

## Freedom of Religion and Belief in the 21<sup>st</sup> Century

### SUBMISSION TEMPLATE

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**Please fill out all the sections that apply to you. Items marked with an asterisk (\*) are compulsory; you must fill them out for the submission to be complete.**

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Mark here if this is a group submission:

Organisation Name: **The Pagan Awareness Network Incorporated**

Organisation Address: **PO Box 1062**

Suburb or Town: **North Sydney**

Postcode: **2059**

If this is a group submission, briefly describe the objectives and activities or affiliation of your organisation.

**The Pagan Awareness Network Incorporated (PAN Inc) aims to:**

- **correct misinformation, raise awareness and educate the general public about Paganism and associated beliefs and practises in order to achieve religious tolerance**
- **foster the growth of the Pagan community through service**

**The Pagan Awareness Network Incorporated (PAN Inc) is a not-for-profit educational association with members Australia-wide. It is run by a management committee whose members are drawn from a broad cross-section of the Pagan community. The Association is incorporated in the state of New South Wales, with sub-committees in other states of Australia. It has no formal ties with any religious body, but works proactively both within the Pagan community and as a point of contact for the public, including government and media organisations.**

**PAN Inc aims to continue as the Australian Pagan community's most effective networking and educational body.**

Approximately how many members are in your organisation?

**500**

Is your organisation affiliated with or associated with any religious or interfaith or civil or community organisations?

**Not at the present time – it is important to note that PAN is an educational association, not a church or other religious body.**

Is your organisation an interfaith organisation?

**NO**

Have you participated in any interfaith service or activity during 2007/2008? If so, give details.

**Pagan Awareness Network Incorporated members attended the 3 day Asia-Pacific Interfaith Symposium “Women, Faith and a Culture of Peace” in February 2008 – the first time a Pagan group had been represented at such a gathering. This was followed by an invitation to complete the In-service Development Training Program in Interfaith Understanding and Dialogue which was being offered through the Multi-Faith Centre at Griffith University for the first time. This training was completed by three PAN members in Queensland – Belinda David, Helen Gilmour and Linda Ward.**

**These three members have also become active in the Interfaith Community Development Association.**

**In November 2008, PAN organized guest speakers to attend a ‘Discovering Religion Day’ for the Girl Guide Association in Perth, WA. Our aim was to give Girl Guide leaders an understanding of the nature-based spirituality underpinning Paganism in Australia. The presentation was highly successful and we have been asked to give further presentations to the Girl Guide Association.**

**PAN runs monthly full moon ceremonies in Seven Hills, NSW and Lake Ginninderra, ACT, to which all are welcome. Their purpose is to promote greater understanding in the community, including other faith groups, about Pagan beliefs and practices. These ceremonies also provide a safe and friendly networking environment for newcomers wishing to make contact with other like-minded people in the Pagan community.**

Is there an interfaith body in your area, either locally or regionally? Please give the name and location.

**PAN is a national body.**

Did you participate in any of the group consultations held in all states and territories for this report?

**NO – we were not contacted regarding these consultations.**

## **1 Evaluation of 1998 HREOC Report on Article 18: Freedom of Religion and Belief**

This is to evaluate the impact of the report, and assess changes in the social climate between 1998 and the present. *Article 18: Freedom of Religion and Belief* surveyed Australian federal, state and territory legislation as it related to the practice and expression of religion, faith and spirituality. The major issues were religious expression, discrimination on the ground of religion or belief and incitement to religious hatred.

The full report and an overview of major issues can be found at:  
[www.humanrights.gov.au/human\\_rights/religion/index.html#Article](http://www.humanrights.gov.au/human_rights/religion/index.html#Article)

1. What are areas of concern regarding the freedom to practice and express faith and beliefs, within your faith community and other such communities?

**Paganism – often referred to as Neo-Paganism – is an umbrella term that covers a range of nature-based spiritualities, including Druidism, Wicca, Goddess-worship, witchcraft and modern shamanism.**

**Followers of Paganism, while possessing a diverse range of beliefs and practices, tend to identify with the following:**

1. **A relationship with the Sacred in its many forms that is based upon the experiential rather than on dogma or ‘right belief’**
2. **A veneration or deep respect for Nature and her cycles of birth, growth, dying and renewal**
3. **An ethic of personal responsibility**

**PAN submits that Pagans in Australia still face significant challenges when interfacing with the broader community. Areas of concern regarding freedom to practice our beliefs can be broadly categorised as follows:**

- **Religious vilification by members of other faith-communities**
  - **Reporting in the media**
  - **Institutional discrimination or lack of awareness on the part of Local, State and Federal governments and statutory authorities**
2. Have new issues emerged since this report was published in 1998 relating to expression of faith?

**Since 1998, the Pagan community has seen a considerable increase in numbers according to Census data. Between 1996 and 2001, Paganism was the fastest-growing religious denomination in Australia. From 2001 to 2006,**

the number of Pagans increased again to a current total of more than 30,000.<sup>1</sup>

To place this number in perspective, it is comparable in size to the combined total for all Sikhs, Jains, Quakers, Baha'i and Taoists living in Australia. It is also close to half of the total Jewish community in Australia. PAN submits that the actual number of Pagans in Australia is under-reported due to fears of potential vilification and discrimination. If one particularly unpleasant case in Victoria in 2003 is any indicator (see the response to Question 4 below), those fears are justified.

PAN submits that life for Pagans in Australia is different to most other religious minorities, in that the faith community is not linked to a particular ethnic grouping, and is dispersed throughout all of urban and rural Australia rather than clustered in identifiable communities. Its adherents tend to practice their faith either solitary or in small groups (12 persons or less), and the community as a whole has no established public places of worship. For solitary adherents this can mean difficulty in finding support from the Pagan community and a sense of isolation – particularly in rural and regional Australia.

