phillip was instructed to take such steps as were necessary for the celebration of public worship. More substantively, Australia’s governor from 1809 to 1821, Lachlan Macquarie, encouraged Christianity in a number of significant ways.¹⁰

It also details how Christian doctrine was incorporated into the common law:

When the penal colony of New South Wales was established in 1788, the laws of England were transplanted into Australia in accordance with the doctrine of reception. The reception of English law into Australia was statutorily recognised by the Australian Courts Act 1828 (Imp.). Section 24 of this Act stated that, upon enactment, all laws and statutes in force in England at that date were to be applied in the courts of New South Wales and Van Diemen’s Land, so far as they were applicable...

...This reception of Christian legal principles was perhaps best encapsulated in Justice Hargraves’s famous comment for the Supreme Court of New South Wales in Ex Parte Thackeray (1874):

> We, the colonists of New South Wales, “bring out with us” . . . this first great common law maxim distinctly handed down by Coke and Blackstone and every other English Judge long before any of our colonies were in existence or even thought of, that ‘Christianity is part and parcel of our general laws’; and that all the revealed or divine law, so far as enacted by the Holy Scripture to be of universal obligation, is part of our colonial law....

As can be seen, Christianity’s embedment in the common law was not only acknowledged, but unconditionally adopted by the court in Thackeray. The pronouncement exemplifies the judicial recognition of the Christian heritage of the common law. The court took the major step of declaring the supremacy of Christian legal principles—namely, that the divine or revealed law is applicable, and superior, to colonial laws – and that ‘all the revealed or divine law, so far as enacted by the Holy Scripture to be of universal obligation’, are applicable, and superior, to colonial laws.¹¹

Dr Zimmermann also details in this article the importance of Christianity to the Constitution as held by its drafters and the popular call for it to recognise God in the preamble.

Further, the Queen is crowned in a Christian ceremony and Dr Zimmermann notes:

> The monarch also committed herself ‘to the utmost of [her] power maintain the Laws of God and the true profession of the Gospel.’ Whatever one might think of all this, it is simply not possible to understand it without reference to Christianity. As the Governor-General is bound by the Queen’s oaths to ‘maintain biblical principles and Christianity as the law of Australia’, it is, therefore, evident that Christianity continues to play a symbolic role in contemporary Australian law. Of course, this also demonstrates that, at least on a symbolic level, Australian law is still governed with regard to the advancement of the Christian religion.¹²

It is only in this historical and legal context that S.116 of the Constitution can be properly understood:

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¹¹ Ibid, page 127-8
¹² Ibid, page 136
The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

The purpose of this clause was to limit sectarian Christian conflict within a Christian nation. It is wrong to argue that this clause prevents the Commonwealth recognising the importance of Christianity because Christianity is already legally established as part of the common law and embedded within Australia’s institutions, legal processes and even in the ceremony that crowns its head of state.

However, this clause does prevent the Commonwealth from establishing any other religion as a state religion.
Part 2

The assault on Christianity
2.1 Current situation: assault on Christianity

It seems that Australia has been engaged in a lengthy and exhaustive cultural conflict over its future and direction. And that is because it has.

There can be no doubt that there are those who believe Christian religion should not just be banished from ‘professional’ spaces but entirely from Australia.

And I say Christian religion specifically, not religion in general. The same people who strenuously oppose Christianity will applaud when a Muslim is sworn into parliament using a Koran. We are not facing a war on religion, but a war on the true religion.

Further, there can be no true attempt to remove all manifestations of religion. Those who would claim to banish it would still be prophets seeking to impose a new moral order in which they claim the divine throne.

The reason Christianity faces this assault is because it is the truth. And while Christian thought can compassionately and charitably tolerate error, error cannot tolerate the truth. For error, the existence of truth is a searing, burning and constant reminder that it is flawed. The response is pompous and vacuous moral posturing that camouflages a burning hatred.

We saw this during the marriage debate. The ‘Yes’ campaign clothed itself with the phrase love and the appearance of hardship and then cheered when the parliament rejected amendments that would protect Australia’s charitable institutions from persecution – the organisations that actually help the suffering and the same organisations that are now being targeted in the United Kingdom, United States, New Zealand and Canada following the passage of similar laws promoting homosexuality.

And we also saw the hatred.

It manifested itself with attacks on the freedom even of Catholic bishops to present Catholic views. In 2015, Catholic Archbishop of Hobart, Julian Porteous, was dragged before the Office of the Anti-Discrimination Commissioner of Tasmania for releasing a pastoral instruction, Don’t mess with marriage. The letter stated:

*Same-sex friendships are of a very different kind: to treat them as the same does a grave injustice to both kinds of friendship and ignores the particular values that real marriages serve.*

It is no longer culturally acceptable or even legally safe to merely describe homosexual relationships as friendships.

One can only imagine what would have happened if the Australian Catholic Bishops Conference released a document quoting from the Catechism of the Catholic Church on the issue of homosexuality. This official

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14 https://www.catholicnewsagency.com/news/same-sex_marriage_law_forces_d.c._catholic_charities_to_close_adoption_program
teaching describes homosexual acts as being ‘acts of grave depravity’, ‘intrinsically disordered’ and ‘contrary to the natural law’ that cannot be approved ‘under any circumstances’.  

Churches would probably have been burnt to the ground.

I do not say so lightly.

During the recent debate over ‘homosexual marriage’, it was common for threats of violence to be made against Christians, as depicted in images below:

Image 1: Graffiti left on the Waverly Baptist Church during the marriage postal survey.

Image 2: Graffiti left on the Glen Waverly Anglican Church during the marriage postal survey.

19 http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a6.htm
These threats are not idle.

Numerous churches in Victoria have been destroyed or damaged in suspected arson attacks since 2015 in Melbourne and Geelong. In late 2016 the head office of the Australian Christian Lobby was blown up by a homosexual activist. And shortly after the postal survey results were announced a church in Sydney was vandalised and statues beheaded.

