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## Australia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **July-December, 2010 International Religious Freedom Report**

Report

**September 13, 2011**

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The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections.

The government generally respected religious freedom in law and 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.

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 list no religion.

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

##### Legal/Policy Framework

Please refer to Appendix C in the Country Reports on Human Rights Practices for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

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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.

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 that 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 1951 Convention relating to the Status of Refugees 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.

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 curricula, with the option for parents to have their child not attend. The government's National School Chaplaincy Program provides annual support of up to A\$20,000 (\$19,770) for government and nongovernment school communities seeking to establish or extend school chaplaincy services. To date A\$151.2 million (\$149.5 million) has been provided to 2,689 schools. No new funding agreements could be entered into after 2008, but the government extended funding until December 2011 for participating schools. The federal government has pledged A\$222 million (\$219.4 million) to expand the program to 1,000 additional schools, focusing on remote and disadvantaged areas.

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

Following a successful pilot program during the year in New South Wales to provide secular ethics classes in 10 public primary schools, as an alternative for students who do not attend optional scripture classes, the government decided to extend the program throughout the state in 2011. The Catholic and Anglican archbishops of Sydney and the Islamic Council of New South Wales opposed 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 a 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 antiracism program to better target potential problem areas and was working with Muslim leaders on the advisory council to develop deradicalization programs for individuals convicted on terrorism-related offenses. In October a Victorian court upheld a discrimination complaint filed by the gay youth support group WayOut against Christian Youth Camps' Phillip Island Adventure Resort for denying the group accommodation because of the camp's stance on homosexuality. The judge ruled that the business was entitled to religious beliefs but that they were not entitled to impose those beliefs on other groups by denying their freedom from discrimination. The government observes the following religious holidays as national holidays: Good Friday, Easter Monday, and Christmas.

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#### Restrictions on Religious Freedom

The government generally respected religious freedom in law and 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 of abuses, including religious prisoners or detainees, in the country.

#### Section III. Status of Societal Actions Affecting Enjoyment of 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.

On August 19, a Perth judge ordered that a Muslim woman, a prosecution witness in a fraud case, remove her full burqa; the defense had argued that the jury should be able to see the woman's facial expressions. The judge said that her order did not constitute a legal precedent that women on the witness stand must remove their burqas.

An annual report on anti-Semitism written by the Executive Council of Australian Jewry recorded 394 anti-Semitic incidents in the 12-month period ending in September; in the previous 12-month period there were 962 incidents.

#### 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 engaged 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 (evening meal during Ramadan) dinner at his residence.

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