

# **AUSTRALIA 2018 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution bars the federal government from making any law that imposes a state religion or religious observance, prohibits the free exercise of religion, or establishes a religious test for a federal public office. Prime Minister Scott Morrison planned to introduce new religious freedom laws to “safeguard personal liberty,” while at the same time protect religious schools, charities, and individuals from discrimination, causing a national debate around existing exceptions to antidiscrimination laws for religious schools. Legislation was not introduced by the end of the year. The political platform of the One Nation Party, which had two senators in the federal parliament, included cessation of Muslim immigration and limits on some Islamic practices. Katter’s Australian Party, which had one senator and one representative in the federal parliament, included Christian values and a Muslim immigration ban in its platform. The Catholic Church rejected a recommendation by a royal commission that priests be obliged to report evidence of pedophilia heard in confession. The Church accepted the commission’s recommendation on compensation to victims of sexual abuse by its personnel. In December a Catholic cardinal was found guilty of five counts of “historical child sexual offenses.”

Christian advocacy groups continued to report harassment of group members and protesters at conferences. Studies continued to show that Muslims received verbal and physical harassment. Anti-Semitic acts, including harassment and vandalism, continued within the country.

The U.S. embassy and the U.S. Consulates General in Melbourne, Perth, and Sydney regularly engaged government officials and a wide range of religious leaders, faith communities, and groups to promote religious freedom. Embassy and consulate general officers at all levels, including the Charge d’Affaires, engaged with religious communities and promoted religious tolerance in person and through social media.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 23.5 million (July 2018 estimate). According to the 2016 census, 52.1 percent of residents are Christian, with Roman Catholics (22.6 percent of residents) and Anglicans (13.3 percent) comprising the two largest Christian groups. Buddhists constitute 2.4 percent of

the population, Muslims 2.6 percent, Hindus 1.9 percent, and Jews 0.4 percent. An additional 9.6 percent of the population either did not state a religious affiliation or stated affiliations such as “new age,” “not defined,” or “theism,” while 30.1 percent reported no religious affiliation.

The 2016 census indicated indigenous persons constitute 2.8 percent of the population. The most recent religious breakdown for the indigenous population remained that of the 2011 census, which estimated that 1 percent of indigenous respondents practice traditional indigenous religions. Among this group, affiliation with a traditional indigenous religion is higher in very remote areas (6 percent) than in all other areas (less than 1 percent). Approximately 60 percent of indigenous respondents identify as Christian, and an estimated 20 percent report having no religious affiliation. The remainder either did not state a religious affiliation or stated other religious affiliations.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution bars the federal government from making any law imposing a state religion or religious observance, prohibiting the free exercise of religion, or establishing a religious test for a federal public office.

The right to religious freedom may be limited only when deemed necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. Individuals who suffer religious discrimination have recourse under federal discrimination laws or through the court system and bodies such as the Australian Human Rights Commission.

The state of Tasmania is the only state or territory whose constitution specifically provides citizens with the right to profess and practice their religion; however, seven of the eight states and territories have laws prohibiting discrimination on the basis of a person’s religion or ethnoreligious background. South Australia is the only state or territory that does not explicitly prohibit discrimination on the grounds of religion. All other states and territories have independent agencies to mediate allegations of religious discrimination.

Religious groups are not required to register. To receive tax-exempt status for income or other benefits and an exemption from the goods and services tax (sales tax), however, nonprofit religious groups must apply to the Australia Tax Office

(ATO). Registration with the ATO has no effect on how religious groups are treated, apart from standard ATO checks. To receive tax-exempt status, an organization must be a nonprofit entity. An organization's activities, size, and permanence are some of the factors taken into account when determining its tax-exempt status.

The government permits religious education in public schools, generally taught by volunteers using curricula approved in accordance with government criteria in each state; parents may decide whether or not their children will attend. There is no national standard for approving religious curricula, which happens at the state and local levels.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

In September Prime Minister Scott Morrison called for new religious freedom laws to “safeguard personal liberty.” Legislation was not introduced but caused a debate within the country. The prime minister said he planned draft legislation for early next year. According to a December 12 article in *The Australian* newspaper, elements of the planned legislation included taking steps to protect religious schools, charities, and individuals from discrimination; requiring education departments to make clear to parents how to remove a child from religious instruction at school; and moving to abolish statutory or common law offenses of blasphemy in all jurisdictions. The Catholic Archbishop of Sydney said that there had been attempts to penalize those who support traditional marriage and that legislation was necessary, among other things, because “lately there has been a hard-edged secularism that wants to stamp out religion from public life.”

In October the prime minister stated the country would ban religious schools from expelling lesbian, gay, bisexual, or transgender (LGBT) students. The opposition leader gave support to the plan and also proposed that religious schools lose the right to fire gay staff. A group of Anglican schools wrote to members of parliament saying changes in the exemption to the country's antidiscrimination law that currently allows religious schools not to have LGBT teachers would undermine their faith's core values and that “until such time as religious freedom is codified in legislation, the exemptions should remain.” Legislation was not introduced by the end of the year, and parliament referred the issue to the Australian Law Reform Commission for review.

The One Nation Party had two senators in the federal parliament and maintained a platform calling for stopping Muslim immigration and admission of Muslim refugees, banning the burqa and *niqab* in public places, installing surveillance cameras in all mosques, and prohibiting members of parliament from being sworn in under the Quran. Katter's Australia Party had one senator and one member in the House of Representatives who maintained a platform calling for a country based on Christian values and for a ban on Muslim immigration.