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26 [https://www.facebook.com/7newssydney/videos/1895206147170176/](https://www.facebook.com/7newssydney/videos/1895206147170176/)
Indeed, in that same week my own children were confronted by a hostile, abusive and threatening man in my local parish church grounds who was yelling obscenities at them for their views on marriage. I was extremely concerned and had to step between him and my children to ensure their safety.

For the first time in my life, it is now dangerous to attend Mass on a Sunday.

To my knowledge, no action has been taken against any persons for threats made against Christians during the marriage postal survey and no arrests have been made in any of the arson attacks against churches in Victoria. The person responsible for vandalising statues in Sydney did hand himself to police.

It is impossible to know what police resources have been allocated to these crimes but the police response to the Australian Christian Lobby attack is most concerning. And this is not an isolated incident. I detail similar responses later in this submission from both the New South Wales and Queensland police to threats made to my family’s safety as a result of our Catholic beliefs.

On 21 December 2016, a van exploded outside the Australian Christian Lobby. The next day, a statement made by the Australian Federal Police stated:

_The male presented himself to the Canberra Hospital with serious burn injuries. Police spoke briefly with the man before he continued with treatment. Police were able to establish the man’s actions were not politically, religiously or ideologically motivated._

and:

_Police will be conducting a thorough investigation including previous threats to the Australian Christian Lobby._

This statement makes absolutely no sense.

On the one hand it claims that enough of an investigation has been conducted to enable the police to rule out political, religious or ideological motivations. And on the other it states that the investigation has not even begun in detail, that the police have only been able to speak briefly with the badly injured attacker but that it is known that the Australian Christian Lobby has been the subject of religious, political and ideologically motivated threats.

Subsequently, evidence was tendered in court that Jaden Duong was a homosexual activist who had searched the ‘Australian Christian Lobby’ as well as ‘how to make ammonium nitrate’ and ‘pressure-cooker bomb’ on the internet leading up to the attack. He told police that he ‘disliked the Australian Christian Lobby’ because of ‘its position on sexuality’. He also stated that ‘religions had failed’.28

The Australian Federal Police conduct in this matter is farcical and it leads to questions about whether there was political interference in its investigation.

To believe that the Australian Christian Lobby was not deliberately targeted in this attack requires far more faith in ‘sky fairies’ than atheists claim Christians have.

Unfortunately, we now live in a nation where Christians increasingly face violence and threats of violence and where the police services have demonstrated that they will not only ignore this fact but publicly claim that there is no threat. This comes as ‘homosexual marriage’ laws were passed that specifically excluded

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protections to protect the religious freedoms of marriage celebrants, charities, religious bodies and schools and parents.

### Recommendations

1. ‘Homosexual marriage’ laws should be repealed.
2. Laws should be enacted to:
   - provide marriage celebrants freedom to refuse marriage to homosexuals;
   - protect freedom of expression regarding the morality of homosexuality;
   - protect charities for discriminating on the grounds of homosexuality;
   - protect religious bodies and schools for discriminating on the grounds of homosexuality and expressing views opposing homosexuality;
   - protect parental choice by ensuring that they can withdraw their children from programs like the ‘Safe Schools’ program;
   - protect freedom of expression defending Christian positions on marriage, family and morality.
3. Government funding of homosexual organisations and programs such as Safe Schools should be scrapped and they should be removed from classrooms.

### 2.2 Case Study 1: The Australian Defence Force

On 11 July 2014 my appointment as an officer in the Australian Army Reserve was terminated.

In 2015 the Federal Court overturned this decision (Gaynor v Chief of the Defence Force (No 3) [2015] FCA 1370)\(^\text{29}\), the Full Court of the Federal Court upheld it in 2016 (Chief of the Defence Force v Gaynor [2016] FCA 311)\(^\text{30}\) and the High Court denied leave to appeal this decision in August 2017 (Gaynor v Chief of the Defence Force [2017] HCATrans 162)\(^\text{31}\).

This matter should go to the heart of this inquiry’s investigations; it highlights the parlous state of religious freedom for Christians in Australia and the direct and deliberate discrimination that they suffer. It also demonstrates that even laws and policies that should protect them are ignored or interpreted to support the removal of freedom.

Some background and understanding of Defence policy is necessary.

In early 2013, I resigned as National General Secretary of Katter’s Australian Party and nominated to be endorsed as its Senate candidate. I was also a member of the Army Reserve, having transferred there in 2011 after 12 years of full-time service in the Army.

At this time there was a debate about proposed changes to anti-discrimination laws with the then Labor government releasing a draft bill. There were calls for this bill to remove and override state-based exemptions allowing Christian schools to discriminate on the basis of homosexuality. Even the Defence-linked Defence


Gay and Lesbian Information Service had lobbied for these changes in a parliamentary submission it lodged in relation to this bill.\textsuperscript{32}

I opposed these calls and made the following statements on Twitter:

\begin{quote}
\textit{I wouldn’t let a gay person teach my children and I am not afraid to say it #auspol}\textsuperscript{33}
\end{quote}

and:

\begin{quote}
\textit{Parents should have discretion over who teaches their children #auspol}\textsuperscript{34}
\end{quote}

and:

\begin{quote}
\textit{If we value free speech and democracy then we would respect the right of Christians to hold their views about right and wrong #auspol}\textsuperscript{35}
\end{quote}

It is obvious that Christian parents exercise discretion over who teaches their children when they elect to send them to Christian schools. Removal of these exemptions (which remain in place in every state today) would deny Christian parents this educational discretion.

While I was not surprised that some felt upset by my comments (even though they supported exemptions in law legislated by every Australian state), I was surprised that the Australian Army took an interest in them.

On 6 February 2014 I was called into my Commanding Officer’s office for workplace counselling.