It must also be noted that despite increasing numbers, no Pagan organisation has to this date received a cent of government funding at State or Federal level for infrastructure or community development. PAN does not expect this situation to change in the foreseeable future.

3. Is there adequate protection against discrimination based on religion or belief, and protection of ability to discriminate in particular contexts?

PAN takes the view that current anti-discrimination laws are both effective and just. However, PAN submits that anti-discrimination laws may not always be applied consistently in the case of Pagans, due to a lack of awareness on the part of authorities.

An example: in 2006, PAN was contacted via email by a 17 year-old Pagan calling herself 'Aithene'. 'Aithene' described being threatened with suspension from school (a government secondary school) for wearing a

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<sup>1</sup> The ABS, despite repeated representations from the Pagan community, refuses to change its methods for categorising Pagan and nature-based religions. The total number of Pagans in Australia must be calculated by adding the totals of respondents identifying with the following categories: Animism, Druidism, Nature Religions (nec), Paganism, Pantheism, Wicca/Witchcraft, Nature Religions (nfd).

pentacle around her neck.<sup>2</sup> This religious insignia was deemed an “occult gang symbol” [sic] by the school principal. Enquiries by PAN revealed that the school dress-code disallowed all jewellery, except for watches, stud earrings and crosses.

An enquiry to the Equal Opportunity Commission of Victoria was made. PAN received advice that the discrimination in question was not unlawful:

*“Schools, colleges and other educational institutions may set and enforce reasonable dress, appearance and behaviour standards.*

*Schools' dress, appearance and behaviour standards must take into account the views of the school community in order to be "reasonable". The school community would include students, staff, parents, members of school committees and councils.”<sup>3</sup>*

‘Aithene’, being in a very small minority and with non-pagan parents, had no effective support for expressing or explaining her beliefs to the school community, and no redress to the discrimination she experienced.

Had ‘Aithene’ been Jewish and the symbol in question possessed six points (i.e. the Star of David) instead of five, it is difficult to see how a formal complaint would not have proceeded through the EOCV. Many Pagans feel that the playing field is not guaranteed to be level when it comes to their own beliefs and practices.

PAN submits that while the views and values of the wider community are important, they cannot supersede the right of the individual to lawful religious expression. People should feel free to hold religious beliefs without fear of vilification or discrimination, regardless of the values of the community in which they reside. This fundamental human right should be afforded protection whether or not the religion in question is popular: it is even more important in cases where the religion in question is misunderstood or maligned, as is frequently the case with Pagan and nature-based faiths.

In ‘Aithene’s’ case, PAN submits that it would have been reasonable either to ban all religious insignia, or allow all.

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<sup>2</sup> A pentacle is a five-pointed star surrounded by a circle, usually made of metal. The five points of the pentacle represent Air, Fire, Water, Earth and Spirit. The pentacle is a symbol of protection for Pagans.

<sup>3</sup> <http://www.humanrightscommission.vic.gov.au/types%20of%20discrimination/exceptions%20and%20exemptions/education.asp>

4. How are federal and state and territory governments managing incitement to religious hatred, and the question of control and responsibility?

**Given that not all states and territories have enacted religious vilification laws, PAN regards the current situation as insufficient to protect its members and the wider Pagan community from religious vilification.**

**The 2003 case of Olivia Watts highlights the need for religious vilification laws in each state of Australia and at a federal level.**

**On 2 June 2003, a local councillor named Rob Wilson issued a press release to local media in the City of Casey southeast of Melbourne. In this press release he accused a “satanic cult” of trying to attack or take over Casey Council, and claimed recent council scandals “have all the hallmarks of the occult and feature links between Witchcraft practitioners.” He also called on Christian churches in the municipality to hold a day of prayer to combat the influence of witches and Satanists.**

**Cr Wilson named a local naturopath, Olivia Watts, a Junction Village resident and trans-gender practitioner of the Pagan religion Wicca, stating that the fact she was a witch was “a matter of concern for all Casey residents”. The contents of the press release featured on the front page of the local Leader newspaper on June 11<sup>th</sup>, 2003.<sup>4</sup> In a subsequent media interview, Wilson also stated: “Do Casey families want groups like these, who promote evil, to be part of our community?”<sup>5</sup> The then-Mayor of Casey, Brian Oates, publicly supported Cr Wilson in the same article: “I don’t think that Satanism is a religion we want to encourage within the municipality.”**

**Ms Watts made a complaint to the Equal Opportunity Commission of Victoria under the state’s Racial and Religious Tolerance Act 2001. PAN also lodged complaints against Cr Wilson and Cr Oates on behalf of members living in Victoria.**

**Not long after her complaint was made, Ms Watts reported that a man had come to her door and beat her about the head in an effort to ‘exorcise’ her. Ms Watts said, “I no longer have a social life because I’m scared to go out of the house.” Her home was also subjected to graffiti and rock attacks.<sup>6</sup> Meanwhile, Cr Wilson was elected mayor of the municipality by his fellow councillors.**

**PAN reached an out-of-court settlement with Cr Wilson after mediation at the Victorian Civil and Administrative Tribunal, with Cr Wilson making a**

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<sup>4</sup> ‘Satanic Cult Fears’ Cranbourne Leader, 11/06/2003.

<sup>5</sup> [‘Boil and Bubble in Witchcraft trouble’](#) Dandenong Journal 30/06/2003.

<sup>6</sup> ‘Witching hour for mayor’ Herald Sun, 09/08/2004

retraction in the local media. PAN allowed its complaint against Cr Oates to lapse when funds to pursue the matter ran out.

