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## EDITOR/HON SEC' COMMENTS

*Affie Adagio*

### SGM 29/11/09 Report

This meeting was well attended by more people than usual. Dierk von Behrens was the returning officer and one would expect that his presence would have brought some order but Mark Pavic, Hugh Drewitz, Harry Giann and Phil showed poor meeting skills to the extent that the police had to be called in and Mark needed to be removed from the premises. Not before being given the opportunity to be appropriately recognised when he needed to be heard. Several people including myself called the police at once so the level of frustration was high in the meeting. By the way when we arrived we had to have the lock removed because it had been glued shut. I believe this was an attempt to abort the SGM. So you can tell by this how difficult a time we have had during this period.



Once the police had removed Mark we continued the meeting in relative peace and it "was successful in declaring the positions of all the general committee section of the governing Committee null and void (due to the invalid election process at our AGM back in August). There were six of the infiltrators in the general committee! So we were successful in deactivating them for now. The SGM also resolved that the Executive be in charge with Society affairs till 14 Feb. Our Rules state we have absolute discretion as to whom we accept as members. You can download our Rules from our website." Thanks need to be extended to John August, Waratah, Dierk, Angela, Victor, Emma (who pitched in and phoned members), Fred, Brian Edwards, Gillian and Tony who stood up to the infiltrators. So please remember to vote for us on Feb 14. I am now the new Hall Hirer and am very careful about who is permitted to use Humanist House. PIF and PP have had their license ceased and are no longer using HH. Also many thanks to the members from Canberra and all those who turned up to support us and those who sent proxies from not only Sydney but interstate.

**WORDS AND IDEAS** by David Tribe: has been approved by the Executive for publication, with many thanks, as a fundraiser for the Humanist Society. Segments have appeared in Vpts and the feedback has been positive. We will have a launch so please watch out for it.

### COVER STORY: UN DAY

Bob Ellicott QC gave an inspiring talk about his involvement with UN and Australia. I will not write much here because the speech is being published by UNAANSW and this will be made

available to our members in January. As you can see several Humanists were present at this event.

**END OF YEAR PARTY** was attended by over 60 people more than ever before. Ru Bella was not only beautiful but so talented. I met her at my local chemist where he jokingly claims he "deals drugs". He gave us a huge discount because he lives in the HH area and new the difficulties we had experienced. At any rate, I expected she would mime, as they do, but not Ru Bella – she sang Tina Turner, Dusty Springfield, Frank Sinatra and more. She flirted outrageously with David Tribe who flirted back too until she spotted my Chihuahua, Pepi, and she dumped David and hence sang her love song for Pepi. Then we were lucky enough to hear her sing Happy Birthday the way Marilyn Munroe sang for the President for new member Paul as it was his birthday. Everyone thoroughly enjoyed themselves. There were our members who were also members of UNAANSW, and WILPF. Lynne the UNAA Secretary had brought HUMSOC presents one of which was a bottle of champagne and she suggested that I give it to Ru Bella as a gift for her performance. Brian Edwards had shopped the food for us and thanks to the helpers we were able to put it out and feed the hungry natives. Such a good time after so much stress. Thanks to Fred too for vacuuming before the party.

**VISITOR FROM SCOTLAND:** Humanist Celebrant John Bishop visited Australia and met with John August and I for dinner at Bondi Beach where we had a lovely dinner and compared notes. It was indeed interesting to find out the differences between our ways of approaching secular ceremonies.

## CO-EDITOR

*Emma Hannah*

I'm thankful that so many Humanists attended the SGM recently and the support of Humanist principles was fantastic in this instance. It brings to mind what Humanist principles involve - observing concern for the rights of all human beings, and the ethical treatment of all. It's a battle for us humans to remember that we carry over sixty cognitive biases, some people seemingly unable to avoid feeling somehow superior to other groups, and forgetting that they all deserve to be treated ethically and equally. As a student of cognitive psychology, I find it very interesting that we cannot simply turn our inbuilt biases off, however, we can certainly keep them in check. Evolutionary psychologists have put forward explanations for the many biases within a human, and it's fairly plain that many of those were helpful along humanity's development. We have now reached an era where



such biases became useless some time ago, and it would really be a grand day when we could indeed put such things behind us, and move into a more tolerant, and sentient age.

## **PRESIDENT'S REPORT**

*John August*

We recently held a Special General Meeting, initiated by Affie Adagio, Waratah Gillespie and myself. This meeting passed 3 of the 4 resolutions, one with minor amendments. The results of the last election were suspended, and we will be holding new elections in February as a result.



It was a difficult meeting, where I had to have the police called to have a particularly disruptive member, Mark Pavic, removed. We thank everyone who turned up and supported the resolutions, and thanks particularly to those members who helped with the meeting process, your input was crucial.

The particular problems with the previous election were the difficulties with preferential voting and the fact that people had no idea of the candidates they were voting for, but in fact this was the culmination of many difficulties we have had in committee processes, particularly not only since the last election but also going further back.

