



Clr. Nathan Zamprogno MTeach BA JP

28th August 2023

TO: The NSW Law Reform Commission

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My submission relates to your review into the *Anti-Discrimination Act 1977(NSW)*.

I worked in private Christian schools in Western Sydney for 19 years, and was sacked from a full time teaching position for being gay. I have since worked with groups like Equality Australia and am frequently cited in their submissions, but wish to tell my own story. I suggest I can offer a relevant example of precisely the kind of discrimination that the Act currently permits and which is due for reform.

This submission echoes testimony I gave to the Senate Inquiry¹ on the Religious Freedoms Bill and concurrent appearances in the national media² to oppose the passage of that bill.

¹ https://youtu.be/vyp_UmdhJIU

² <https://youtu.be/mbFolt2HtFA>

<https://12ft.io/proxy?q=https%3A%2F%2Fwww.thesaturdaypaper.com.au%2Fnews%2Fpolitics%2F2022%2F01%2F29%2Fwhy-morrison-refuses-drop-the-religious-discrimination-bill%2F164337480013229%23hrd>

I now teach in the Public System and I am much happier there.

I have a Masters degree in Teaching. I'm a Justice of the Peace, a qualified Ethics teacher, and have been an elected local government Councillor on Hawkesbury City Council since 2016. I was elected as a Liberal candidate but currently stand as an independent in my second term.

Incidentally, when I stood for a Liberal preselection in 2019 for a NSW State seat, a dirt sheet was circulated to preselectors outing me as gay, so discrimination is not only confined to religiously based employers and **raises a relevant question about whether antidiscrimination law applies adequately to political parties. I recommend that you ensure your review covers this issue.**

My Masters studies focused on the comparison of approaches taken to the interpretation and implementation of the General Capabilities of *Ethical Understanding*, and *Critical Thinking* in school curricula.

I am a single dad, civically engaged, and had been in Christian fellowship, either through work or local churches continuously since I was 15. I just turned 50.

I am also gay, in a long term relationship with a man.

In my years in the private education sector, I saw several wrenching examples of staff let go because of their sexuality. This was traumatic to me as I valued my membership in those school and their faith communities.

My testimony to you is that the practice of discriminating against LGBT staff is common and current. I underscore this as I am aware that bodies like Christian Schools Australia gave testimony to the Senate inquiry that I addressed, denying that this is ever the case. They are wrong. If they make similar submissions to you stating discrimination does not occur, they are lying. **If you are engaging in public hearings, invite me to come and schedule me to speak near such groups so I can refute their narrative with first-hand proofs.**

For the three years of my most recent private school employment, I rose to end up teaching two HSC level classes in my last year. This also coincided with the national debate about same sex marriage in 2017.

Over the course of that debate, the Principal of the non-denominational (yet broadly Calvinist, humourless) School casually declared at a staff meeting that he would not employ a gay teacher. The head PDHPE teacher said "sexual preference is a choice. You can choose yourself into it, and you can choose yourself out of it.", and the Board President

circulated

material to the school community reminding us that the school's position was "that marriage is between a man and a woman" and that his expectation was that all staff would uphold that position in discussions with students and parents, with little latitude for people to hold a genuine but differing conviction.

I had not disclosed my sexuality at the commencement of my employment. I regarded it as no-one's business. I was invested in the community of my school, was well regarded by my peers and students, and was advancing in my professional development. I never sought to rock the boat, or to evangelize for LGBT causes, but felt my role was to provide quiet and badly needed support to not only those senior students confident enough in their sexuality to come out, but to employ the "iceberg principle" – recalling the difficulty of my own teen years as a (then) Bi person growing up in a religious and judgmental environment, and sought in quiet ways to express solidarity, or to use the ferment of national debate to help students employ their critical thinking skills in understanding both sides of an emotional and contentious debate.

Our school had a number of same-sex attracted students. Each trod the uneasy road between being lauded for their academic or creative giftings, and the knowledge that the same school effectively said "...but don't ever apply for a job here."

I saw the hurt this school community's attitude projected onto people in the process of... becoming, first hand. I note that the pressure and discrimination only ever came from the leaders, and never from fellow students or colleagues, who were supportive about an individual's sexual preferences. Some representative data: 66% of this school's families were not 'churchgoers' and did not buy into the religious doctrine of the school. 72% of the School's funding came from the government.

I recommend that when religious groups seek to maintain their exemption to discriminate, it may be pointed out that their school communities are generally not religious, and that proselytization with public funds is unacceptable.

As the national debate reached its peak, the defences I made of our same sex attracted students caused my own sexuality to be outed in a cruel manner, by a member of the school board. When confronted by the blunt question “Are you gay”, I felt the time had finally come to answer honestly, adding that I was good at what I did and that this was irrelevant to my competence as a teacher.

I never sought to dishonour my employer, or rock the boat on any question of doctrine. Schools who seek to maintain the right to discriminate say that it is an essential right to retain staff who model appropriate values. I never gave them cause for grief.

Instead, within a fortnight, I was told I would lose my job. I was told I could finish the year (this was in about August) but there would be no place for me at the school the following year.

I was gutted, and still suffer from PTSD from the experience.

I had spent years looking over my shoulder, fearing the same outcome. And now the same thing was happening to me.

Numerous case studies have shown that religious schools are good at confecting some other reason for refusing or terminating employment, avoiding admission that the discrimination is based on sexual preference, and a reformed Bill should minimise loopholes when the complainant can make a good case that the discrimination was based on their sexuality.

The discrimination I endured cost me advancement in my career, and has set my progression through the salary bands of teaching back by some years, at a cost of many tens of thousands of dollars.

I rationalised the risk and stress of being a closeted gay man working at a Christian school by telling myself I was doing good. I felt it was worth the cost, but only since I’ve been able to transition to teaching in the public system that I have realised what a huge burden on my mental health has been lifted by not having to look over my shoulder any more.

My experience was that professional development time which should have been focused on making us better teachers – focusing on pedagogy, best practice, changes to syllabus, and so on, were instead regularly seen as opportunities for sending us to conferences on Christian teaching, for using private schooling as a mission field to proselytise – a priority that frequently subverted even the need to teach the secular syllabus. All the warnings of Marion Maddox’s excellent 2014 book, *Taking God to School* all rang true, and perhaps even seemed too mild.

In telling my story, and drawing on 25 years in the sector, my strongest message is this:

Religious schools regularly discriminate against LGBT teachers and students and feel a strong entitlement to indoctrinate using public funds. Sometimes the process is overt, and sometimes they obfuscate as they cite ‘other’ reasons for sacking or failing to hire.

Further,

I am concerned that the kind of loopholes that exist in antidiscrimination laws effectively have the State vicariously taking sides in doctrinal debates *within* faith communities.

This is because they empower those who wish to pressure and ultimately purge their churches or schools of those with different yet sincere convictions.

One example that proves this concern is when Anglican Archbishop Glenn Davies told a synod in 2019 that those who held a different conviction on Same Sex Marriage to “please leave” the church. Antidiscrimination loopholes as they stand side in those debates with those who are *less* ecumenical; *less* moderate; *less* compassionate – and surely that is an entanglement our Parliaments should avoid.

I urge you, in your review of the *Anti-Discrimination Act 1977(NSW)* to place some emphasis on how discrimination of these types, legal under the current Act, now lay sharply out of step with community expectations.

Yours Sincerely,

Nathan Zamprogno,
Hawkesbury City Councillor.
High School Teacher.