The case between Olivia Watts and Cr Wilson proceeded to the Victorian Civil and Administrative Tribunal. In legal documents tendered to the Tribunal, Cr Wilson claimed that his statements did not breach the Racial and Religious Tolerance Act 2001 because witchcraft was illegal in Victoria.<sup>7</sup> After the first day of hearings, however, the matter was settled out of court with a retraction by Cr Wilson and financial terms of settlement which remain confidential.

The so-called 'Casey Witch affair' remains one of the most egregious examples of a public attack on an individual holding a particular religious belief in recent memory. What is worse is that it was carried out by an individual with all the institutional resources of a tier of government at his disposal.

PAN submits that religious vilification laws in all states and at a federal level are necessary to foster a tolerant, inclusive society. PAN takes the view that such laws enshrine a principle central to many faiths – respect others in the way you would want to be respected yourself.

5. How well have the recommendations of *Article 18: Freedom of Religion and Belief* been implemented by the various state and federal governments?

Since the 1998 HREOC Report on Article 18: Freedom of Religion and Belief, PAN is pleased to note the repeal of archaic laws in Victoria and in Queensland that effectively criminalised some Pagan beliefs and practices, in line with recommendations contained in Section 3.10 of that report.

In Queensland, anti-witchcraft laws were repealed in 2001. Victoria's anti-witchcraft laws were finally repealed in 2005, but not before they were used as an attempted defence by Cr Wilson (see above) in the religious vilification case involving Olivia Watts.

The Racial and Religious Tolerance Act was enacted in Victoria in 2001 – the PAN sees this as a significant step forward in overcoming religious vilification towards members of the Pagan community in that state. However, PAN is gravely concerned by vigorous lobbying on the part of certain faith-communities and civil-liberties groups to repeal these anti-hate laws.

In 2005, reports surfaced that the then-Bracks government intend to make changes to the Racial and Religious Tolerance Act 2001 (RaRTA).<sup>8</sup>

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<sup>7</sup> Section 13 of the Vagrancy Act was not repealed until 2005

<sup>8</sup> 'Religious law altered', Herald Sun, 23/09/2005



**Apparently Premier Bracks flagged these proposed changes at a meeting of the state's religious leaders behind closed doors. No representatives of the Pagan community were invited, although PAN was one of the two organisations (along with the Islamic Council of Victoria) to have so far used RaRTA to pursue legitimate complaints of vilification.**

**PAN also notes that New South Wales and South Australia have both failed to enact religious vilification laws to date, as has the Federal Government.**

## **2. Religion and the State – the Constitution, roles and responsibilities**

This is about assessing existing legislative protection of freedom of religion and belief, and its practice and expression in Australia, as expressed in the Constitution. Within this, what are the roles and responsibilities of spiritual and civil societies and do these need to be codified in law?

Section 116 of the Commonwealth of Australian Constitution Act states that:

*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.*

### **2.1 The Constitution**

1. Is this section of the Constitution an adequate protection of freedom of religion and belief?

**PAN believes that Section 116 of the Commonwealth of Australian Constitution Act is an effective and appropriate piece of legislation in restricting the actions of government. However, the need for nationwide religious vilification laws demonstrates that it does not protect the rights of citizens to freedom of religious expression in a positive way.**

2. How should the Australian Government protect freedom of religion and belief?

**As stated previously, PAN feels that nationwide religious vilification laws as well as existing anti-discrimination legislation are necessary to protect the rights of citizens to lawful religious expression without fear of persecution.**

**PAN and Pagans generally are aware of the difficulties inherent in religious vilification laws – clearly public prejudices cannot be controlled by legislation. However (and contrary to arguments by opponents of such laws) these laws do not in PAN’s view try to legislate what people can and can’t think. What it does is provide a remedy to behaviour that has no place in a tolerant and inclusive society – particularly where harm has resulted to individuals as a result of such behaviour.**

3. When considering the separation of religion and state, are there any issues that presently concern you?

**PAN identifies two areas where the separation of church and state is a matter of concern:**

**1. Australian Parliaments open with a Christian prayer. PAN feels that religious observances should not be imposed upon the operation of Parliament.**

**2. The Marriage (Recognised Denominations) Proclamation 2007<sup>9</sup>**

**As persons empowered by the Commonwealth of Australia to solemnize marriages under the Marriage Act, Licensed Marriage Celebrants hold a public trust. The recognition of certain denominations and not others appears to veer dangerously close to violating the separation of church and state.**

**The current situation is a precarious one for Pagan Marriage Celebrants who are licensed by the Attorney General's Department, even though Paganism (paradoxically) is not one of the recognised denominations listed in the Proclamation. The situation is equally precarious for those who have been married or intend to be married in a Pagan religious ceremony.**

**Paganism is a faith-system that disregards traditional organisational structures: the few incorporated Pagan churches that exist tend to reflect very narrow and specific beliefs and practices within the broad spectrum making up the Pagan community. The current system of recognising churches as bodies corporate, which informs much of the interaction between government and faith communities, tends to have the effect of excluding Pagans.**

**One PAN member writes:**

***"I opted to be a civil marriage celebrant (specialising in Pagan ceremonies) because it was too difficult, if not impossible, to become a Pagan religious celebrant [...] I have no desire to join some-one else's church to fulfil the necessary requirements. I doubt their beliefs/practices would fit with mine. I think it is ridiculous to even attempt to apply the word 'church' to Paganism. Pagans are all priests and priestesses with no congregation, in my opinion. But I do not think this is discrimination directed at Pagans specifically [...] some of the other non-patriarchal religions have trouble fitting in with the concept of a 'recognised church' too."***

- Do religious or faith-based groups have undue influence over government and/or does the government have undue influence over religious or faith based groups?