He acknowledged that my statements were made in my private capacity and not in uniform. However, he also stated that my comments had become a matter of interest for the Chief of Army and that my comments were ‘inappropriate’, ‘offensive’, ‘unacceptable’, ‘out-of-step with cultural reforms underway in the ADF’ and that I need to ‘maintain balanced view while serving as an Army officer’. A unit report, and another brief made public, described my views as homophobic.

From this point in time I was not permitted to work as an Army Reserve officer again.

Shortly before this workplace counselling, the Chief of Defence Force gave approval for official uniformed Defence participation in the Sydney Gay and Lesbian Mardi Gras. Members marched under orders and in a formed body. This became an official Defence workplace.

The Mardi Gras is a political event that details in its constitution that its objectives include ‘political development’ and creating opportunities for political expression and the development of ‘political skills’.\textsuperscript{36}

On 2 March 2013, the Australian Defence Force marched at the Mardi Gras along with numerous left-wing political parties and lobby groups and with anti-Christian activists carrying deliberately provocative and offensive slogans aimed at the Catholic Church:

\textsuperscript{32} \url{http://www.aph.gov.au/DocumentStore.ashx?id=41e842ab-efca-4661-80a6-523a1f084e9e}
\textsuperscript{33} \url{https://twitter.com/BernardGaynor/status/294024596523458560}
\textsuperscript{34} \url{https://twitter.com/BernardGaynor/status/294034131258580992}
\textsuperscript{35} \url{https://twitter.com/BernardGaynor/status/294024805815054336}
The ‘parade’ also contained numerous ‘floats’ of people in various states of nudity and undress.

Prior to the ‘parade’, the Australian Democrats political party announced that Lieutenant Colonel Paul Morgan would lead the Australian army contingent and that he was a member.

Shortly after the parade, Lieutenant Colonel Morgan appeared in uniform on the ABC’s 730 program and criticised Defence policy and the entire hierarchy of the Australian Defence Force.37 The Chief of Defence Force stated publicly that his views would be listened to and that he would not face disciplinary action.38

Defence Instruction (General) Personnel 21-1 Political activities of Defence personnel was extant at this time. It was a lawful general order and it permitted Defence members to join political parties, contest elections (with stipulations they resign to the appropriate reserve prior to the issuing of

37 http://www.abc.net.au/7.30/defence-force-fails-abuse-victims-says-officer/4559476
38 http://www.abc.net.au/am/content/2013/s3710732.htm
writs) and make comment on any political matter, provided that they did so in their private capacity and not in uniform. However, it prohibited uniformed attendance at events of a political nature.

Defence Instruction (General) Personnel 26-1 Australian Defence Force policy on religious practices of Australian Defence Force members was extant at this time. It encouraged Defence members to pursue their religious beliefs and accepted the significance of religious faith in people’s lives.

Defence Instruction (General) Personnel 35-3 Management and reporting of unacceptable behaviour was extant at this time. It was a lawful general order and defined a Defence workplace as any place where Defence members were in uniform or on duty. It prohibited political and religious discrimination and sexually-explicit conduct at a Defence workplace.

The situation I found myself in on 8 March 2013 and after numerous failed attempts to obtain Army Reserve work was as follows:

- I had been told I could not engage in personal political activity even though Defence policy and lawful general orders expressly permitted it.
- Other Defence members were engaging in political activity and marching in political events in uniform and in an official capacity even though Defence policy and lawful general orders expressly prohibited it.
- My religious beliefs had been ridiculed by my commanding officer even though Defence policy required commanding officers to acknowledge the importance of religious belief.
- My religion had been directly attacked in an event that was officially supported by the Australian Defence Force.
- I was not permitted to work due to the expression of my religious and political beliefs even though Defence policy permitted me to express those views and prohibited religious and political discrimination in the workplace.
- It had been made clear to me in no uncertain terms that the Chief of Army opposed the Catholic education my wife and I wished for our children.
- The Chief of Defence Force had publicly allowed a homosexual officer to criticise Defence policy in uniform.

Further, I was in this situation despite consistently high performance reports and even though I had not done anything in the Defence workplace to warrant adverse disciplinary or administrative action.

I had three options.

Firstly, apologise for my beliefs and actions and hope that I could be ‘rehabilitated’ back into the workplace but at the expense of my dignity and religious beliefs.

Secondly, remain silent and effectively sacked, unable to conduct basic readiness requirements such as physical fitness testing and inevitably discharged as unfit for service.

Thirdly, fight.

I chose the third option. But it was only after I was forced into that position by the Australian Defence Force. I started by publicly calling for the same treatment and respect as Lieutenant Colonel Morgan. It did not go down well.

I also lodged an unacceptable behaviour complaint against Defence participation in the Mardi Gras. The response to that complaint is indicative of the general attitude of contempt towards Christians.
It derisively noted that my complaint:

...contains a lot of personal opinion based around the views of an individual with strong Catholic beliefs...

Nowhere else, in all the thousands of pages of documentation involved in this matter (including the complaints and administrative and disciplinary actions against me) did Defence care to note the motivations of others involved within it.

However, because I am Catholic, Defence’s attitude was that my views could be dismissed. As a result, my complaint was dismissed without investigation but not before it was admitted in the same response:

*If a uniformed member were to support a gathering that insulted strongly held beliefs of a religion other than Christianity (to use his example, vilifying Islam with ‘Mohammed is Gay’ signs vs the ‘Jesus is Gay’ signs in the Mardi Gras) that member would be severely dealt with. In the case of the Mardi Gras, the opposite occurred.*

In black and white writing, the Australian Defence Force has admitted to blatant religious discrimination. Not only does it hold Islam in higher esteem than Christianity, it will permit Defence members to participate in events that vilify Christianity but not other religions.

My Commanding Officer wrote the word ‘policy’ against that paragraph and then dismissed my complaint on the basis that complaints against policy were not permitted. Clearly, senior Defence officers believe it is ‘policy’ to allow religious vilification but only of Christianity.

Following this, I was charged with 12 military disciplinary offences and investigated administratively for unacceptable behaviour following a complaint from the President of the Defence Gay and Lesbian Information Service (the same political lobby group that campaigned to remove exemptions from Christian schools).

On the basis that I would probably be found guilty, the Chief of Army commenced termination action.

However, all Defence inquiries found in my favour. I had no case to answer. But this did not stop termination action.

The Chief of Defence Force wrote to me in August 2013 and informed me that he was continuing with termination action, stating:

*I respect your religious belief...However your public articulation of these matter whilst a member of the Army Reserve, whether or not you are on duty, or in uniform, undermine my confidence in your ability to uphold the values of the Australian Army and your effectiveness as a leader in today’s Army.*

The implication for religious freedom in Australia is clear: organisations and institutions such as the Australian Defence Force will employ you, but only if you do not articulate Christian beliefs.
Christians in Australia have the freedom to remain silent at all times.

When this matter made its way to the Federal Court, the sacking was deemed unlawful on the basis that it had breached the implied freedom to political communication (this finding was overturned by the Full Court of the Federal Court). But it rejected any notion that the Chief of Defence Force’s conduct violated S.116 of the Constitution:

Section 116 of the Constitution provides as follows:

*Commonwealth not to legislate in respect of religion*

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

As finally formulated, the applicant’s argument was that the applicant was prevented from the free exercise of his religion and a religious test was imposed upon him for holding his commission to the effect that he forgo his own beliefs. At least, that is how I understood the argument.

Neither proposition can be accepted on the facts.

Neither the Termination Decision nor the Redress Decision required of the applicant that he refrain from the exercise of his religion, nor required that to remain a commissioned officer he satisfy a religious test of any kind. The applicant was instructed, generally and specifically, to refrain from public statements contrary to ADF policy while he remained a member of the ADF. I am satisfied that the applicant acted by choice to make the statements which he did. I do not accept that even as a matter of conscience, he felt he had no choice but to defy the instructions and orders given to him.39

I can read each individual letter in the above 222 words from the judgement. I can sound out each syllable and produce perfectly formed and audible words. But they make no sense.

It is possible in Australia to state with perfect truth that you know what the law sounds like but you have no idea what it means.

As it stands in this judgement, it is unlawful for the Commonwealth to impose a religious test or to prohibit the free exercise of religion. But it is entirely lawful for the Commonwealth to make policies that do both those things by prohibiting the expression of Christian beliefs and to sack a person for being ‘defiant’ if they violate that policy.

In other words, it is clear that if I did not express religious views I would still have my job and that I was not sacked because I expressed religious views but because I expressed religious view when Defence policies stated that I could not.

The final highlight to the absurdity of this situation is this: none of Defence’s official policies prohibited me from speaking. In fact, they gave me permission to speak as a private citizen, which I did.

And the final hypocrisy of this situation is this: during the same period as this saga unfolded, an Islamic Naval officer used official Defence social media platforms to promote Islam, including imams who have stated ‘homosexuals are lower than animals’. This officer has been defended by Defence hierarchy.⁴⁰

This inquiry should note that the law as it stands and is interpreted by the courts directly limits the freedom of Christians to express their views or to participate in political life to support those views and maintain employment.

It should also note the disparaging attitude towards Christians compared to others within government departments.

And it should note the cultural and legal acceptance that it is permissible and acceptable to officially participate in events that vilify Christianity but not other religions (particularly Islam).

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**Recommendations**

4. An inquiry should be held into the anti-Christian impact of cultural change program within Defence and other state and Commonwealth departments and agencies.

5. Government agencies and departments should not participate in events that vilify Christianity.

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2.3 Case Study 2: Anti-Discrimination law

I live and work in Queensland, publishing conservative commentary informed by Catholic teaching on my website. This website has been deemed of significance by the National Library of Australia for its political and religious commentary and is archived in its Trove system.

However, I have been the subject of 32 complaints of homosexual vilification under the *Anti-Discrimination Act 1977 (NSW)* since April 2014.

These complaints have all been lodged by Garry Burns, a self-described homosexual and anti-free speech activist. He has also described it as his ‘work’ to lodge complaints.

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The complaints relate to:

- statements I have written on my webpage and social media pages;
- quotations I have made on my social media pages from articles published in the Herald Sun; and
- comments made by other persons without my knowledge on my Facebook page (including one complaint from Garry Burns about a comment that was left by Garry Burns himself on my Facebook page).

It is important to note that where Garry Burns has lodged complaints about statements made by other persons he has only sought to complain against me. Further, in at least one instance Garry Burns complained against me for statements made by others on another webpage over which I have no control or ownership. When he discovered I was not connected to the comments he did not amend his complaint to address it to those responsible but instead decided to withdraw it entirely.

Where the complaints relate to statements that I am actually the author of, the statements are expressions of Catholic views in relation to political debates about marriage, family, morality and anti-discrimination law. While these statements may be deemed controversial by some, they do no more than defend well-known and
uncontroversial (in the sense that they are not contested but are accepted) teachings of the Catholic Church in the context of Australian political debate.

The New South Wales Anti-Discrimination Board has accepted 22 of these complaints and referred them to the New South Wales Civil and Administrative Tribunal in 16 different matters. Consequently, I face the prospect of being ordered to pay Garry Burns up to $1.6 million and being ordered to apologise for my beliefs. Failure to do so may result in contempt findings and jail. Garry Burns has commenced contempt proceedings against a Victorian grandmother, Tess Corbett, in these circumstances.

I am not the only person that Garry Burns has complained about. I am aware that he has lodged similar complaints in recent times against at least five other persons (most of whom do not live in New South Wales). Tribunal records show that Garry Burns has been responsible for approximately 70% of homosexual vilification complaints that have been heard in the history of this law. He has been responsible for almost 85% of complaints heard since November 2010.

The inquiry should note that the High Court is currently dealing with legal questions over the jurisdiction of these matters and judgement on them is reserved. I refrain from commenting on those jurisdictional questions in this submission. However, noting that this inquiry is directed to report on laws that limit religious freedom, it should be of concern that laws in one state are being used to restrict religiously-formed political communications in other states.

The inquiry should particularly note that the state of New South Wales has amended its Civil and Administrative Tribunal Act 2013 (NSW) in a specific attempt to allow the operation of its anti-discrimination law across state boundaries. It means that even if I succeed in the High Court, the legal process against me will recommence.

The explanatory note to the Justice Legislation Amendment Bill (No 2) 2017 (NSW) which amends the Civil and Administrative Tribunal Act 2013 (NSW) states:

The amendments referred to in paragraph (d) are required to address the consequences of the decision of the NSW Court of Appeal in Burns v Corbett; Gaynor v Burns [2017] NSWCA 3 that the Civil and Administrative Tribunal cannot exercise federal diversity jurisdiction because it is not a court that is invested with such jurisdiction by the Judiciary Act 1903 of the Commonwealth.41

And in the second reading debate for this bill, the Attorney General of New South Wales, Mark Speakman, stated:

Schedule 1.2 items [2] and [3] amend the Civil and Administrative Tribunal Act 2013, and schedules 1.3 item [6], 1.10 and 1.17 item [2] make consequential amendments to other courts legislation to enable parties to commence proceedings in the Local or District Court if NCAT does not have jurisdiction to resolve the dispute. In February 2017 the New South Wales Court of Appeal in the decision of Burns v Corbett; Gaynor v Burns [2017] New South Wales CA 3 found that NCAT does not have jurisdiction to determine disputes between New South Wales and interstate residents if the dispute involves an exercise of judicial power as distinct from an exercise of administrative power. The amendments will provide affected parties with a forum in which to resolve their dispute. If parties are unable to resolve their dispute through conciliation at NCAT, parties will have the option of

41 [https://www.legislation.nsw.gov.au/bills/6b0ab790-fcfe-469c-ab70-0f5d7a9d99b4]
commencing proceedings in the Local Court or District Court. The courts will have jurisdiction to hear the same matters and make the same orders that NCAT would otherwise have been able to make.\textsuperscript{42}

It’s a little hard not to feel persecuted when one state changes its unconstitutional legal system to allow the continuation of anti-discrimination complaints against you.

This inquiry, however, should be more interested in the operations of anti-discrimination laws themselves. They directly limit religious freedom in Australia by the way they operate and who they target.

Under the Anti-Discrimination Act 1977 (NSW) and other state-based anti-discrimination laws it is:

- free to lodge complaints;
- there is no penalty for false, misleading, frivolous or vexatious complaints;
- complaints are investigated by bodies that march in events like the Mardi Gras and that have campaigned for ‘homosexual marriage’;
- the complainant receives any ‘fines’ imposed by the Tribunal;
- the Tribunal is a ‘no cost’ tribunal meaning that the respondent cannot normally receive any costs orders in his favour, even if he wins.

Given these circumstances, one cannot be surprised that some persons may seek to lodge complaints in order to gain financially. However, regardless of the motivations of the complainant, it is also impossible for them to lose. They always win.

The respondent, on the other hand, faces:

- costs of obtaining legal advice;
- stress;
- loss of time spent in responding to complaints;
- loss of reputation; and
- no cost recovery if complaints are terminated or withdrawn.

As such, the respondent always loses. This is always the case, even if they win.

And I have won. Twice.

But it has not ended this battle and I am still left with the fact that obtaining these victories has cost approximately $200,000.

Instead, even though the New South Wales Civil and Administrative Tribunal found in October 2015 that actions that occur in Queensland are not subject to the Anti-Discrimination Act 1977 (NSW) and even though the New South Wales Court of Appeal found in February 2017 that the New South Wales Civil and Administrative Tribunal has no power to hear a complaint against a resident of a different state, I still found myself dragged into the High Court in December 2017. Every state in Australia except South Australia intervened against me in that hearing.

And despite these rulings, the New South Wales Anti-Discrimination Board has continued to accept, investigate and refer complaints to the Tribunal. Each time it has forced me to incur further legal costs.

The actions of the New South Wales Anti-Discrimination Board warrant critical examination.

\textsuperscript{42} https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx##/docid/HANSARD-1323879322-98862
The Board has admitted in writing to me that it has failed to meet its statutory obligations to provide me with updates about its ‘investigations’. It continues to accept complaints and refer them to the Tribunal even though the Tribunal has ruled that there is no jurisdiction. And its ‘investigations’ consist of nothing more than forwarding Garry Burns complaints to the Tribunal.

The President of the Board has the power to dismiss vexatious and misconceived complaints. However, the President has refused to do so, instead ignoring evidence that Garry Burns has lodged complaints for financial gain and for no other purpose than to cause me harm. Indeed, the Board has even accepted complaints about comments from Garry Burns that he himself left on my Facebook page. It should come as no surprise, then, that the Board also claims it is not affected by bias even though it accepts and ‘investigates’ complaints about comments I have made about conduct at the Mardi Gras – an event that the Board also participates in.

When the President of the Board has forwarded complaints to the Tribunal my evidence on vexation has been deliberately omitted from my response. The President has, however, included additional material from Garry Burns that I have a statutory right to respond to. This material has also been withheld from me and sent directly to the Tribunal.

The New South Wales Anti-Discrimination Board does not exist to eliminate discrimination. It exists to enforce state-sanctioned discrimination against Christians. It has become a new moral ‘Thought Police’ intent on imposing a new state-defined moral order.

From this, the inquiry should note that state anti-discrimination laws are making it difficult (if not impossible) for conservative Australians to express political views based on Christian beliefs on issues like marriage, while (as will be shown below) homosexual activists are free to threaten Christians with impunity, despite existing criminal laws that make it an offence to do so.

