



Australia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2009

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Section I. Religious Demography

The country has an area of 2.9 million square miles and a population of 21 million. According to the 2006 census, 64 percent of citizens consider themselves to be Christian, including 26 percent Roman Catholic, 19 percent Anglican, and 19 percent other Christian. Buddhists constitute 2.1 percent of the population, Muslims 1.7 percent, Hindus 0.7 percent, Jews 0.4 percent, and all others professing a religion 0.5 percent.

At the time of European settlement, aboriginal inhabitants followed religions that were animistic, involving belief in spirits behind the forces of nature and the influence of ancestral spirit beings. According to the 2006 census, 5,206 persons, or less than 0.03 percent of respondents, reported practicing aboriginal traditional religions, down from 5,244 in 2001. The 2006 census reported that almost 64 percent of Aborigines identify themselves as Christian and 20 percent listed no religion.

In 1911, during the first census, 96 percent of citizens identified themselves as Christian. In recent decades traditional Christian denominations have seen their total number and proportion of affiliates stagnate or decrease significantly, although from 2001 to 2006, the total number of Pentecostal and charismatic Christians increased by 12.9 percent. Over the past decade, increased immigration from Southeast Asia and the Middle East considerably expanded the numbers of citizens who identify themselves as Buddhists, Hindus, and Muslims and increased the ethnic diversity of existing Christian denominations. Between 2001 and 2006, the numbers increased for Buddhists by 17 percent (to 418,000), Muslims by 21 percent (to 340,393), Jews by 6 percent (to 89,000), and Hindus by 55 percent (to 148,131). In 2006 approximately 18.7 percent of citizens considered themselves to have no religion, up from 17 percent in 2001, and 11.2 percent made no statement regarding religious affiliation. According to a 2002 survey, 23 percent of adults had participated in church or religious activities during the previous three months.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors.

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 sets a religious test for a federal public office. These federal constitutional prohibitions do not restrict the legislative powers of the states.

The Government recognizes Good Friday, Easter Monday, and Christmas as national holidays. Although the Government is secular, each session of Parliament begins with a joint recitation of the Lord's Prayer.

Religious adherents who have suffered religious discrimination may have recourse under federal discrimination laws or through the court system and bodies such as the Human Rights and Equal Opportunity Commission. Federal laws which protect freedom of religion include the Racial Discrimination Act, the Human Rights and Equal Opportunity Commission Act, and the Workplace Relations Act.

Commonwealth and state public service agencies are active in promoting religious tolerance in the workplace. Australian Public Service employees who believe they have been denied a promotion on religious grounds can appeal to the Australian Public Service Merit Protection Commissioner.

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 ethno-religious background. South Australia is the only jurisdiction that does not explicitly prohibit discrimination on the grounds of religion. All jurisdictions, apart from South Australia, have established independent agencies to mediate allegations of religious discrimination.

Minority religious groups were generally given equal rights to land and status and to build places of worship. However, in the past a number of small city councils refused local Muslim and Buddhist groups planning permits to construct places of worship.

Some of those religious groups successfully appealed the councils' decisions to the courts. In May 2009 the Land and Environment Court handed down a judgment allowing construction of a 1,200-student Islamic primary and secondary school in Bass Hill, a Sydney suburb, which had been fought by residents since the land was bought in 2006. In May 2008, a local council rejected an application "on planning grounds alone" to build an Islamic school in Camden, another Sydney suburb. At the end of the reporting period, an appeal was before the same Land and Environment Court. In April 2009, some Christian leaders opposed to the Camden school signed a letter warning that "the Quranic Society inevitably advocates a political ideological position that is incompatible with the Australian way of life."

Religious groups are not required to register. However, to receive tax-exempt status, nonprofit religious groups must apply to the Australian Tax Office (ATO). Registration with the ATO has no effect on how religious groups are monitored, apart from standard ATO checks.

The Government permits religious education in public schools, generally taught by volunteers using approved curriculum, with the option for parents to have their child not attend. The Government's National School Chaplaincy Program provides annual support of up to \$18,800 (A\$20,000) for government and nongovernment school communities seeking to establish or extend school chaplaincy services. As of June 2008, the Government had received 2,630 applications, representing 27 percent of all schools. Starting November 30, 2008, no new funding agreements could be entered into. The federal government provides funding to private schools, the majority of

which are faith-based.