The government continued to begin each session of parliament with a recitation of a short prayer and then the Lord's Prayer, as has been the practice since 1901. Participation in the prayers remained optional. The Australian Greens and other groups continued to call for the practice to end.

In July the Catholic Church rejected the 2017 recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse that priests be required to report evidence of pedophilia heard in the confessional or face prosecution. Australian Catholic Bishops Conference President Archbishop Mark Coleridge said the Church was committed to both child safety and the seal of the sacrament of confessional. The Church accepted a commission recommendation that it compensate each victim of child abuse by Church personnel up to 150,000 Australian dollars (\$106,000).

In December Cardinal George Pell was found guilty of five charges of "historical child sexual offenses" by a Melbourne court. Pell maintained his innocence. He faced an additional trial for alleged similar actions in Ballarat.

The Victoria State Equal Opportunity and Human Rights Commission received 172 complaints on the grounds of religion (approximately 2.4 percent of total discrimination complaints) in the last three years.

In July a judge in the Victoria Supreme Court refused to allow a woman to wear a *niqab* in the court's public spectator gallery during her husband's trial on terrorism. The judge offered the woman the option of viewing the proceedings live from another place in the building.

The government continued to provide funding for security installations – such as lighting, fencing, closed-circuit television cameras – and for the cost of employing security guards, in order to protect schools and preschools facing a risk of attack, harassment, or violence stemming from racial or religious intolerance. This

funding was available at both government and nongovernment schools, including religious schools.

The Australian Multicultural Council continued to provide guidance to the government on multicultural affairs policy and programs. The government's national multicultural policy, *The People of Australia*, continued to be based on a government-wide approach to maintaining social cohesion and included religious tolerance as a component. The government provided a range of youth-focused early intervention, outreach, and education programs to promote religious tolerance as well as “deradicalization” programs for prison inmates convicted of terrorism-related offenses. Effectiveness of the programs was a point of debate throughout the country.

### **Section III. Status of Societal Respect for Religious Freedom**

In March posters were found around Sydney calling for the execution of Jewish and gay persons. According to press reports, New South Wales antidiscrimination law required police to prove an offender committed a crime by instruction of another person, resulting in no charges being filed against those accused of hanging the posters.

In August the *Queensland Times* newspaper reported on numerous incidents of college parties involving neo-Nazi themes and anti-Semitic costumes, which were condemned by the Australian Union of Jewish Students. In June Charles Sturt University students attended a “politically incorrect” themed party at a pub wearing Ku Klux Klan gowns and hoods as well as Nazi uniforms.

In August a rugby sports commentator publicly told his audience that Muslims “lack a common interest” with other citizens and said Muslims were “colonizing” the country.

The Q Society – a self-proclaimed “Islam-critical” organization – continued to fundraise and listed two members of parliament as patrons as well as contributors to a 2014 documentary opposing halal certification. The group, which said it had more than 1,000 members in the country and held monthly meetings in each state, advocated for a moratorium on immigration from Afghanistan, Lebanon, Syria, and Iraq.

Incidents of violence and threats against Muslims were reported. According to a report on the web site *Islamophobia Register Australia*, in September a Muslim

couple leaving a restaurant in Mortdale, New South Wales, attempted to defend themselves when a man and woman shouted at and physically assaulted them. A passing fire brigade intervened, assuming the Muslim couple had instigated the situation, but a witness came to the couple's defense, at which point the attackers fled. In November in Keysborough, Victoria, reportedly two Muslim girls, ages 14 and 10, were crossing a parking lot when a car quickly reversed, almost hitting them, after which the driver shouted, "Speak English, you terrorists," and drove away.

The Executive Council of Australian Jewry reported 366 anti-Semitic incidents of threats or abuse during the year, up from 230 in the previous year. According to the council, a group called the Antipodean Resistance accounted for 36 percent of all reported anti-Semitic incidents, including placing posters, graffiti, and murals in public places, and one serious incident of vandalism. In one case, pig entrails were placed at the door of a federal member of parliament's office in Sydney.

Christian advocacy groups continued to report harassment of group members and protesters at conferences. Group leaders received threats, in some cases resulting in security requirements to keep their identities concealed.

A June press report detailed the difficulties former Muslims faced when they chose to change faiths, including harassment, especially at home, and often being forced to hide their change of faith.

#### **Section IV. U.S. Government Policy and Engagement**

The U.S. Embassy in Canberra and Consulates General in Melbourne, Perth, and Sydney met with government officials from the federal and state-level departments of social services and multicultural affairs to promote interfaith understanding and tolerance programs.

U.S. officials, including the Charge d'Affaires, engaged with a wide range of religious leaders, faith communities, and groups, including the Ahmadiyya Muslim Association and the Australia Arab Association.

Through its small grants program, the Consulate General in Melbourne supported a U.S. speaker for the Welcoming Cities Symposium promoting religious diversity, inclusion, and participation in social, cultural, economic, and civic life. The consulate also supported a U.S. film director attending the Melbourne International

Film Festival who discussed her film *On Her Shoulders*, which documented the Yazidi people's treatment by ISIS and the life of those in diaspora communities.

In October a representative from the Consulate General in Perth spoke at the Third annual convention of the Ahmadiyya Muslim Association in Western Australia, where members of parliament and local council, academics, and representatives from various faiths presented their views on the topic "Global Peace."

The Consulate General in Perth provided a grant to a representative from the local Jewish community to bring a Holocaust educator to Perth for an educational program that provides the tools for young persons to become an "upstander" rather than a bystander in the face of discrimination and inequality.