We've had difficulties in properly assessing the situation of one hirer of our hall, the "Public Information Forum" (Protesters pointed out they were also known as "Klub Nation"). This group was previously banned from hiring the hall many years ago, but re-obtained hire over time under a different banner. When we sought to recently suspend hire, this earlier resolution dating many years back was reversed by a committee majority. This majority included many members of PIF who had not previously attended social gatherings, contributed to the Humanist Viewpoints or otherwise taken an interest in the NSW Humanists prior to their election. Public Information Forum (PIF) has attracted the attention of several activist groups around Sydney, including the group "Fight Dem Back". While other hirers of HH have a public identity and often a webpage (one example is the "Spartacist" group, a previous tenant, which have a regular publication, website and entry on Wikipedia), there is no similar such information available on PIF. Instead, there are some references on the "White Pride Worldwide" website, Stormfront. These postings refer to the discriminatory attendance policies of the group. Further, postings by attendees of the group are

often racist, and the group's convener is described as its "Klub Fuhrer". The only reasonable conclusion which can be drawn from this is that PIF is a racist group.

The NSW Humanists has in its **Objects** "To encourage respect for the universal human rights of men and women free from discrimination on the basis of race, class, disability, gender, age, nationality or sexual orientation." Further, the International Humanist and Ethical Union, which we are a part of, has made statements against racism and any sort of xenophobic intolerance. Consistent with these principles, the Executive recently cancelled the hiring of Humanist House by the PIF group.

Our Rules also mention "freedom of expression". In making this cancellation, it does not mean we endorse censorship or the coercive limitation of freedom of expression - be that by Government or private groups. It does mean, however, that we choose not to support the expression of ideas contrary to our principles.

Along the way, we have had protesters against the meetings of PIF. I do not endorse these protests, as they have become violent, and while the protesters were organised enough to field a good presence at Humanist House, they were not organised enough to contact us before the protest, nor have they taken the initiative of contacting us since. Rather than a protest in the ideal of democratic participation, their actions seem to be much more like those who stand in the shadows and throw rocks - that is to say, coercive disruption of other's freedom of expression and assembly. These protesters are to be contrasted with members of the "Fight Dem Back" group, whose communications have been reasonable. The significance of our principles and what they mean for us has recently become clearer, which has formed the basis for our actions. I am sure that many members will support this recognition as what Humanism has been, and ought to be about. I welcome the continued membership and participation by those who see these connections.

This problem was not what I was planning to deal with when I became President, and for pretty much the last year we've not pursued any projects of broader significance - be they public Darwin Day events, a review of events on Bougainville or anything similar. However, we did at an Executive meeting move towards the publication of David Tribe's "Words and Ideas" booklet. Further, at our end of year gathering, we had entertainment from "Ru Bella", a female impersonator. It was great to see Humanists together enjoying themselves, and thanks to Affie for being the driving force behind Rubella's performance.

## DARWIN DAY

Victor Bien

**Darwin day for 2010.** 2009 was a big year for celebrating the achievement of Charles Darwin because as you would know by now it was the bicentenary of his birth and the sesquicentenary of the publication of his famous book *The Origin of Species*.



Because it was a big year many institutions and organisations ran significant events to celebrate Darwin, his life, his achievements and the theory of evolution. So significant indeed that there was almost saturation coverage; certainly it made anything we as a small organisation or movement could do virtually redundant. It seemed to me so great and overwhelming was the coverage it even seemed to swamp out any objections the religious would have wanted to make or at least any media coverage they tried to achieve.

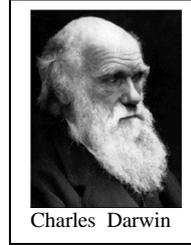
Some of the big institutions which ran celebrations of Darwin were the Botanic Gardens Trust, Australian National Maritime Museum, State Library of NSW, University of Sydney, at least a couple of events in Darwin city, of course the ABC Radio National's Science Show run by Robyn Williams and several other ABC RN programs as well as several TV programs on ABC and SBS TV.

Despite all that a Nielsen poll that came out as I wrote this showed that only 42% accepted evolution. This compares with 41% that believe in astrology and 63% who believe in miracles! The central organising principle evolution plays in all matters biological is as deeply embedded in modern scientific thinking about living things as gravity is embedded in all thinking in modern physics. I still read, listen and view scientific articles and programs and the gratifying satisfactions of specific evolutionary explanations for things that happen continues. Evolution is truly a great theory! Unfortunately only a little over 2 in 5 of the general community share my attitude!

Religion or rather certain religious people continue to have great difficulties with the theory. William Paley's natural theology (late 18 C to early 19th C) still finds expression in modern day creationists and intelligent designers. These are the people who look for ways to deny evolution, coming up with concepts such as "irreducible complexity". The argument for irreducible complexity has been debunked by US biologist Ken Miller. Other religious people don't have any problems being able to continue to have faith and accept evolution. These believers don't accept the type of theology exemplified by William Paley rather they hold to a notion that the very properties of the universe, that it is able to produce and support life and the human mind and consciousness must be created by some entity called God. This is supported by the Nielsen

poll where they found 68% believe in a God or universal spirit. These religious people are as critical of the creationists, IDs and or fundamentalists as we are.

People like Richard Dawkins and Daniel Dennett disagree strongly with these (non-fundamentalist) religious people second perhaps to the fundamentalists. There is a significant debate at this more



Charles Darwin

abstract level which may have practical or social implications. Perhaps the stance of the Dawkins and the Dennetts tend to lead to extreme antireligious policies such as the argument that religions should be banned. Personally I am wary of Australian Atheists and their forthcoming international convention coming up in March because of this. Some people have described this view as a sort of fundamentalism itself - an antireligious fundamentalism. I saw a BBC program in the Geraldine Doogue *Compass* time slot where a scientist theologian Conor Cunningham described Dawkins and Dennett's view as "ultra darwinism" that is to attempt to explain everything in terms of evolution. By proposing that people who are religious have been "colonised" by a religious meme the ultra darwinist thereby deny any objectivity in their views. The philosophical difficulty with that is that the argument can equally be applied to those like Dawkins and Dennett that they have been "colonised" by the evolutionary meme equally denying their objectivity. This seems to wipe out objective knowledge which is what science is about! However, allowing objective knowledge back in equally allows God back in for those who are not ultra darwinists.