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<sup>9</sup> [http://www.ag.gov.au/www/agd/agd.nsf/Page/Marriage\\_Becomingacelebrant\\_Becomingacelebrant](http://www.ag.gov.au/www/agd/agd.nsf/Page/Marriage_Becomingacelebrant_Becomingacelebrant)

**PAN submits that the restriction of the institution of marriage to a man and a woman discriminates against both Pagan and non-Pagan same-sex couples. PAN submits that this constitutes a violation of basic human rights by the Commonwealth of Australia.**

**PAN takes the view that this legislated discrimination has as its origin a particular religious viewpoint that regards homosexuality as abominable. PAN has not been made aware of any genuine arguments advanced against same-sex marriages or civil unions that have a secular origin. As such, legislation that specifically prevents same-sex couples from entering into a legally-recognised marriage or civil union is a blatant example of certain religious groups and doctrines having undue influence over government.**

**PAN submits that a marriage is simply a contract between two legal adults that is personal in nature – and that government has no business legislating which adults can and can't enter into such contracts.**

**In addition, PAN looks to the activities of groups such as the so-called "Exclusive Brethren" and "Opus Dei" with concern. PAN submits that laws in relation to transparent disclosure of donations to political parties by religious organisations are woefully inadequate.**

- Would a legislated national Charter of Rights add to these freedoms of religion and belief?

**PAN is cautious in relation to this proposal, and would want to see further detail. It takes the view that Charters (or Bills) of Rights in other countries have often tended to limit freedoms of religion and belief, rather than enhance them. If enacted, any definitions should be broad and inclusive, rather than exclusive.**

## **2.2 Roles and responsibilities**

6. a) What are the roles, rights and responsibilities of religious, spiritual and civil society (including secular) organisations in implementing the commitment to freedom of religion and belief?

**PAN submits that religious and civil organisations should lead by example and treat others with the same respect they would wish to have offered to themselves.**

- b) How should this be managed?

**PAN again submits that this principle should be enshrined in legislation in the form of national religious vilification laws.**

7. How can these organisations model a cooperative approach in responding to issues of freedom of religion and belief?

**PAN submits that a voluntary code of conduct in relation to proselytising would go a long way to addressing such issues. The Pagan community tends to view proselytising as practiced by many religious groups to be intrusive, offensive, ethically questionable and redolent of double-standards. PAN suggests that community outcry against groups of druids and witches doorknocking and distributing religious material would be considerable – and presumably the most vocal protests would be heard from those groups who feel entitled to engage in such proselytising behaviour themselves.**

8. How well established and comprehensive is the commitment to interfaith understanding and inclusion in Australia at present and where should it go from here?

**PAN has faced an uphill battle in its attempts to be included in interfaith initiatives. PAN members participating in such initiatives report significant resistance from some quarters to having Pagans openly included in events.**

**Linda Ward, one of the PAN members to participate in the Multi-Faith Centre at Griffith University, writes:**

***“We have not been able to present workshops along with other traditions, we have not been listed as supporters of the centre, we have not been asked to participate in opening and closing blessings with other faiths [...] From reading between the lines and listening to what is said in carefully chosen words, the problem does not lie with the staff of the Multi-Faith Centre themselves, but with influence from other participating religious groups [...] My research has shown that***

***there are many levels of 'Interfaith' – from what is really Intrafaith (where Christian denominations talk to each other) through Christian/Muslim/Jewish dialogue, to 'true Interfaith' where all traditions are not only accepted but welcome. Unfortunately the latter seems to be the rarest and hardest to find..."***

9. How should we understand the changing role and face of religion, nationally and internationally?

**PAN submits that increasing levels of education in women, and increasing gender equity, pose a serious challenge to patriarchal forms of religion as they are currently practiced, both in Australia and internationally. Patriarchal religions, especially Christianity, will either come to terms with both the role of women within their organisations, and with what has been described as 'the Forgotten Trinity' (the Feminine, the Body, and the Earth) or they will continue to lose relevance in the modern world.**

**PAN also submits that the free flow of information via the Internet has resulted in heterodox, alternative and minority religious viewpoints being given similar opportunities to disseminate themselves as larger faith systems. The seat of religious power and authority, therefore, is tending to devolve away from hierarchical institutions back towards adherents as individuals – particularly in Western countries with higher levels of education and access to information.**

### **3 Religion and the State - practice and expression**

The emergence of a multifaith Australia has brought issues regarding religious expression to the fore in debates, politically and culturally. This area is about balancing the expectations of faith-based organisations with civil society organisations.

1. What are some consequences of the emergence of faith-based services as major government service delivery agencies?

**PAN received a number of comments from its members in relation to this question. PAN submits that the privatisation of the employment industry has been dominated by Christian organisations. Many people have no choice but to attend such organisations if they wish to receive income support or other assistance. PAN has received unconfirmed reports that some Christian organisations in Western Sydney employ persons who attempt to use their positions to proselytise and seek to convert clients. Given the power these organisations have over their client's income, such pressure is (if true) unjust and intolerable.**

**PAN submits that staff-members employed in such faith-based agencies require mandatory government-accredited training in religious tolerance, diversity and inclusive practice.**

2. How should government accommodate the needs of faith groups in addressing issues such as religion and education, faith schools, the building of places of worship, religious holy days, religious symbols and religious dress practices?

**PAN has provided one example in relation to religious insignia and the discrimination that can occur in schools.**

**PAN has also received complaints from Pagan parents whose children have been subjected to what in their opinion amounted to 'hard-sell' tactics by school chaplains and other education providers, promoting Christianity over other faiths.**

**In Queensland, all school chaplains currently need to be endorsed by the Scripture Union, which is the only Accredited Employing Authority (AEA) for the state for the provision of chaplaincy services to schools. Given the open condemnation and hostility displayed by many Christian denominations towards Paganism, this makes it very difficult for Pagans or indeed other non-Christians to participate in religious education within schools.<sup>10</sup> PAN submits that this is a quite blatant example of institutional**

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<sup>10</sup> [education.qld.gov.au/student-services/protection/chaplaincy/docs/procedures.pdf](http://education.qld.gov.au/student-services/protection/chaplaincy/docs/procedures.pdf) -

discrimination. In Victoria, provision and accreditation of religious education services where RE is 'opt-in' is dominated by Access Ministries, which again makes it very difficult for non-Christians to participate.

PAN also finds it puzzling that neither it nor any other Pagan organisation was invited by the Australasian Police Multicultural Advisory Bureau to submit information on Pagan beliefs and practices for its handbook 'A Practical Reference to Religious Diversity for Operational Police and Emergency Services'. This is despite the fact that Pagans outnumber three of the faith-communities represented in the book combined: Aboriginal Spirituality, Baha'i and Sikh. PAN submits that educating Police regarding Pagan beliefs is important and necessary because, like Freemasonry, Pagan ceremonies occasionally utilise sacred knives and swords.

Another area of concern for Pagans rests with the Australian Defence Forces. The ADF states publicly that 'all members are encouraged to practise their religious beliefs according to freedom of choice.' However, no provision is currently made for Pagans serving with the ADF for receiving pastoral care.

A letter received by PAN from Kim Isaacs, Chief of Staff to the Minister for Defence Science & Personnel, the Hon Warren Snowdon MP on 10<sup>th</sup> July 2008, sums up the situation succinctly:

"The designation 'Pagan' is not used in relation to religious affiliation in the ADF and as such there are no serving members declared as Pagan."

PAN is tempted to interpret this statement as meaning that because the ADF does not recognise Paganism as a religious denomination, there are by definition no Pagans serving in the ADF. PAN respectfully submits that while such through-the-looking-glass logic is impeccable, it may not accord with reality.

To its credit, the ADF does recognise that where minority groups are not represented chaplaincy due to small numbers of adherents, it may be desirable to seek support at a local level. PAN is not aware of any instances where the ADF has sought to do so with respect to Pagans.

On a more positive note, Corrections Victoria has contacted PAN several times to establish that prisoners identifying as Pagans who are incarcerated in Victoria receive the same opportunities to worship as prisoners of other faith-groups, and that the information they possess relating to Pagan beliefs and practices is up to date and accurate. This relationship is ongoing. PAN regards this is an excellent example of



**inclusive practice that could be emulated by other government departments in Victoria and in other states and territories.**

3. Is current legislation on burial practice and autopsy practice adequate? Are any other of your religious practices inhibited by law, procedural practice or policy (i.e. education or health)?

**PAN submits that most if not all Pagans see the necessity for autopsies in cases of suspicious death. However, like many Buddhist practitioners, Pagans regard death as a natural process, and many desire a peaceful environment both during and for two or three days following the dying process. Many Pagans are concerned at the prospect that autopsies have become a standard procedure, even when the cause of death is well established.**

#### **4 Security issues in the aftermath of September 11**

In response to the events of September 11, 2001, the federal and state governments enacted changes to existing legislation and introduced new legislation. The changes were introduced to better protect Australia from the threat of terrorism, both internally and externally. This section seeks to assess the impact of the legislative changes on religious and ethnic communities and determine if cultural identity and freedom to publicly express or act in accordance with beliefs has been affected.

1. a) Have the changes in federal and state laws affected any religious groups, and if so how?

**PAN Inc submits that Pagans have been no more or less affected than the rest of the population by anti-terror legislation. Obviously, the Muslim community would appear to be affected considerably.**

b) How should this be addressed?

**PAN has no submission to make with regards to this question.**

2. How should the Government balance physical security and civil liberties?

**PAN has no submission to make with regards to this question.**

3. Consider and comment on the relationship between law and religious or faith based communities, and issues such as legal literacy, civil liberties, dissemination of law to new immigrant communities, and the role and conduct of judiciary, courts and police.

**PAN has no submission to make with regards to this question.**

4. a) Is there religious radicalism and political extremism in Australia?  
b) If so, what are the risks to Australia?

**PAN has no submission to make with regards to this question.**

5. Can you provide any examples of social exclusion in regard to religion? How and why do issues of social exclusion develop?

**Please see examples of social exclusion provided in previous sections – the cases of ‘Aithene’ and Olivia Watts.**

**Another incident illustrative of the way Pagans face social exclusion was the picketing of the ‘Witches Ball’, an annual social event run by PAN, by members of the Hillsong Church in 2005, and similar hostile incidents in Victoria at the Mt Franklin Beltane festival during the 1990s. Also worthy of mention are some of the letters to the editor in local papers written by ‘concerned Christians’ during the Casey Witch affair<sup>11</sup>, and public statements by various representatives of the Catholic and Anglican churches (see below).**

**PAN submits that Pagans are socially excluded as a result of prejudice and ignorance, and that government has a role to play in ensuring equity and tolerance for persons of all religious beliefs. PAN also submits that certain faith communities, notably evangelical Christian churches, have a vested interest in demonising Pagan beliefs and practices.**

**The effect upon individual Pagans of Christian intolerance can be profoundly negative. Ivana Verheijden, a PAN member who runs classes and workshops for newcomers to Paganism writes:**