<table>
<thead>
<tr>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. State and federal anti-discrimination laws should be abolished.</td>
</tr>
<tr>
<td>7. An inquiry should be held into the conduct of the New South Wales Anti-Discrimination Board and its conduct towards Christians.</td>
</tr>
<tr>
<td>8. The New South Wales government should pay compensation to victims of its anti-Christian anti-discrimination laws.</td>
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</tbody>
</table>

2.4 Case Study 3: The attitude of police

Complaints are not the only things I have received from Garry Burns. I have also been privileged enough to receive hundreds of threatening, abusive, and offensive emails that can have no other purpose than to intimidate and harass.

In contrast, I have not emailed Garry Burns once.

These emails have also been sent to various state and federal politicians, police, Defence personnel, priests and media outlets (and bizarrely, even the Sydney Swans Australian Football Club).
These emails have incited others to assault me at Tribunal hearings, threatened me with assault and have threatened my family. Garry Burns has admitted to obtaining my address from the electoral roll and then contacting Islamic organisation to provide them with that information. As a result, my wife and I took the decision to move our house to protect our children’s safety.

These emails have also contained foul anti-Catholic rants.

This is the hypocritical aspect of anti-discrimination law. Anti-Catholic activists are free to denigrate Catholics but Catholics face the prospect of legal action if they express a view as a part of political debate about marriage, family or morality.

While the New South Wales government has taken a keen interest in me at the behest of Garry Burns via one of its agencies (the New South Wales Anti-Discrimination Board), one of its other departments was not so keen to get involved.

When I contacted the New South Wales police to have them investigate Garry Burns for using a carriage service to harass, menace or cause offence, I was firstly ridiculed for my last name, told that my views on marriage meant that I should expect such responses and then informed that no further action would be taken because the activist’s statements amounted to free speech in the context of our ‘relationship’.

The police officer who told me this, I later discovered, is a Gay and Lesbian Liaison Officer (GLLO). The New South Wales Police website states that GLLOs are part of a program to support ‘members of sexuality, gender diverse and intersex communities’. I have searched...
thoroughly but found no NSW Police Catholic Liaison Officers who are part of a program to ensure that members of the Catholic community can receive police support.

I wish the Anti-Discrimination Board had the same view on ‘free speech’ as the New South Wales police.

It should come as no surprise, however, that the New South Wales police have prosecuted a person for carriage service offences after a complaint from Garry Burns. I am not aware of the specifics of the statement this person made, but I am aware that he has been subjected to almost 100 anti-discrimination complaints from Garry Burns and posted a ‘rant’ about this situation on Youtube. The person in question also suffers from a long-term brain injury. Police obviously did not feel that his comments constituted ‘free speech’ in the course of his relationship with Garry Burns.

The apparent double-standards from various police agencies when it comes to commencing prosecutions for using a carriage service to harass, menace or cause offence, based on the victim’s religious beliefs or sexual orientation, should be of great concern for this inquiry.

In 2015, Jay-Leighsa Victoria Bauman was sentenced to 180 hours of community service43 for posting expletive-filled comments on Facebook regarding Islamic activist, Mariam Veiszadeh. They described her ‘as a whore, a prostitute and a rag-head and urged her to return to her “sand dune country”’44. The comments stemmed from Ms Veiszadeh’s efforts to have singlets with the Australian flag and ‘Love it or leave’ taken from a chain store’s shelves. I do not condone the comments but I can understand why Ms Veiszadeh’s actions caused controversy.

Garry Burns has sent similar comments to me and others in hundreds of emails, including the statements below on 29 November 2014:

Dear Mr.Gaydar,

The majority of men who prowl public toilets for sex with other men don’t identify as homosexual but as heterosexual.

They are like you Mr.Gayday an alleged heterosexual but likes sucking on the sausage.

These are covert homosexuals who are married with children who can’t live their lives openly as homosexual so they go down to public spaces to have free anonymous sex with strangers.

Mr.Gaybo you really are an uneducated ignorant little perverted Catholic bigot.

Homosexual men like me can go on Grinder App to find a bit of slap & tickle but alleged heterosexuals like your kind have sex with men in the dark in parks or bogs so they can’t be seen.

Go and educate yourself you pathetic & pernicious little imbecile.

Warm regards,

Garry Burns

Anti-Discrimination Campaigner & Public Interest Litigant.

And on 1 October 2014:

Dear Mr. Gaynor,

If you are Anti-Islam and Anti-Gay why don’t you pack up the Mrs and your 6 children and fuck off to a country where there’s no Muslims or Homosexuals.

If you are so unhappy living in Australia because of Muslims & Homosexuals just leave.

Warm regards,

Garry Burns

Anti-Discrimination Campaigner & Public Interest Litigant.

And on 26 October 2014:

Dear Mr. Balzola,

Mate you can drag this case out for 10 years or longer but I have got your client (Mr. Gaynor’s) testicles in my right hand and I'm going to squeeze them until they fall off.

CHOP THOSE CATHOLIC BIGOT’S BALLS OFF AND FEED THEM TO THE HUNGRY DOGS!

Warm regards,

Garry Burns

Anti-Discrimination Campaigner & Public Interest Litigant.

It is hard to view the actions of police as fair or consistent. Instead, it is entirely reasonable to form the conclusion that various police forces will apply the law when it comes to crimes against Muslims, but they will not apply the law when it comes to identical crimes against Christians.

Even more so when in this case it was a Gay and Lesbian Liaison Officer who took the decision not to open any investigation into the conduct of a homosexual activist.

This anti-Christian police bias is also felt in other ways, as detailed earlier in this submission regarding the attack on the Australian Christian Lobby.

In the week after the marriage postal survey results were announced an extremely hostile man entered my local parish grounds and approached my children before launching into an expletive-filled tirade. I thought he was going to engage in physical violence and so move to step between the man and my children. He only left when I began to telephone the police.