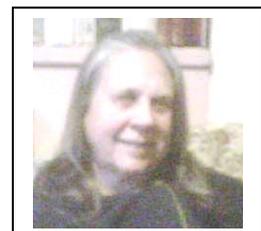
He argues that a basic mistake ultra darwinists make is to forget that all scientific theories are provisional and in the future evolution may well lead to discoveries which will show it can't be used to attack true religion. The problem with his and any one else's case for "true religion" is that there doesn't appear to be any objective criteria to distinguish between true and false religions! Perhaps I will show the above mentioned *Compass* program in HuVAT in March.

## HUMAN RIGHTS – TRICK OR TREAT?

Waratah Rosemarie Gillespie

***"Australians know little about their human rights, what they are, where they come from and how they are protected"***

***Report of the National Human Rights Consultation 2009, p.1***



Where knowledge is limited, a rosy glow may permeate perception. Such is the case in Australia, where a pervasive belief that our rights are protected floats on a sea of illusion.

A comprehensive system of human rights protections can be likened to a safety net that protects us from arbitrary acts or abuses of power by government or corporate authorities. Here in Australia, the level of ignorance about our human rights is matched by a paucity of legally enforceable human rights protections.

Human rights in Australia have been likened to a patchwork quilt. Some rights are protected, many are not. Some are protected by statute; others exist at common law, but all these can be negated by an Act of Parliament or the stroke of a governor-general's pen. The only human rights which are safe are those which have been incorporated into the Australian Constitution – but they are few indeed.

Clichés such as “*we don't want to be shackled by human rights laws*” appeal to ignorance, fear and prejudice, and compete with more considered analysis.

Julian Burnside, 2009 Australian Humanist of the Year, commented on the confusion:

“I think Australians are generally in favour of the idea of human rights in the abstract, but as a nation our thinking on the subject is not very developed ... Many Australians appear concerned about their own rights, but less concerned about the rights of those they fear or hate ... it is plain to see that many were untroubled about the plight of David Hicks, or the stolen generations (or the plight of Aborigines generally) or asylum seekers in detention centres. To tolerate these things with unconcern (or to be actively in favour of them while believing in the importance of human rights), is cognitive dissonance of a high order.”<sup>1</sup>

When an attempt is made to broaden the base of human rights protections in Australia, a cacophony of voices claim that such protections are not needed or that they would become an impediment. This happened in the 1970s when the Labor Government led by Gough Whitlam tried to introduce a comprehensive human rights bill. During the 1980s, a subsequent Labor government offered the Australian people an opportunity to increase their human rights entitlements under the Constitution by holding a referendum.

One issue on the referendum ballot was that of equal voting rights – one person, one vote. After years of gerrymander in Queensland and Western Australia, which repeatedly distorted election results, one would have thought Australians would be delighted to have an opportunity to render such practices unconstitutional.

Surprise! Surprise! The provision was *rejected* at the referendum. Even highly educated people were swept along by the hysteria whipped up by opponents of such a basic protection and were persuaded to vote against it – another case of cognitive dissonance?

One pattern is clear. Every attempt to broaden the base of human rights protections in Australia is followed by a cacophony of claims that our human rights are well protected and that tampering with the system will impede good government (or give judges more power) and that this is not in our interest.

A recent example where human rights concerns were dismissed by government is the Northern Territory Intervention, purportedly to protect children. The Northern Territory Emergency Response Act of 2007 gives the federal government power to take control of Aboriginal land and infrastructure, seize computers and other equipment, and impose a blanket income quarantine on all Aboriginal people living in the target areas. Such action is repugnant to the Race Discrimination Act, so the government suspended it.

Concerns about the loss of human rights, once protected by the Race Discrimination Act, evoked a terse response from Mal Brough, then Minister for Indigenous Affairs:

“Why did we do it? So that people could not go to the courts in a way to stymie, slow the process down. We can't put in roadblocks, artificial and unnecessary roadblocks, in the way.”

Human rights protections, when firmly grounded in law, can act as a brake on arbitrary and unjust actions by government. They are an annoyance to those who wish to exercise unfettered power over the people they govern. Therefore it comes as no surprise that the opposition to the idea of a comprehensive human rights bill is so strident – and that once again, it exploits ignorance and fear.

In response to the noisy voices opposing a comprehensive human rights act, the National Human Rights Consultation Committee has recommended an interactive process. The proposed human rights act will provide for a benchmark of human rights protections. Bills coming before Parliament will be assessed against this benchmark.

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<sup>1</sup> Report of the National Human Rights Consultation 2009, p149

If an Act passed by Parliament infringes a person's human rights under the law, a person aggrieved can apply to a court for a remedy. The court can, if it sees fit, issue a declaration that the Act is incompatible with human rights law. Following a declaration of incompatibility, the Federal Parliament is given an opportunity to reconsider the Act.

This provides for an interactive process, in which the Parliament, people affected by a particular law and the courts can all play a part. An interactive approach may also stimulate public interest in human rights issues, take it out of the nebulous world of the abstract and esoteric, and provide an opportunity for people to see for themselves how human rights protections work.