The Government has put in place extensive programs to promote respect for diversity and cultural pluralism. The country participates in the UN Interfaith Dialogue and Cooperation for Peace and is cosponsor of the Regional Interfaith Dialogue with Indonesia, New Zealand, and the Philippines. In December 2008 the Government established the Multicultural Advisory Council to provide advice on social "cohesion issues relating to Australia's cultural and religious diversity." The Government reshaped its flagship anti-racism program to better target potential problem areas and was working with Muslim leaders on the Advisory Council to develop de-radicalization programs for convicted terrorists. The Parliamentary Secretary for Multicultural Affairs suggested that the Government form a Muslim Advisory Council.

In May 2008 the Government rejected Greens Party calls to launch a Senate inquiry into a Protestant denomination called the Exclusive Brethren, despite the Prime Minister previously denouncing the group an "extremist cult" that "breaks up families." The Government said an investigation would unreasonably interfere with group members' right to freely practice their faith. In March 2009 the Government removed an exemption in the Fair Work Bill that was used by the Exclusive Brethren to bar unions from entering their businesses.

In December 2008, the Government launched the National Human Rights Consultation to seek the views of the public on how to better protect human rights. It was due to report to the government by August 31, 2009. The consultation generated debate on whether to establish a Human Rights Act. The Human Rights and Equal Opportunity Commission backed such an act, but opponents--such as a former New South Wales Premier--feared it would give more power to unelected judges.

The Human Rights and Equal Opportunity Commission was preparing a report entitled Freedom of Religion and Belief in the 21st Century. A similar report by HREOC in 1998 recommended the establishment of a Religious Freedom Act. Critics of the inquiry argued the Constitution and other laws already protect religious freedom, and that the inquiry's recommendations may seek to curtail some religious freedoms, such as the right of religious institutions to take beliefs and behavior into account in their hiring.

Restrictions on Religious Freedom

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the reporting period.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States or who had not been allowed to be returned to the United States.

Section III. Status of Societal Respect for Religious Freedom

There were few reports of societal abuses based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom. Several nongovernmental organizations promoted tolerance and better understanding among religious groups in the country. These groups included the Columbian Center for Christian-Muslim Relations, the National Council of Churches in Australia and its affiliated Aboriginal and Islander Commission, the Australian Council of Christians and Jews, and the Affinity Intercultural Foundation.

A University of Western Sydney study released in April 2009 found that 81 percent of Australians supported a right to dress according to Islamic custom. However, according to a report by the Islamic Women's Welfare Council of Australia, African Muslim women and Muslims that wear hijabs experienced more racism than other Muslim women.

A Muslim woman complained to the Human Rights and Equal Opportunity Commission that an offer of employment was withdrawn after she requested three ten-minute prayer breaks per day. The company said it was unable to find a suitable location for her to conduct her prayers. The company agreed to pay the complainant compensation and provide her with a statement of regret.

There was graffiti sprayed on mosques in Newcastle in February 2009 and Rockingham, south of Perth, in April 2009.

An annual report on anti-Semitism written by the Australia/Israel & Jewish Affairs Council recorded 652 anti-Semitic incidents in the twelve-month period ending September 30, 2008. This was approximately twice the annual average of the previous 18 years and 2 percent higher than in 2007, the previous record year. According to the report's author, much of the anti-Semitic activity appeared to be a reaction to Israeli incursions into Lebanon and Gaza in 2008. Incidents involved violence, property damage, and threatening mail and telephone calls. The report also expressed concern about anti-Semitism on the Internet.

In May 2009, in Western Australia, state prosecutors filed charges against the perpetrator of an anti-Semitic rant recorded on Facebook under the anti-vilification statute. The case was before the courts at the end of the reporting period.

In April 2009 a federal court judge found a historian guilty of criminal contempt of court for continuing to publish material denying the Holocaust and vilifying Jews.

In April 2009 the Ambrose Centre for Religious Liberty was launched by prominent Catholic, Anglican, Jewish, Muslim, Hindu, and Buddhist leaders. One of the Centre's concerns is that the country's anti-vilification laws can be used against religious leaders who express views critical of other religions.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights.