

Privileges Committee

Citizen's Right of Reply (Church of Scientology, Australia)

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Terms of Reference

The inquiry was conducted in accordance with standing orders 202 and 203, which were adopted by the Legislative Council on 5 May 2004: *Minutes of the Proceedings of the Legislative Council*, No 52, Wednesday 5 May 2004, Entry No. 10.

Committee Membership

The Hon Kaye Griffin MLC *Chair*

Australian Labor Party

The Hon Jenny Gardiner MLC *Deputy Chair*

Liberal Party

The Hon Greg Donnelly MLC

Australian Labor Party

The Hon Don Harwin MLC

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The Hon Mick Veitch MLC

Australian Labor Party

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Report

- 1.1 On 5 January 2010, the President of the Legislative Council, the Honourable Amanda Fazio MLC, received a submission from Ms Vicki Dunstan, President of the Church of Scientology, Australia, requesting the incorporation of a response under standing orders 202 and 203 of the Legislative Council relating to the protection of persons referred to in the Legislative Council.
- 1.2 The submission referred to statements made by Dr John Kaye MLC during the adjournment debate in the Legislative Council on 25 November 2009.¹ The President, having considered the submission under standing order 202(2), referred it to the Privileges Committee on 5 January 2010.
- 1.3 The Committee met in private session on 11 March 2010, and decided, according to standing order 203, to consider the submission. The response, which the Committee now recommends for incorporation in *Hansard*, has been agreed to by Ms Dunstan on behalf of the Church of Scientology, Australia and the Committee in accordance with standing order 203(4)(b).
- 1.4 The Committee draws attention to standing order 203(3)(b) which requires that, in considering a submission under the resolution, the Committee must not consider or judge the truth of any statements made in the House or in the submission.
- 1.5 The Committee recommends:

Recommendation 1

That a response by the Church of Scientology, Australia, in the terms specified at Appendix 1, as agreed to by Ms Dunstan, Australia and the Committee, be incorporated in *Hansard*.

The Hon. Jenny Gardiner MLC
Deputy Chair

¹ *Hansard*, 25 November 2009, p. 19864-5.

Appendix 1

**Response by the Church of
Scientology, Australia,
agreed to by Ms Dunstan,
according to standing order
203(4)(b)**

Appendix 1

Reply to comments by Dr John Kaye MLC in the Legislative Council on 25 November 2009

I write to seek a Citizen's Right of Reply regarding comments made in the Legislative Council by Dr John Kaye MLC on the evening of 25 November 2009.

The Church of Scientology believes that Dr John Kaye's statements under privilege were false and unsubstantiated, and that they may adversely affect the reputation of the Church of Scientology, Church staff and their association with others.

The Church of Scientology is a worldwide religion comprising over 8,000 Churches, Missions and affiliated groups, made up of millions of members in 165 countries of the world. It is a globally recognized supporter of some of the most successful social betterment programs on Earth, addressing societal ills such as drug abuse, illiteracy, human rights and intolerance. The Church's more than 200,000 Volunteer Ministers are an active force in disaster relief efforts worldwide.

Scientology meets all three criteria generally used by courts and religious scholars around the world to determine religiosity: (1) a belief in some Ultimate Reality, such as the Supreme or eternal truth that transcends the here and now of the secular world; (2) religious practices directed toward understanding, attaining or communing with this Ultimate Reality; and (3) a community of believers who join together in pursuing this Ultimate Reality.

Courts and various governmental agencies in the United States, Europe and other countries have repeatedly acknowledged Scientology's religiosity.

In April of 2007 and again in October 2009, the European Court of Human Rights held that Scientology churches are to be afforded the same rights as any other religious institutions throughout Europe.

In October 1983, the High Court of Australia recognized Scientology as a religion in a decision that crafted a modern definition of religion along the above guidelines. That decision has become the standard for determining religiosity throughout Australia and New Zealand.

Ultimately, the issue comes down to the sincerity of a religion's adherents and the testimonies of Scientologists all over the world, and their dedicated support to the aforementioned humanitarian programs speaks volumes in this regard.

An individual named Marty Rathbun held a position over legal and public relations matters in the United States. He was removed in 1993 after having inexplicably deserted his post. Marty Rathbun later returned and held various junior positions and worked his way back onto external and legal affairs. By 2002 his malfeasance became apparent and he was removed from any position of executive authority. The internal investigation leading to his removal also revealed a series of incidents of physically attacking fellow staff as an intimidation method. At the time he left the Church entirely in December 2004, he was working in the Church's carpentry mill in Florida.

The Church has no interest in airing the dirty laundry of former members. Unfortunately, however, to set the record straight, we are now being put in the position of having to relay the true facts surrounding his removal from his ecclesiastical position. Our response has been based solely on the necessity to correct the record.

Marty Rathbun has admitted that he became physically aggressive toward fellow staff members. One of the tenets of the Church, as written in the book entitled 'The Way to Happiness' encourages one to treat others as you would want them to treat you with kindness and understanding. When the extent of Rathbun's conduct became known, he was removed from his position.

Mr Rathbun's present allegations concerning Mr David Miscavige, the ecclesiastical leader of the Scientology religion, are directly contrary to previous statements Mr Rathbun has made. In the following declaration signed under the penalty of perjury on 10 March 2000, Mr Rathbun states:

Over the years I have witnessed innumerable personal attacks upon Mr Miscavige's family, his character, his integrity, and his leadership by apostates and other opponents. Frequently vicious, uniformly offensive, such attacks are a reflection of Mr Miscavige's success in safeguarding the religion against attack. Until recently, I have considered the individuals who have attacked Mr Miscavige as merely embittered spite-driven anti-Scientologists. However, as described below in more detail it has recently become clear to me that these individuals are seeking more than merely the removal of Mr Miscavige or purported reform of the Church. Their ultimate goal is to take over the Church of Scientology...

The Church similarly denies Dr Kaye's allegations concerning the Church's policy concerning abortions. The Church does not condone or recommend abortion to anyone. Unlike members of other religious orders, members of the Sea Organization are permitted to marry and originally to have children. Since 1986, it has been the policy of the Sea Organization that married Sea Organization members wishing to have children do so outside of the Sea Organization, with the option to return when their children are of age. Numerous sworn statements from Australian based female staff that have had children whilst in the Sea Organization will confirm this fact.

Church staffs, including Sea Organization members, volunteer their time and energy for the satisfaction of helping people and contributing to achieving the aims of Scientology which is a civilization without insanity, without criminals and without war, where the able can prosper and honest beings can have rights, where man is free to rise to greater heights. Material or monetary gain, similar to other religions, is not their motivation. If staff members want to leave they can do so without threat or punishment and over the years staff have done so and join staff again in later years.

The various unproven allegations made by Marty Rathbun have been documented as false by his own statements and by others.

Dr Kaye has never contacted the Church regarding the matters that he raised in the Legislative Council. The Church is happy to meet with Dr Kaye if he has any further matters that he wishes to address.