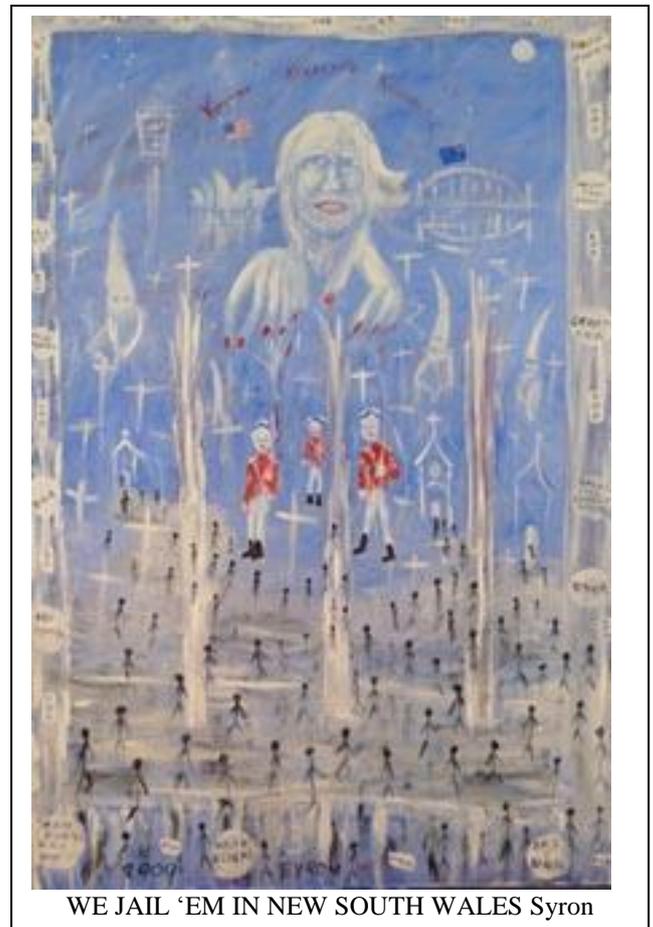
It's time for us to decide what is in our interest, not some opportunists who try to tell us what's good for us!

**GORDON SOLD 2 PAINTINGS**  
*Elaine Syron*

Let us know what you think of this painting. We have received a second reminder eviction notice and the Arts Law Centre is helping and advising us. Also Gordon sold 2 paintings: one for \$40,000 and the other for \$50,000 and we got the money already and we feel proud that the National Museum of Australia, Canberra bought them. They are going to show them off at an event next year and Gordon will be the guest of honour. YOU ARE INVITED TO VIEW NEW WORKS BY GORDON SYRON, A PIONEER OF ABORIGINAL ART 1972 -2009

Title of Painting:  
WE JAIL 'EM IN NEW SOUTH WALES  
oil on Belgian linen  
measurements: 101 -150cm.  
\$20,000.

Artist Statement:  
"I see no difference between the Labor or Liberal governments.  
Why are Aboriginal people all over Australia protesting at the Labor government's invasion in the Northern Territory? How do we treat Aboriginal people in NSW?" We jail 'em in New South Wales. The gaols are full of Black Fellas, women and men. NSW was the original colonising state. We were massacred and poisoned and are still not respected with funds cut at Tranby Aboriginal College. How are the NSW artists being treated? The Keeping Place of Redfern has received eviction papers." Gordon Syron 17 December 2009



WE JAIL 'EM IN NEW SOUTH WALES Syron  
Photograph by  
Jonathan Bogais. (Ph.D. Sociology – Paris IV Sorbonne)  
Writer - Script Editor - Producer  
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Respecting and following protocols relating to Indigenous cultural matters and intellectual property.

**FIGHT BLASPHEMY LAWS**  
*Matt Cherry (Message from IHEU)*

This is a special message from International Humanist and Ethical Union (IHEU).

BLASPHEMY! It's a cry as old as freethought, perhaps as old as religion. It's also a crime wherever religion can get enough control of government to impose it. And now **blasphemy is making a comeback**, at the UN of all places! If the Organization of the Islamic Conference has its way <http://www.iheu.org/belief-groups-unite-oppose-un-blasphemy-law>, the UN will impose a global blasphemy law under the guise of combating "defamation of religions." Defined as disrespecting God, blasphemy may seem to be the ultimate victimless crime. But all too often the real victims of blasphemy laws are Humanists who dare to speak out. Just ask Dr. Younus Shaikh

<http://www.iheu.org/node/85>, the Humanist leader in Pakistan, who spent more than three years on death row after being charged with blasphemy in 2000. Or Dr. Taslima Nasrin <http://www.iheu.org/node/2905>, the Humanist writer from Bangladesh who listened to a mob of 300,000 people demand that she be hanged for blasphemy. In response, her government issued an arrest warrant against her for "hurting religious feelings." In both cases, the International Humanist and Ethical Union (IHEU) successfully campaigned to save the lives of these courageous Humanists. Yet both must still live in hiding, fearing for their lives, even in the West. "Even in the West." It's a phrase I find myself using a lot these days to puncture a certain complacency among Humanists confident that secular progress will take care of itself. Progress never happens unless we work for it. Religion always fights back. If you don't believe me, check out the new blasphemy law

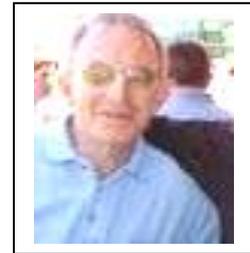
<http://friendlyatheist.com/2009/07/08/a-brief-summary-of-the-ireland-blasphemy-law/> that Ireland introduced this year. Or consider the Danish cartoonists, editors and publishers living in fear of their lives because they dared to poke fun at the Prophet Mohammed. Now a Jordanian court has summoned

[http://online.wsj.com/article/SB122099204692716155.html?mod=opinion\\_main\\_commentaries](http://online.wsj.com/article/SB122099204692716155.html?mod=opinion_main_commentaries) these Danes on charges of blasphemy. Jordanian prosecutors say that they hope the case "will help establish an international law against slandering religion." IHEU has been leading the campaign against the blasphemy push at the UN <http://www.iheu.org/UN-blasphemy-report>. Our teams in New York and Geneva have pushed back with policy papers, briefings and lobbying within the UN. And IHEU has also made sure this issue gets media attention. All this work has produced results. For example, attempts to include language against "religious defamation" in the UN's "Durban II" anti-racism agreement were a complete and unexpected failure. But we need your help to continue and strengthen our campaign. It's not too late to stop the blasphemy measure becoming international law. **Please, take a moment right now** to give as generously as you can by **making a credit card payment here** <https://www.iheu.org/payment.php> To learn about other options for donating, please go here <http://www.iheu.org/donate> Even without a global blasphemy law, our friends have been silenced and our colleagues killed for daring to criticize religion. It's time for us to fight back before things get worse. Please help us protect freedom of conscience by donating today. Yours sincerely, Matt Cherry *IHEU International Representative*

## MARRIAGES ARE UP, DIVORCES ARE DOWN

*Dally Messenger III (Humanist Celebrant Network)*

So wherever I am, there's always Pooh,  
There's always Pooh and Me.  
'What would I do?'  
I said to Pooh,  
'If it wasn't for you,' and Pooh said:  
'True, It isn't much fun for One, but Two Can stick together,' says Pooh, says he.  
'That's how it is,' says Pooh, says he.  
'That's how it is,' says Pooh.



(A.A.Milne- Now we are Six)

Pooh is right. It is much more fun when there are two, and, as Pooh further points out - mutual support is an additional bonus. Since 1973 civil celebrants have established dignity in personalised marriage ceremonies. Paradoxically, from the same time period, the Family Law Act has injected relative dignity to the legal sealing of a relationship break-up. If you disagree with my propositions - you simply haven't lived long enough. When Attorney-General Lionel Murphy worked his heart out to take the unnecessary pain and expense out of fault-and-blame divorce laws, and set in train a system to bring dignity and meaning into marriage ceremonies, I, for one, knew that, sooner or later, the good effects must become apparent. Australia is unique in all the world. Except for New Zealand, who followed the Murphy principles in some ways better than we did, the Australian Civil Celebrant has injected something special and unique into the Australian cultural scene.

There would be few who would disagree that in the 1960s and 70s many marriages in the Christian churches were inherently dishonest, and most marriages in the Registry Offices were a humiliation. Those who did get married were mainly driven by convention, very few by the personal conviction that they needed a solemn ceremonial commitment. The institution of marriage was seen by leading feminists, for example, as a state in itself oppressive to women. Those young women who didn't go that far, saw themselves as choosing between a marriage ceremony where the male was clearly spiritually superior (and they were inferior) or a civil marriage in a Registry Office. The latter would take place before a poker-faced official, legal words lasting, at the most, a minute, on weekdays only, with only two witnesses allowed. Most saw this as an event no respectable person should have to face.

As a corollary to this, divorce laws were obscenely expensive and totally legally dishonest. Lionel Murphy, acting almost alone, did away with all this. He gathered around himself a group of people, among which I proudly number myself, whom he asked to bring dignity, meaning and culture back into the non-church marriage ceremony. To those few who understood his visionary explanation, it was alarming and radical. What? Couples designing their own ceremony? What? Couples choosing their own place and time? What? Couples choosing their own celebrant? No, no, Lionel! The church or the public servant decide the ceremony, the officials decide the words and the place, the common people should do as they are told - if they want to be married. Now, in 2009, we are all familiar with the result of dishonest and humiliating marriage ceremonies. I doubt if there is any country in the world where people live together in de facto relationships to the extent we have been doing in Australia.

As time went on these de facto couples demanded that that they be treated the equal of people who had been through a ceremony -- the politicians acquiesced. The Democratic clamour of the people had to be recognised. What was a marriage ceremony anyway ? Just some froth and bubble - some mumbo-jumbo - a few words that entitled you to a piece of paper! in contrast, followers of the Lionel Murphy vision believe that ceremonies are a valuable means of deep psychological orientation - and we should have them all the time - for every milestone in life. They are an essential means of personally serious and public communication. The "Sorry ceremony" last year was a class example. The word "Sorry" in a ceremonial context changed people's lives, reduced them to weeping, recognised pent up years of pain, and validated interior screaming. But the "Sorry Ceremony" was contentious. "Mere words" said one group. "Only actions mean something". The philosopher rose up and said, "but words are actions". And then, last year, Barack Obama was made President of the United States. If he hadn't had a ceremony, he would still be President of the United States. So why did he have one? What difference did it make? But he did have a ceremony - thousands gathered in Washington DC from around the world. Millions watched the ceremony on TV. It was a spellbinding event; it had great meaning.

His choices of music and poetry and songs - his choice of speech words and vows were the "roadmap" (to use a modern concept) for his presidency. In the same way a marriage ceremony can be, and ought to be, and so often now is, a "roadmap" . It sets out a couple's commitment to attempt to establish a fulfilling, happy and positive relationship. With the assistance of a civil celebrant who "gets it" the couple can make a compact. They can exchange vows which abjure contempt, renounce stonewalling, modify defensiveness, and

envelop criticism in kindness. Couples can declare equality, honesty and open communication. They can promise to express love, re-assurance, and support. They can (as Bettina Arndt proposes they do) seriously commit to maintaining a life of intimacy at every level. Marriages up, divorces down, the ghost of Lionel Murphy will be smiling.

<b>CANBERRA</b>	<b>PIONEERS</b>	<b>CIVIL</b>
<b>PARTNERSHIP</b>		

*Pat Bowles (Humanist Celebrant Network)*

ustralia's first legally binding civil partnership ceremony has been held in Canberra. The Legislative Assembly passed a Greens bill earlier this month allowing gay couples to recognise their relationship with a legal ceremony. Warren McGaw and Chris Rumble - who have been together for nearly 20 years - celebrated their civil partnership at the Old Parliament House rose gardens this afternoon. They say they are excited to be the first couple to take advantage of the legislation. "We thought we'd take this opportunity not only for gay couples Australia wide ... but just for human rights," Mr McGaw said. "I think the majority of Australians are behind us." Mr McGaw says all couples should be able to have legally binding ceremonies. "We'll be really disappointed and devastated if [the legislation] does get overturned," he said. "But we took the opportunity today to have the legal ceremony as the law stands today. "We couldn't be happier, couldn't be more delighted." Commonwealth opposition But the Federal Government is not backing away from its plans to block the new laws. It has asked the ACT Government to amend the legislation. Federal Attorney-General Robert McClelland says he is not worried that ceremonies will take place while negotiations are underway. "We're not panicking about the situation," he said. "We're trying to see these issues in their context."

Any legal ceremonies that take place will still stand regardless of the final outcome. Mr McClelland acknowledges that the ACT has worked hard to try and differentiate the legislation from the Marriage Act. "There are several steps that have been introduced and implemented in the ACT legislation in an endeavour to distinguish it from a marriage between a man and a woman as is defined in the federal legislation," he said. "We note that, we recognise that and appreciate it. "There are some discussions that are occurring on the edge about issues that are essentially on the edge of the processes that the ACT have put in place." Mr McClelland says he does not know how long the talks will take. "How long is a piece of string," he said. "The reality is there are a number of people in the community who feel strongly about this issue both ways." But he says he wants to resolve the issue as soon as possible. "To be frank, while I understand that this is an intensely held and indeed

both sides are passionate about it, it's not the sort of thing that I think the Australian people collectively want to see absorbing any undue amount of time by their respective governments," Mr McClelland said. "I would like to resolve the matter with the minimum amount of angst, a minimum amount of trauma, and the minimum amount of time." It is not clear what changes the Commonwealth wants the ACT Government to make. ACT Chief Minister Jon Stanhope says Mr McClelland seems to be concerned about the legal status of the ceremonies. Mr McClelland will not say whether he thinks the legislation contravenes the Marriage Act nor will he say whether the Commonwealth has a constitutional or a moral objection to it. He says the Federal Government also has no intention of changing the ACT Self-Government Act to give the Territory the same powers of a state government. "The constitutional framework gave certain powers for the Federal Government and the Federal Government's not intending to change those powers," he said.

### **PRAYERS IN PARLIAMENT**

*Pat Coleman*

The fallacy of Australian Secularism and the unconstitutionality of House of Representatives and Senate Standing Orders requiring prayers. This article will be short and to the point as it is a very simple matter. The provisions of the Australian Constitution, House of Representatives and Senate Standing orders are linked and extracted below. It is beyond dispute, that subject to the Australian Constitution both houses of The Parliament of Australia have the power to make rules for the conduct of business of each house.

Where in any law or regulation, it says that a person "shall" or must do a thing or "shall" refrain from doing or "must not" do a thing, this is known as a mandatory requirement. That being the case, it states in s116 of the Constitution in part that the "Commonwealth shall not make any law for the establishing of any religion, or for imposing any religious observance..." It was said by the former Governor General of Australia Justice Deane sitting on the High Court that if something is unconstitutional, you have the right to ignore it (Metwally (1984) 158 CLR at p 477). I have to ask then, if s38 of the standing orders of the house of reps, and s50 of the senates make it mandatory that the speaker and president of the senate conduct a Christian prayer, and no member, senator or member (subject to a point of order), or member of the public may object or attempt to obstruct it under the pain of being arrested by either the Serjeant At Arms or Usher of The Black Rod, is that not then an unconstitutional imposition of a religious observance ? It was said by judges of the High Court in Nationwide News v Wills (1992) 177 CLR 1 at pp 60,72-74 applying Smithers and Benson (1913) 1 CLR at 108-109, and p 119 that a

free citizen: "Has the right to come to the seat of government and transact any business he has with it , to seek its protection , to share its offices, to engage in the administering of its functions ...." This has been regarded by the Supreme Court of Qld as a fundamental right (Coleman v Watson, Shaw and The State of Qld [2007] QSC 343 at pars [67]-[68] <http://archive.sclqld.org.au/qjudgment/2007/QSC07-343.pdf> Whether this is a matter that is justifiable by a court can be determined by its effect on the rights of citizens not to be subject to a religious imposition or to be subject to an assault or deprivation of liberty by the parliament for objecting to unconstitutional conduct. In my view an action could be brought in the Federal Courts original jurisdiction to either have the unconstitutional mandatory requirements for prayers without interruption or objection struck down or to be declared of no force or effect, and or an application for an injunction against both the Serjeant at Arms and Usher of The Black Rod from preventing protest during this occasion, or from preventing senators from objecting or walking out during this occasion.

The Parliamentary Privileges Act and standings orders cannot be at odds with the constitution. The current state of affairs shows any claims that we have to a secular Parliament are false and this is what is projected to the world. The relevant provisions 116. 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. <http://www.aph.gov.au/senate/general/constitution/chapter5.htm> House of Representative Standing and Sessional Orders <http://www.aph.gov.au/house/pubs/standos/index.htm> 38 Prayers

On taking the Chair at the beginning of each sitting, the Speaker shall read the following prayers: Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory, and the true welfare of the people of Australia. Our Father, which art in Heaven: Hallowed be Thy Name. Thy Kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil: For Thine is the kingdom, and the power, and the glory, for ever and ever. Amen. Order 60 Order kept by Speaker or Chair a. The Speaker, or the occupier of the Chair of the House at the time shall keep order in the House. 61 Members to recognise authority of the Speaker a. If the Speaker stands during a debate, any Member then speaking or seeking the call shall sit down and the House shall be silent, so the Speaker may be

heard without interruption. b. When the Speaker is putting a question no Member may walk out of or across the Chamber.

91 Disorderly conduct A Member's conduct shall be considered disorderly if the Member has: a. persistently and wilfully obstructed the House; b. used objectionable words, which he or she has refused to withdraw; c. persistently and wilfully refused to conform to a standing order; d. wilfully disobeyed an order of the House; e. persistently and wilfully disregarded the authority of the Speaker; or f. been considered by the Speaker to have behaved in a disorderly manner. 94 Sanctions against disorderly conduct The Speaker can take action against disorderly conduct by a Member: Direction to leave the Chamber a. The Speaker can direct a disorderly Member to leave the Chamber for one hour.

The direction shall not be open to debate or dissent, and if the Member does not leave the Chamber immediately, the Speaker can name the Member under the following procedure. Member named and suspended b. The Speaker can name a disorderly Member. Immediately following a naming, on a motion being moved, the Speaker shall put the question— That the Member be suspended from the service of the House. The question must be resolved without amendment, adjournment or debate. Urgent action c. If the Speaker determines there is an urgent need to protect the dignity of the House, the Speaker can order a grossly disorderly Member to leave the Chamber immediately. When the Member has withdrawn, the Speaker must immediately name the Member and paragraph (b) shall apply; except that the Speaker shall put the question for suspension without a motion being necessary. If the question is resolved in the negative, the Member may return to the Chamber. Term of suspension d. If a Member is named and suspended, the term of the suspension shall be: i. on the first occasion, for the 24 hour period from the time of suspension; ii. on the second occasion during the same calendar year, for the three consecutive sittings following the day of suspension; and iii. on a third or later occasion during the same calendar year, for the seven consecutive sittings following the day of suspension.

A suspension in a previous session or an order to withdraw for one hour shall be disregarded in the calculation of these terms. Exclusion from Chamber and Main Committee e. A Member who is serving a one hour withdrawal or a suspension for 24 hours or more, shall be excluded from the Chamber, its galleries and the room in which the Main Committee is meeting. Removal of Member f. If a Member refuses to follow the Speaker's direction, the Speaker may order the Serjeant-at-Arms to remove the Member from the Chamber or the Main Committee or take the Member into custody. 95 If grave disorder, House suspended or adjourned In the event of grave disorder occurring

in the House, the Speaker, without any question being put, can: a. suspend the sitting and state the time at which he or she will resume the Chair; or b. adjourn the House to the next sitting. 96 Serjeant-at-Arms to remove persons a. If a visitor or person other than a Member disturbs the operation of the Chamber or the Main Committee, the Serjeant-at-Arms can remove the person or take the person into custody. b. If a visitor or other person is taken into custody by the Serjeant-at-Arms, the Speaker must report this to the House without delay. Standing Orders of the Senate [http://www.aph.gov.au/Senate/pubs/standing\\_order/s/index.htm](http://www.aph.gov.au/Senate/pubs/standing_order/s/index.htm) 50 Prayer The President, on taking the chair each day, shall read the following prayer: Almighty God, we humbly beseech Thee to vouchsafe Thy special blessing upon this Parliament, and that Thou wouldst be pleased to direct and prosper the work of Thy servants to the advancement of Thy glory, and to the true welfare of the people of Australia. Our Father, which art in Heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in Heaven. Give us this day our daily bread. And forgive us our trespasses, as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil: For thine is the kingdom, and the power, and the glory, forever and ever. Amen.

