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## Australia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **International Religious Freedom Report 2010**

**November 17, 2010**

The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion.

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.

There were few reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom.

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

#### Section I. Religious Demography

The country has an area of 2.9 million square miles and a population of 22.4 million. According to the 2006 census, 64 percent of citizens consider themselves Christian, including 26 percent Roman Catholic, 19 percent Anglican, and 19 percent other Christian denominations. 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, indigenous inhabitants were animists with 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 indigenous traditional religions, down from 5,244 in 2001. The 2006 census reported that almost 64 percent of indigenous persons 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.

## 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 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. Although the government is secular, each session of parliament begins with a joint recitation of the Lord's Prayer.

The government observes the following religious holidays as national holidays: Good Friday, Easter Monday, and Christmas.

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 (HREOC). Federal laws which protect freedom of religion include the Racial Discrimination Act, the Human Rights Commission Act, and the Workplace Relations Act. The country accepts refugees fleeing religious persecution and is party to the UN Refugee Convention and its 1967 protocol governing refugees.

Commonwealth and state public service agencies are active in promoting religious tolerance in the workplace. Public service employees who believe they have been denied a promotion on religious grounds can appeal to the 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 generally had 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 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 some local residents had fought since the land was purchased in 2006. However, in July 2009 the New South Wales government acquired the land to build a school for students with disabilities.

In May 2008 a council cited "planning grounds alone" for rejecting an application to build an Islamic school in Camden, a Sydney suburb. In April 2009 some Christian leaders opposed to the Camden school signed a letter warning that "the

Qur'anic Society inevitably advocates a political ideological position that is incompatible with the Australian way of life." On June 2, 2009, the Land and Environment Court rejected the applicants' appeal.

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In June 2009 a council approved plans to build an Islamic school in Hoxton Park, a Sydney suburb. A group of local residents contested the ruling, and the case was pending a decision from the Land and Environment Court and the New South Wales Supreme Court at the end of the reporting period.

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 \$17,932 (A\$20,000) for government and nongovernment school communities seeking to establish or extend school chaplaincy services. To date \$135 million (A\$151.2 million) has been provided to 2,689 schools. Starting November 30, 2008, no new funding agreements could be entered into, but the government extended funding until December 2011 for participating schools.

The federal government provides funding to private schools, the majority of which are faith-based.

The New South Wales government is piloting secular ethics classes in 10 public primary schools to provide an alternative for students who do not attend optional scripture classes. The Catholic and Anglican archbishops of Sydney and the Islamic Council of New South Wales oppose the classes for attracting students away from the traditional religion classes.

The government has extensive programs to promote respect for diversity and cultural pluralism. The country participates in the United Nations Interfaith Dialogue and Cooperation for Peace and is cosponsor of the Regional Interfaith Dialogue with Indonesia, New Zealand, and the Philippines. In 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 individuals convicted on terrorism-related offenses.

In March 2010 the major parties defeated an independent senator's motions to establish parliamentary inquiries into the tax-exempt status of religious groups, especially allegations concerning the Church of Scientology. In May the senator introduced a bill seeking to introduce a public benefits test to determine whether religious groups qualify for tax-exempt status. At the end of the reporting period, the Fair Work Ombudsman was investigating the employment practices of the Church of Scientology following complaints from former members.

In May 2010 an opposition senator called for a ban on the wearing of the burqa, claiming it was a symbol of female oppression and had been used as a disguise by criminals. Neither the prime minister nor the opposition leader supported the motion. In May 2010 the New South Wales parliament blocked debate on a private member's bill which sought to ban the wearing of the burqa in that state.

In May 2010 police raided 12 properties owned by a Christian organization called Agape Ministries. Police found large caches of guns, ammunition, and detonators. Subsequently, four men were charged with firearms offences. Authorities were continuing to investigate the organization at the end of the reporting period.

In 2008 the government launched the National Human Rights Consultation to seek the views of the public on how to better protect human rights. It reported to the government in September 2009. The consultation generated debate on whether to establish a Human Rights Act. The HREOC backed such an act, but opponents, such as the Australian Christian Lobby, feared it would give more power to unelected judges. The government released its response on April 21, 2010; it did not support a Human Rights Act.

At the end of the reporting period, the HREOC was preparing a report titled "Freedom of Religion and Belief in the 21st Century" to be released in late 2010. A similar HREOC report 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.

There were no reports religious prisoners or detainees in the country.

#### Forced Religious Conversion

There were no reports of forced religious conversion.

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

There were few reports of societal abuses or discrimination 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 Torres Strait Islander Ecumenical Commission, the Australian Council of Christians and Jews, and the Affinity Intercultural Foundation.

The *Northern Territory News* reported in June 2010 that a young woman applying for an administrative job at Royal Darwin Hospital was asked by a doctor to remove her veil during the interview. She refused and filed an official complaint. Discriminating against someone because of his or her religion is illegal, but whether insisting a Muslim woman remove her veil is discriminatory has not been tested in the territory. Northern Territory Islamic Society President Adil Jamil said less than 2 percent of territory Muslim women wear a veil.

On August 19, 2010, a Perth judge ordered that a Muslim woman, a prosecution witness in a fraud case, remove her full burqa. The defense argued that the jury should be able to see the woman's facial expressions. The judge said she was not setting a legal precedent.

In May 2010 the Federal Magistrate's Court banned a family from sending a 17-year-old Sydney girl to Lebanon for an

arranged marriage. The girl, who objected to the arranged marriage, had called the federal police a month earlier.

In April an Afghani Muslim refugee was sentenced to 22-years' imprisonment for killing his wife; he complained she was becoming "too Australian."

An annual report on anti-Semitism written by the Executive Council of Australian Jewry recorded 962 anti-Semitic incidents in the 12-month period ending September 30, 2009. This was the highest total in the report's 19-year history, exceeding the previous record of 652 the pervious year. Jeremy Jones, the report's author, stated that this larger number of incidents did not represent an increase in physical assaults or actual desecrations of buildings or burial plots. The higher numbers reflect increased anti-Semitism and confrontations with Jews online. The report stated, "There is no evidence to suggest that Australians in general think of Jews in negative terms. Australia does not have a past to which anti-Semites can comfortably look with nostalgia, which distinguishes it from many other countries."

In May 2009 state prosecutors filed charges under anti-vilification laws against a man for allegedly posting anti-Semitic videos on the Internet. On September 2, 2009, he pleaded not guilty. The case was pending at the end of the reporting period.

#### 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.

The embassy in Canberra and the U.S. consulates in Melbourne, Perth, and Sydney regularly engage with a wide range of religious groups, hosting events such as movie screenings, dinners, roundtables, and lectures by prominent speakers. Each year the ambassador hosts an iftar dinner at his residence, and in December 2009 the consulate in Perth supported an interfaith dialogue.

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