After three visits to the police station and several telephone calls with Queensland police, no action has been taken at all against this man, even though there are offences for his conduct. I was eventually told over the phone that this was not an issue the Queensland Police would deal with.
A police response to these threats does not need a law protecting religious freedom. All of these threats or attacks violate criminal or other laws that already exist to protect all Australians. They are just not being enforced, or they are being reluctantly enforced because there is a culture within law enforcement and other government agencies that accepts threats against Christians but will not even tolerate a dissenting view on the idea of marriage.

Recommendations

9. An inquiry should be held into the apparent bias of state and federal police forces against Christians.
10. Programs such as the New South Wales Gay and Lesbian Liaison Officer program should be scrapped.
11. Police officers who have been known to support LGBT activist causes should be involved in the investigation of any complaints against other LGBT activists.

2.5 Case Study 4: National Australia Bank

I have also faced threats from National Australia Bank to shut my accounts due to the expression of my beliefs.

In late 2013, I started a crowd-funding campaign to assist Tess Corbett, a Victorian grandmother the subject of complaints from Garry Burns.

To that end, I opened a bank account and then published its details on my website.

Shortly afterwards, I received the following letter from National Australia Bank (shown next page).

In response, I removed the words ‘National Australia Bank’ from my website. I did not remove the account number or BSB. National Australia Bank did inform me verbally that it required those details to be removed as well, a demand that I requested be put in writing. It did not do so.

Nor did it respond to my written request for it to outline the measures and programs it had put in place to work with Christians in Australia.

It should be of great concern to this inquiry that banks are using their power in attempts to silence Australians with Christian beliefs. It is one thing to have a fund-raising account shut down. It is another things entirely to have your mortgage, saving and other accounts threatened with closure because of your views on marriage and family. In today’s world, an inability to gain a bank account is tantamount to being excluded from society in a far more draconian way than even being denied a vote would be.

Obviously, it is also absurd to conclude that there is any inference that National Australia Bank supports any particular individual or organisation’s activities simply because they have a National Australia Bank account.

On this point, this inquiry should note the increasing tendency in Australia for organisations to claim ‘brand damage’ in these circumstances. This false claim, used particularly by government departments, is being used to silence political expression in general, although it tends primarily towards silencing Christian-based expression.
NAB Resolve  
National Australia Bank  
Reply Paid 2870  
MELBOURNE VIC 8060

06 December 2013

Mr Bernard Gaynor

Dear Mr Gaynor,

At NAB, we value diversity.

We have been notified that NAB’s name is referred to on your website,  
http://bernardgaynor.com.au/. We are concerned that readers of your website may infer that NAB supports the contents and beliefs set out in the website. We do not.

In the circumstances NAB is concerned that its brand is being damaged by association with the beliefs you’ve expressed publicly and we request you remove all NAB related details from public view, inclusive of all media types, immediately.

NAB values and respects different beliefs and we have our own role to play in shaping a diverse, healthy community. We play an active role in LGBTI (lesbian, gay, bi-sexual, transgender and intersex) diversity recruitment and training, as well as supporting community initiatives by working with our Pride@NAB internal group. Pride@NAB is an initiative aimed at creating a safe and inclusive work environment and providing a voice for LGBTI employees. Involvement is not exclusively for those in the LGBTI community, rather for all people with a real interest in ensuring that everyone is treated with equality regardless of their sexual orientation.

NAB also has a Group Diversity and Inclusion Strategy to sustain an inclusive culture that supports every employee to reach their full potential throughout the various stages of their lives and careers. This is achieved by recognising “diversity of thought” and valuing differences among our people.

NAB prides itself on its records of employing and working with people of many faiths, including the Muslim faith.

Please remove all references to NAB from your website and any other public media within 14 days. If we don’t hear from you, NAB intends to close all of your accounts by 20 December 2013 with us and close any accounts associated with fundraising on your website.

Thank you for your time. If you have any questions, feel free to contact me.

Trevor Morris  
NAB Resolve  
National Australia Bank  

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Stand tall. Fight hard.  
bernardgaynor.com.au
The inquiry should also note the National Australia Bank’s use of the words ‘respects different beliefs’ and ‘diversity of thought’.

The hypocrisy of these phrases in a context where National Australian Bank is demonstrating that it had no respect for my different belief of diversity of thought goes without saying.

More importantly, these words stem from the language used in state and Commonwealth anti-discrimination laws. These laws are inherently anti-Christian but they are now being used as the basis for workplace policy. These laws, consequently, are having a structural impact on religious freedom for Christians in Australia because they are permeating businesses, workplace policies and affecting even customer relations.

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Part 3

The abuse of religious freedom
3.1 Religious freedom and Islam

Islam is a corrosive and divisive force within Australia that promotes a violent ideology. As Islam is not the ‘true’ religion, it is not a religion at all and the government has no obligation to allow Islamic practices that undermine the common good. It would be perfectly legitimate for the state and Commonwealth governments to pass laws limiting the approval of mosques, Islamic finance and madrassas. If the government fails to do so, we can expect to see further and increased violence in Australia as a result of Islamic ideology.

I have no doubt that these recommendations will result in rolling eyeballs and ridicule. But I make them for the sake of completeness.

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Halal certification seeks to ensure that products meet Sharia law requirements. It is mostly associated with food products but can extend to any product or service because Sharia law encompasses every aspect of life.

Businesses pay a fee for this certification. The Australian government is involved in the process of certification for meat exports despite S.116 of the Constitution.

The effect of halal certification is that approximately 95% of chicken meat and 60-70% of red meat in Australia is now produced from animals that have been slaughtered in accordance with Islamic requirements. These figures came from evidence presented to the Senate inquiry into food certification. To be certified halal, meat must come from an animal that has been sacrificed by a Muslim man.

The consequence of the growth of this practice in Australia since the 1970s is two-fold.

Firstly, large amounts of money have been raised through halal certification for the purpose of promoting Islam in Australia and overseas. As certification is a cost of production, this is a cost eventually passed onto consumers.