175 Conduct of visitors (1) Visitors may attend, in the galleries provided, a sitting of the Senate. (2) A person other than a senator, a clerk at the table or an officer attending on the Senate may not: (a) attend a meeting of the Senate in private session; or (b) enter any part of the Senate chamber reserved for senators while the Senate is sitting. (3) Paragraph (2) does not apply in respect of a senator breastfeeding an infant. (4) The Usher of the Black Rod shall, subject to any direction by the Senate or the President, take into custody any person who enters any part of the chamber reserved for senators while the Senate is sitting, or causes a disturbance in or near the chamber, and a person so taken into custody shall be discharged out of custody in accordance with an order of the Senate. 184 Order maintained by President (1) Order shall be maintained in the Senate by the President. (2)

Whenever the President rises during a debate, a senator then speaking or offering to speak shall sit down, and the Senate shall be silent, so that the President may be heard without interruption. (3) When the President is putting a question a senator shall not walk out of or across the chamber. 185 Conduct of senators (1) A senator shall acknowledge the chair on entering or leaving the chamber. (2) A senator shall not pass between the chair and a senator who is speaking, nor between the chair and the table. (3) A senator on entering the chamber shall take the senator's place, and shall not stand in any of the passages.

203 Infringement of order (1) If a senator: (a) persistently and wilfully obstructs the business of the Senate; (b) is guilty of disorderly conduct; (c)

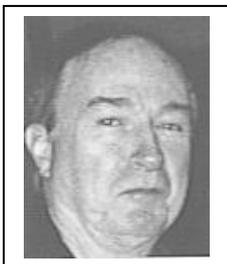
uses objectionable words, and refuses to withdraw such words;(d) persistently and wilfully refuses to conform to the standing orders; or (e) persistently and wilfully disregards the authority of the chair, the President may report to the Senate that the senator has committed an offence. (2) If an offence has been committed by a senator in a committee of the whole, the chairman may suspend the proceedings of the committee and report the offence to the President.

(3) A senator who has been reported as having committed an offence shall attend in the senator's place and be called upon to make an explanation or apology, and then a motion may be moved that the senator be suspended from the sitting of the Senate. No amendment, adjournment or debate shall be allowed on such a motion, which shall be immediately put by the President. 204 Suspension of senator (1) The suspension of a senator on the first occasion shall be for the remainder of that day's sitting, on the second occasion for 7 sitting days, and on the third or any subsequent occasion for 14 sitting days, where such suspensions occur within the same calendar year. (2) A senator who has been suspended shall not enter the chamber during the period of the suspension. If a senator enters the chamber during the senator's suspension, the President shall order the Usher of the Black Rod to remove the senator from the chamber. 206 Disobedience of orders. If a senator wilfully disobeys an order of the Senate, that senator may be ordered to attend the Senate and may be taken into custody.

**CoCA UPDATE**

*Charles Foley*

1) CoCA (Council of Celebrant Associations) accepted the kind offer of the Humanist Society of NSW to have its meeting of all thirteen associations at Humanist House, Chippendale, Central Sydney on Thursday 19 November 2009. It was hoped that the Attorney General would have responded to the submissions made to him personally at his Sydney Office on September 3 for funding for CoCA as the Peak Body for Celebrants which was attended by our Convenor, Affie, in my absence (I had been called to testify in the ACT Supreme Court).



2) Of further interest to us all is the latest restructuring at AGs. We, Celebrants, used to be under the Marriage Celebrants Section of the Civil Justice Division. We now come under "the Civil Justice and Legal Services Group (Director Ian Govey), Access to Justice Division (Division Head Kathy Leigh), Marriage and Intercountry Adoption Branch, Marriage Celebrants Section (headed by

the Registrar, Ms Nance)."This may be good news for CoCA's aspirations for recognition and funding. The other three adoption sections have a funded "National Intercountry Adoption Advisory Group (NICAAG)" /which was a Peak Body group recently elevated to new AG Advisory Group status "... /to provide advice to Government on intercountry adoption issues rather than to provide support services to the intercountry adoption community."

3) According to another CoCA Rep there may soon be a notification on the AGs website to extend the application period for new celebrants under the existing training requirements to be appointed as Marriage Celebrants, if they are trained and get their completed applications to the Marriage Celebrant Section before 31 December 2009, rather than the 31 October former deadline. This will allow thousands more to become Marriage Celebrants in the run up to the new educational regime before the 13 unit Certificate IV is required at the beginning of February 2010. If anyone has something they would like to bring up within CoCA, please correspond with me by letter, private or public email or telephone, mobile, Skype. Charles FOLEY Humanist Celebrant Network Rep to CoCA Humanist Officiant Canberra Region Humanist Society of NSW Member Humanist Chaplain Canberra Hospital 61 Atkinson Street Queanbeyan NSW 2620 02 6297-9596 041 216 1357 Skype contact name: charlesrfoley1

**MEMBER NEWS**

*Angela Drury*

**Welcome New Members:**

A warm welcome to new members John Grushka, Dr Malte Ebach, Bunty Freeman, Barbara Cattunar, Patricia Kingman, Del Mutton, Malcolm Stewart, Cameron Schraner, Gabrielle Zagoridis, Paul Zagoridis, Geoffrey Little, Elizabeth Hopkins, Bianca Pace, Lindsay Mell, Anne MacLennan, Barrie McMahan and Sarah Treatt. Welcome back to member John Dalzell, rejoining.



**Thankyou for generous donations** to John Grushka, Lilian Emmet, Dr Thomas Ong, Frits Diehl, Ann Young.

Group to be started by Harry Giann to discuss Humanist projects. It is anticipated to hold the first meeting at Humanist House early in 2010. Please contact the organizer Harry Giann On Mobile 0411 143 002 and (02) 97507500 or by email on [harryg@sydneyautomobiles.com](mailto:harryg@sydneyautomobiles.com)