**“Lisa came to us by way of our internet site. She told me she’d agonised over whether she should reach out to us for months. She was a Wiccan who had practiced her faith in secrecy for years and when her family found out they disowned her. Their Christian faith required denunciation of any form of witchcraft. The community she had grown up with through childhood and adulthood shunned her. People she had known all her life no longer acknowledged her presence.**

**Lisa began to suffer from depression and agoraphobia: she would not leave her house. Her only comfort became her faith and, of all things, the internet – her one remaining link to the outside world.**

**Many new Pagans that I have come across carry a sense of shame in regards to their spirituality.”**

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<sup>11</sup> <http://www.paganawareness.net.au/images/cl250603.jpg>, <http://www.paganawareness.net.au/images/bpl010703.jpg>, <http://www.paganawareness.net.au/images/news/dj070703.jpg>

**Michelle Jeffrey, a PAN member, writes:**

**“As a senior public servant, many of my colleagues have counselled me against being openly Pagan (wearing Pagan jewellery and talking about my Pagan activities such as rituals, etc). From 1986 - 1995, my colleagues in the now-defunct Commonwealth Employment Service ridiculed me behind my back, belittling me and referring to me as “the white witch”. But I feel if we all stay in the closet, attitudes will never change. If that ends up costing me in opportunities for career advancement, so be it.”**

**Cheryl Jeffrey, a relative, writes:**

**“I live in a small town and naturally I have created quite a stir as I am openly a witch. A local couple [...] went to the police about me. They also contacted Crime Stoppers. They claimed that my husband (also a witch) was ‘zapping’ them, sending beams of electricity that hit them and hurt! They claimed that I stopped their television and their car from working. The policeman that came to our house informed us that witchcraft was illegal in Victoria. (We live in NSW). This was just before the Victorian witchcraft laws were repealed. Needless to say, nothing came of it, but it is an example of what some people think about my religion.”**

## **5 The interface of religious, political and cultural aspirations**

This area is seeking to research and map the current relationships that exist between religious, political, cultural and indigenous groups and what they seek to achieve. It is about describing the interaction of these groups within contemporary Australian society.

1. a) How would you describe the interface between religion and politics and cultural aspirations in contemporary Australia?

**PAN has no submission to make with regards to this question.**

- b) What issues does this include?

**PAN has no submission to make with regards to this question.**

2. How should government manage tensions that develop between aspirations?

**PAN has no submission to make with regards to this question.**

3. How do you perceive gender in faith communities?

**Pagans are generally bewildered by the gender inequity they see within other faith communities. A number of Pagan beliefs revolve around the idea that the union between masculine and feminine is a sacred event – as a life-affirming religion it is usually the priestess who enacts the more important ceremonial roles within many Pagan rites. The idea that women can be excluded from religious or priestly roles is foreign to the vast majority of Pagans. It appears to be inherently discriminatory.**

**According to the most recent Census, Pagan women outnumber Pagan men by a ratio of 3:2.**

4. Do you believe there is equality of gender in faith communities?

**PAN has no submission to make with regards to this question.**

5. What do you think should be the relationship between the right to gender equality and the right to religious freedom in Australia?

**PAN has no submission to make with regards to this question.**

6. Citizenship and Australian values have emerged as central issues, how do you balance integration and cultural preservation?

**PAN has no submission to make with regards to this question.**

7. What are reasonable expectations to have of citizens' civic responsibility, rights, participation and knowledge?

**PAN has no submission to make with regards to this question.**

8. Is there a role for religious voices, alongside others in the policy debates of the nation?

**PAN has no submission to make with regards to this question.**

## **6 Technology and its implications**

The present day has seen, and continues to witness unprecedented technological changes, particularly in the area of communication. This report seeks to identify and analyse some of the significant impacts of these developments.

1. How have the new technologies affected the practice and dissemination of religious and faith communities?

**The wide dissemination of information thanks to the Internet has resulted in less secrecy surrounding Pagan beliefs and practices, and consequently a lower level of overall suspicion in the wider community. However, PAN submits that the higher profile of Pagan beliefs within the wider community and growing numbers give ammunition to those who have a vested interest in creating moral panics regarding witchcraft and ‘the occult’.**

2. Has new technology had an impact on your religion and/or your religious practice?

**PAN submits that the impact of new technology such as the Internet on Paganism in Australia has been huge, and perhaps predictably, mixed. Online forums and blogs afford previously undreamed-of opportunities for socially and geographically isolated Pagans to find social outlets, and provide an avenue for newcomers wishing to establish connections with the wider Pagan community.**

**The largest online forum in Australia is the Yahoo! Group ‘WitchesWorkshop’, with 1,787 listed members as at 21<sup>st</sup> Jan 2009.<sup>12</sup> Nearly 37,000 messages have been posted on this forum since its inception in 1999. A smaller, but fairly typical forum is ‘WitchesOfMelbourne’ with 905 listed members.<sup>13</sup> There are dozens of other Australian-based online Pagan communities with varying membership bases and levels of activity.**

3. What issues are posed by new religions and spiritualities using new technologies?

**PAN feels that online forums have both positive and negative features: the negative being the anonymous nature of the medium. Online arguments and misunderstandings are common on Pagan forums (as with most other online communities) with the inability of participants, operating within a largely text-based medium, to read the non-verbal cues of others.**

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<sup>12</sup> <http://groups.yahoo.com/group/WitchesWorkshop/>

<sup>13</sup> <http://groups.yahoo.com/group/WitchesOfMelbourne/>

**PAN is concerned that the use of new technologies could lead to a societal trend where interpersonal contact becomes increasingly anonymous, voyeuristic and lacking in respect for human dignity. Pagans generally are also concerned by the increasing use of non-renewable resources which underpin these new technologies and their use.**

**PAN is also gravely concerned by Internet censorship practices – PAN’s own website along with many other Pagan websites are blocked as a matter of course by many businesses, educational institutions and other Internet service providers, ostensibly because they contain ‘occult references’. Other religious material is freely available. PAN sees no sensible rationale for such censorship – it assumes that such website content is inappropriate although PAN is aware of no credible evidence that so-called ‘occult’ material is in any way inherently dangerous or offensive.**

**PAN submits that this censorship is discriminatory, unfairly targets Pagans and is inconsistent with declarations made by the International Covenant on Civil and Political Rights with respect to both freedom of religion and freedom of expression.**

4. Is your freedom to express your religion or beliefs hindered or helped by current media policies and practices, considering reporting, professional knowledge, ownership, and right of reply?

**The Pagan Awareness Network Incorporated takes the view that media reporting of Pagan beliefs and practices has on balance improved over the last 10 years. The issues with media coverage for Pagans generally involve the use of cliché and stereotype by journalists.**

**Complaints received by PAN Inc from members of the Pagan community regarding media stories feature recurring themes:**

- **Media stories about Pagans frequently include interviews with self-identified Satanists in addition to members of the Pagan community – even though the two belief systems are distinct and separate. PAN feels that this serves to portray Pagans in a sinister fashion, and is an example of ‘guilt by association’.**
- **More media stories featuring Pagans appear at Halloween (Oct 31<sup>st</sup>) than on any other date – even though the vast majority of Pagans in the southern hemisphere are observing spring-time rites like Beltane at that time of year. While Pagans are very aware of the Pre-Christian**



origins of Halloween<sup>14</sup>, the tendency of the media to run stories on this date is somewhat tiresome and predictable, and serves to portray Pagans in a less-than-serious fashion: as if we belong to the realm of fantasy and make-believe.

- **Media stories about Pagan beliefs and practices often call upon representatives from Christian churches for comment. PAN views this as a particularly offensive practice on the part of journalists. It is analogous to inviting Muslims to pass judgement on the activities of Taoist practitioners – what does one have to do with the other? Church leaders in Australia also generally refrain from passing judgement on the beliefs and activities of other faith communities: PAN would be interested to know why this courtesy hasn't been extended to Pagans also.**
- **Journalists still often make a distinction between 'white' (good) witchcraft and 'black' (evil) witchcraft. Unpleasant racial connotations aside, this is analogous to distinguishing between a 'good' Buddhism and an 'evil' Buddhism – the distinctions make no sense when applied to a nature-based belief-system. Unfortunately, some individuals self-identify as 'white witches', usually to promote themselves and their businesses in the media by actively courting these stereotypes. However, the terms offend many within the Pagan community.**
- **Journalists often use terms like 'self-proclaimed witch' or similar to refer to Pagans – which implies that the person's choice of religious belief is somehow not as valid.**
- **Journalists and editors often use headings that mention broomsticks, cauldrons, magic wands or the phrases 'bubble bubble', 'ding dong' etc to cue the reader to the fact that the media story is offbeat or humorous in nature.**
- **Journalists occasionally still refer to Paganism as a cult – a practice that invariably enrages Pagans. More so because it is demonstrably false: modern cults are characterised by charismatic leaders and a lack of personal autonomy, both of which are repellent to the vast majority of Pagans.**

**The following illustrates the type of media reporting the Pagan community has come to expect:**

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<sup>14</sup> Halloween is derived from the English 'All Hallows Eve', a festival celebrated by the ancient Celts as Samhain. This annual festival marked the last harvest before winter.

The most recent media story involved censorship in schools. A primary school teacher had a complaint lodged by a parent because she had given the kids a worksheet headed "Spelling demons". The parent's objection centred on "the association with the supernatural" and thought the children would be frightened. Another primary school removed Harry Potter posters after a parent complained that the posters "introduced children to witchcraft". Similarly, a parent of a high school student complained about Macbeth being studied in English classes because it "promoted witchcraft".<sup>15</sup>

In May 2008, the Heidelberg and Diamond Valley Weekly ran a feature on the increasing numbers of Pagans in Australia.<sup>16</sup> The story featured an interview with a Satanist as well as Pagans, and assumed that Satanism was a Pagan religion.

In February 2008, the Sunday Mail quoted an anonymous Catholic priest who alleged that a surge in demand for exorcisms was the result of the rise in interest in Paganism. "There has been a recruitment of pagan practices, and it's sheer poison." [sic]<sup>17</sup>

In March 2007, The Canberra Sunday Times ran a story about the growth of Paganism in Australia. At the end of a lengthy and otherwise fairly positive article, the piece quoted the Anglican Bishop of Goulburn, George Browning, who accused Pagans of desecrating graveyards, although he failed to provide any supporting evidence. The Catholic Archbishop of Canberra and Goulburn, Mark Coleridge, was also invited to comment, rather hilariously describing Paganism as a religion "driven by fear." (PAN respectfully suggests that this is a case of the pot calling the kettle black.)

In 2005 an AAP story ran in relation to the repeal of anti-witchcraft laws in Victoria.<sup>18</sup> The initial story made reference to "the Pagan Awareness Network Incorporated." The story was edited for release onto the international wire<sup>19</sup>, and PAN was thereafter referred to as "a coven of witches that calls itself the Pagan Awareness Network."

