

The Senate

Committee of Privileges

Persons referred to in the Senate

Vicki Dunstan on behalf of the Church of Scientology

143rd Report

February 2010

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Report

1.1 On 11 January 2010 the President of the Senate, Senator the Hon. John Hogg, received a submission from the Rev. Vicki Dunstan, President, Church of Scientology Australia seeking redress under the resolution of the Senate of 25 February 1988 relating to the protection of persons referred to in the Senate (Privilege Resolution 5).

1.2 The submission referred to comments made by Senator Xenophon in the Senate on 17 November 2009. The President, having accepted the submission as a submission for the purposes of the resolution, referred it to the Committee of Privileges on 1 February 2010.

1.3 On 1 February 2010 the President of the Senate, received further correspondence from the Rev. Vicki Dunstan enclosing further material with the request that it be added to her original submission of 11 January 2010. The President referred the further correspondence to the Committee of Privileges on the same day.

1.4 The Committee met in private session on 4 February 2010 and, pursuant to paragraph (3) of Privilege Resolution 5, decided to consider the submission and the additional correspondence. The Committee resolved to recommend that the initial response of 5 January 2010 be incorporated in Hansard in full and without change.

1.5 In accordance with paragraph (8) of Privilege Resolution 5, the Committee resolved not to recommend that the additional material provided on 1 February be incorporated in Hansard. In considering the submission, the committee did not find it necessary to confer with the person making the submission nor with the Senator concerned.

1.6 The committee draws attention to paragraph 5(6) of the resolution which requires that, in considering a submission under this resolution and reporting to the Senate, the committee shall not consider or judge the truth of any statements made in the Senate or of the submission.

1.7 The committee **recommends:**

That a response by Vicki Dunstan, President Church of Scientology Australia in the terms specified at Appendix One, be incorporated in *Hansard*.

George Brandis
Chair

Appendix One

Response by Vicki Dunstan on behalf of the Church of Scientology Pursuant to Resolution 5(7)(b) of the Senate of 25 February 1988

Reply to comments by Senator Nicholas Xenophon in the Senate – 17 November 2009

Pursuant to resolution 5 (7) (b) of the Senate of 25 February 1988 I make this submission on behalf of the Church of Scientology regarding comments made in the Senate concerning the Church by Senator Nicholas Xenophon on the evening of 17 November 2009.

At the outset, the Church of Scientology notes that Senator Xenophon's statements under Parliamentary privilege were false and unsubstantiated, and that they were apparently designed to adversely affect the reputation of the Church of Scientology, its 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. The Church and its members are globally recognized sponsors of successful humanitarian programs 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. Scientologists volunteer their help, both in times of major disasters, such as the Victoria Fires, and in times of more personal disasters that befall all of us. The Church's bright yellow Volunteer Minister tents can be seen in such diverse locations as the Sydney Metropolitan area to Alice Springs. When the devastating Asian Tsunami of 2004 struck, more than 500 Volunteer Ministers worked for six months in India, Sri Lanka, Indonesia and Thailand. When huge bushfires occurred in the Blue Mountains in January 2002, our Volunteer Ministers worked 24/7 assisting community authorities and helping victims and disaster relief workers cope with the trauma associated with such a major event.

This amount of growth in a religion only a little beyond its first half-century of existence has only been possible through the dedicated support of members of the religion. Scientologists sincerely believe in their religion and they are active supporters of the Church and its humanitarian initiatives.

Courts and governmental agencies in the United States, Europe and other countries have repeatedly acknowledged Scientology's religiosity. In October 1983, The High Court of Australia in *Church of the New Faith v. Commissioner of Payroll Tax (Vic)* recognised Scientology.

That decision adopted criteria for determining religiosity that have since become generally accepted by courts and religious scholars around the world:

- (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. These criteria have become the standards for determining religiosity throughout Australia and New Zealand.

In April of 2007, and again in October 2009, the European Court of Human Rights held that Scientology churches must be afforded the same rights as any other religious institutions throughout the 47 countries that comprise the European Community.

Senator Xenophon's 17 November presentation misrepresented Scientology's true status while ignoring the above decisions and acknowledgements. Instead, the presentation focused on unfounded and unproven allegations from overseas newspaper reports and other sources whose accuracy cannot be confirmed and in many instances have been proven as false.