Secondly, it is almost impossible for Australians to consume chicken that is not the product of an Islamic animal sacrifice, even though almost all chicken meat produced in Australia is consumed domestically. The difficult with red meat is not so great, but is still quite considerable. The difficulty is compounded by the fact that meat products containing products from an animal sacrifice are not labelled.

In effect, Australians are forced to accept and eat animals that have been sacrificed to the Islamic god, Allah. This has occurred even though the demand for halal certification in Australia comes from approximately just 2% of the population.

There are similar issues regarding kosher certification, although kosher-certified products (and especially meat products) have a vastly smaller market penetration.

The inquiry should note that it is difficult to have religious freedom when Australians have little freedom not to fund Islam through halal certification practices and have no choice when it comes to buying meat products.
3.2 Religious freedom and abortion

It goes without saying that if you are dead, you have no freedom of religion.

In the last two decades, approximately 1.6 million Australians have been killed as a result of legalised abortion. And their deaths have been funded in large part by the Commonwealth and state governments.

To make this situation worse, new laws implemented or proposed by various state governments now make it a crime to express Christian-based pro-life views within ‘safety zones’ around abortion centres. Some of these zones are so large that they encompass church grounds blocks away.

Recommendations

18. Laws should be enacted banning fees for religious certifications.
19. Laws should be enacted requiring religious certifiers to be funded via donations from those particular religious communities they service.
20. All products that are religiously certified must be clearly labelled.
21. All meat products that result from an animal sacrifice must be clearly labelled.

22. In order to ensure that every Australian can live to enjoy religious freedom, laws legalising abortion should be repealed.
23. Laws placing anti-Christian and anti-freedom restriction zones around abortion centres should be repealed.

3.3 Religious freedom and ‘Welcome to Country’

It is increasingly common for state and Commonwealth governments and their departments and agencies to commence any activity with a ‘Welcome to Country’ ceremony.

Aboriginal actor, Ernie Dingo, claims to have been the modern ‘creator’ of these ceremonies, stating to The Australian newspaper that they are based on a spiritual dimension:

Dingo said it had been a custom for Aboriginal people to “get the sweat from under their arms and rub down the side of your shoulders so any spirits around can smell the perspiration or the odour of the local, and say, he’s right, leave him alone”. 45

The Australian Defence Force Indigenous Handbook states that ‘Welcome to Country’ ceremonies involve a blessing:

45 https://www.theaustralian.com.au/archive/in-depth/ernie-dingo-claims-the-first-welcome/news-story/a19a26bd8b31e8cfdde361a5db68c546f7svb90e44d4bd1d5f526ec439b882d3f2628
Today, in various Defence applications, such as memorial services and graduations, a Welcome to Country is delivered as the first event on the Order of Service. In this context, the traditional land custodians are giving their blessing for the event.46

Reconciliation Australia states that ‘Welcome to Country’ ceremonies have a religious nature:

When permission was granted the hosting group would welcome the visitors, offering them safe passage and protection of their spiritual being during the journey.47

The University of the Sunshine Coast states that the ‘Welcome to Country’ is a religious practice:

This acknowledgement pays respect to the traditional custodians, ancestors and continuing cultural, spiritual and religious practices of Aboriginal and Torres Strait Islander people.48

‘Welcome to Country’ ceremonies are part of a false Aboriginal religion that is animist and pagan.

S.116 of the Constitution prevents the Commonwealth from imposing religious observance or establishing a religion. The continued use of ‘Welcome to Country’ ceremonies is not only contrary to true religious freedom but it also violates our Constitution.

### Recommendations

24. ‘Welcome to Country’ ceremonies should be prohibited at all Commonwealth activities as they breach S.116 of the Constitution.

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Recommendations
4.1 Recommendations

‘Homosexual marriage’

1. ‘Homosexual marriage’ laws should be repealed.
2. Laws should be enacted to:
   • provide marriage celebrants freedom to refuse marriage to homosexuals;
   • protect freedom of expression regarding the morality of homosexuality;
   • protect charities for discriminating on the grounds of sexual orientation;
   • protect religious bodies and schools for discriminating on the grounds of homosexuality and expressing views opposing homosexuality;
   • protect parental choice by ensuring that they can withdraw their children from programs like the ‘Safe Schools’ program;
   • protect freedom of expression defending Christian positions on marriage, family and morality.
3. Government funding of homosexual organisations and programs such as Safe Schools should be scrapped and they should be removed from classrooms.

‘Cultural change’ within Defence and other government agencies

4. An inquiry should be held into the anti-Christian impact of cultural change program within Defence and other state and Commonwealth departments and agencies.
5. Government agencies and departments should not participate in events that vilify Christianity.

Anti-discrimination law

6. State and federal anti-discrimination laws should be abolished.
7. An inquiry should be held into the conduct of the New South Wales Anti-Discrimination Board and its conduct towards Christians.
8. The New South Wales government should pay compensation to victims of its anti-Christian anti-discrimination laws.

Attitudes of state and Commonwealth police

9. An inquiry should be held into the apparent bias of state and federal police forces against Christians.
10. Programs such as the New South Wales Gay and Lesbian Liaison Officer program should be scrapped.
11. Police officers who have been known to support LGBT activist causes should be involved in the investigation of any complaints against other LGBT activists.

Anti-Christian attitudes in the workplace

12. Laws should be enacted to prevent business from firing employees because they express Christian-based opinions in their private capacity.
13. Laws should be enacted preventing businesses such as banks from discriminating against customers on their basis of their expression of Christian-based opinions.
14. All state and Commonwealth funding for Islamic programs and schools should be scrapped.
Islam and religious certification

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Abortion

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‘Welcome to Country’

24. ‘Welcome to Country’ ceremonies should be prohibited at all Commonwealth activities as they breach S.116 of the Constitution.
5.1 Signatures

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