Perhaps the best illustration of media attitudes towards the Pagan community lies in the flood of media enquiries PAN received on June 6<sup>th</sup>, 2006 (06-06-06). This is despite the fact that the reference to '666' is purely

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<sup>15</sup> <http://www.news.com.au/couriermail/story/0,23739,24920546-5012465,00.html>

<sup>16</sup> "The Rites Stuff", Heidelberg and Diamond Valley Weekly, 13 May 2008

<sup>17</sup> "Exorcisms in big demand" Sunday Mail February 16, 2008

<sup>18</sup> "Vic: Witches cleared for take-off after outdated law repealed" AAP NewsWire 21 Jul 2005

<sup>19</sup> "Witches celebrate in Australia" AAP NewsWire 21 Jul 2005

**Biblical, forming part of the violent and disturbing imagery contained in the Book of Revelations<sup>20</sup>. It has nothing to do with Pagan beliefs or practices. However, because the story was off-beat and had a tenuous connection to the occult, Pagans were asked to predict whether the world was going to end that day.**

5. What impact do the media have on the free practice of religion in Australia and the balanced portrayal of religious beliefs and practice?

**PAN submits that the media tends to portray Pagans as eccentric at best and sinister at worst. This portrayal serves to reinforce the idea that Paganism is not a 'real' religion, distinct and identifiable in its own right, and that its adherents are not entitled to the same rights and protections as other faith communities. PAN submits that this portrayal by the media is not necessarily deliberate or systematic bias, but is indicative of the views of the wider community. Paganism has some way to go before it is accepted within Australia on an even footing with other religious communities.**

6. Are there religious or moral implications in the development of new technologies such as the internet and or mobile phones, especially in regard to religious vilification and hatred?

**PAN takes the view that religious vilification is a violation of human rights. With this in mind, legislation covering expressions of hate need to apply to new technologies wherever possible.**

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<sup>20</sup> Rev 13:18

## **7 Religion, cultural expression and human rights**

In a country as multicultural as Australia, freedoms of cultural expression, religious expression and human rights need ongoing exploration. This section is about gaining a deeper understanding of how effective Australia's current human rights framework is, and if tensions between human rights, religious expression and cultural expression are of concern.

1. Is there satisfactory freedom of cultural expression and practice within the normative social and legal framework?

**PAN has no submission to make with regards to this question.**

2. Do service providers in your state or territory support the right to cultural security, safety and competence?

**PAN has no submission to make with regards to this question.**

3. How can the cultural aspirations and human rights of Aboriginal and Torres Strait Islanders be met?

**PAN has no submission to make with regards to this question.**

4. What are the issues impacting on Aboriginal and Torres Strait Islander communities at present, and proposed solutions?

**PAN has no submission to make with regards to this question.**

5. Are there any issues in regard to participation in the faith community for people with disabilities?

**People with disabilities are represented within the Pagan community at a similar level as the broader community. Participation for persons with disabilities can be problematic in that the Pagan community has no collective infrastructure, funding or capacity-building to meet their needs.**

6. How is diverse sexuality perceived within faith communities?

**Attitudes towards gay, lesbian, bi-sexual and transgender persons have become much more inclusive within the Pagan community over the past 20 years or more.**

**PAN points to a text regarded as sacred by Wiccans known as ‘the Charge of the Goddess’. In it, the Goddess states “...All acts of love and pleasure, these are my rituals...”<sup>21</sup> This statement is often taken to mean that diverse sexualities are to be welcomed within Pagan rituals and ceremonies.**

**PAN submits that the Pagan community as a whole welcomes diverse sexualities, and struggles with no particular doctrines or dogma that insist otherwise.**

7. How can faith communities be inclusive of people of diverse sexualities?

**PAN submits that faith communities can be more inclusive by ceasing to regard as authoritative sacred texts that promote hatred and exclusion of diverse sexualities.**

8. Should religious organisations (including religious schools, hospitals and other service delivery agencies) exclude people from employment because of their sexuality or their sex and gender identity?

**PAN takes the view that discrimination is discrimination – where the employment in question is not directly related to a religious function, religious organisations should be afforded no protection under the law from their bad acts.**

9. Do you consider environmental concern to be an influence shaping spiritualities and value systems?

**PAN submits that respect for nature is fundamental to the beliefs of nearly all Pagans. Pagans tend to believe that all life on earth is interconnected, and that human beings have a responsibility to foster harmonious relationships not only with other human beings, but with the earth and her rhythms of birth, death and renewal. Environmental concern is not only a**

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<sup>21</sup> [www.futuresfoundation.org.au/documents/wellbeingproject/supporting%20articles/The%20Charge%20of%20the%20Goddess.pdf](http://www.futuresfoundation.org.au/documents/wellbeingproject/supporting%20articles/The%20Charge%20of%20the%20Goddess.pdf)

**moral issue but a question of survival – in an interconnected system, damage done to one aspect of the system affects all.**

10.a) Are there religious groups, practices and beliefs that you think are of concern to Australians?

**PAN has no submission to make with regards to this question.**

b) Should these be subjected to legislative control, and should they be eligible for government grants and assistance?

**PAN has no submission to make with regards to this question.**

## **8 Additional areas of concern or interest**

What additional issues do you think are relevant to and affect freedom of religion and belief in Australia?

**PAN has no submission to make with regards to this question.**

Do you have additional thoughts or comments?

**Please note that all direct quotations of PAN members contained in this submission are reproduced with the explicit written permission of the authors. All persons quoted directly have given written permission to be named, except where the individual has asked to remain anonymous or is under the age of 18.**

**All religion-specific terms relating to Paganism in this submission have been spelled and used correctly. Despite normal English usage, the terms 'Pagan' and 'Paganism' have been used with capital letters in the same way as 'Buddhism', 'Judaism' or 'Christianity' to highlight that this faith community is a distinct and identifiable religious grouping in its own right.**

**PAN welcomes contact by HREOC representatives to discuss any aspect of this submission.**