The bulk of the Senator's presentation relied on letters containing unsubstantiated allegations made by a few disgruntled apostates. No religion can possibly satisfy everyone, and the Church regrets that these individuals did not find what they were seeking in Scientology.

Such bitter testimonials have at their root a common phenomenon attributable to apostates of any faith. An essay on apostates by Lonnie D. Kliever, Ph.D., Professor of Religious Studies Southern Methodist University, describes it as follows:

"There is no denying that these dedicated and diehard opponents of the new religions present a distorted view of the new religions to the public, the academy, and the courts by virtue of their ready availability and eagerness to testify against their former religious associations and activities.

"Such apostates always act out of a scenario that vindicates themselves by shifting responsibility for their actions to the religious group. Indeed, the various brainwashing scenarios so often invoked against the new religious movements have been overwhelmingly repudiated by social scientists and religion scholars as nothing more than calculated efforts to discredit the beliefs and practices of unconventional religions in the eyes of governmental agencies and public opinion.

"Such apostates can hardly be regarded as reliable informants by responsible journalists, scholars, or jurists. Even the accounts of voluntary defectors with no grudges to bear must be used with caution since they interpret their past religious experience in the light of present efforts to re-establish their own self-identity and self-esteem."

Many of the apostates upon whom the Senator relied have gone even further and have publicly supported the cyber-hate group, Anonymous, a group whose members boasted about their unlawful attacks on the Australian Prime Minister's website earlier this year, and whose members have been prosecuted criminally in the United States for illegal attacks on Church of Scientology websites.

The Church has no desire to air in public the personal experiences of members of the Scientology religion—even former members such as these who have chosen to attack their previous faith. That said, nevertheless, the Church vigorously denies the claims

of these former members. Had Senator Xenophon sought confirmation of any of the allegations with the Church, we would have provided to him factual documents, including coronial reports, refuting them and endorsements of the Church by numerous community groups and countless individuals, including former members.

For example, Kevin Mackey stated publicly that he attributed his success in life to what he learned from Scientology. Dean and Anna Detheridge similarly voiced positive opinions of their Scientology experiences. Such positive statements are consistent with the experiences of millions of other parishioners of Scientology. That these people now hold a different view is entirely their own personal affair.

The allegations of Aaron Saxton and Carmel Underwood regarding forced abortions are untrue. The Church of Scientology does not counsel expectant mothers to have abortions and has never forced anyone to obtain one. Sworn statements have been obtained from numerous female Church staff members who served during the same time as Carmel Underwood, all of whom became pregnant while on staff, some as many as three times, and all of whom state that they were never encouraged, pressured or even suggested to have an abortion. They all state that they were well cared for and given time off as needed to care for their children, as was Carmel Underwood.

The Church is very reluctant to bring the Schofield family more pain than they have already suffered over the loss of two of their children, but public records in both cases starkly contradict Senator Xenophon's claims. Both deaths were determined by the proper authorities to have been tragic accidents. Moreover, sworn witness statements confirm that, in the case of the first daughter, Paul Schofield was himself looking after his child and was a short distance from her when she accidentally fell down a flight of stairs at the Church and was mortally injured.

In the case of his second daughter, she was in the full care of both parents at home when she ingested over 30 tablets of a potassium chloride supplement called "Slow K" that her parents kept in the home within reach of the child. Potassium chloride is not part of any Church program or service in Australia or internationally. The subsequent coronial inquest found that the parents' misunderstanding of the risks accompanying an overdose of "Slow K" led to the girl's death and recommended greater precision in the product's warning label. In both instances, the Church assisted the family during this time of great loss.

Aaron Saxton and Peta O'Brien claim they were denied medical treatment. They both know it is a fact that all Scientologists are not only encouraged to seek medical attention to address physical ailments and injuries; they are required to do so by Church policy. And without going into the nature of their medical problems, records indicate that both of them received extensive and regular medical treatment while on Church staff.

Aaron Saxton went so far as to falsely allege he participated in a "cover up" of financial misdealing by an individual whom Church executives not only dismissed from staff when they discovered his activities but diligently reported to the police and successfully prosecuted.

All of these matters are the subject of documented evidence and sworn witness statements that the Church was prepared to provide to Senator Xenophon had he asked for them. Yet, Senator Xenophon never responded to the Church's request for a meeting with him prior to his parliamentary speech on 17 November 2009.

We regret that this matter has come before the Senate in this manner and seek only to correct the record.

Thank you for your consideration.