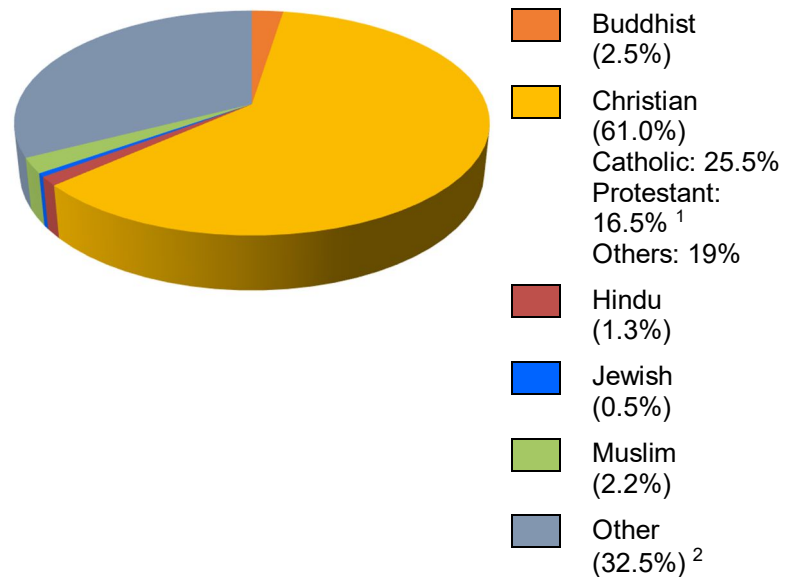


AUSTRALIA



Area: 7,741,200 km ²	Population³: 23.9 Million	Political system: Democracy ⁴	Major Language(s): English, Mandarin, Italian, Arabic, Cantonese, Greek ⁵
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Legal framework on Freedom of Religion and actual application

The Australian constitution prohibits the government from making any law that establishes a religion or imposes religious observance. Nor may the government prohibit the free exercise of any religion, or establish a religious test as a qualification for any federal public office.⁶ The right to religious freedom is subject to certain legal limitations, such as when necessary to protect public safety, order, and health, or the fundamental rights and freedoms of others.⁷

The state of Tasmania is the only state or territory whose constitution specifically guarantees, subject to public order and morality, “freedom of conscience and the free profession and practice of religion”.⁸ Discrimination on the basis of religion or ethno-religious background is explicitly prohibited by law in all of the states and territories, except South Australia. Seven of the eight states and territories, except South Australia, have agencies to investigate complaints of religious discrimination.⁹

Religious groups are not required to register with the government. However in order to receive tax-exempt status, non-profit religious groups must apply to the Australia Tax Office (ATO). Registration with the ATO has no effect on how religious groups are treated.¹⁰

Religious education, usually taught by volunteers using curricula approved at a state or local level, is permitted in state schools, but parents have the option to have their children not attend. State schools in New South Wales provide secular ethics classes as an alternative for students who do not attend optional religious classes.¹¹

Incidents

In June 2014, the High Court ruled that the government’s National School Chaplaincy Programme, which provided funding for government and non-government school communities to establish or extend school chaplaincy services, was unconstitutional. School chaplains are to provide students “support and guidance about ethics, values, relationships, and spirituality.”¹² The programme was

challenged by a parent, described as a passionate believer in the separation of church and state, who argued: “Public schools aren’t a place for religious missionaries, with or without government funding.”¹³ The government subsequently announced in August that it would continue the programme, which is open to chaplains of any faith (so long as they do not attempt to convert students), but would reorganise it so that funding would go to states and territories to distribute to schools.¹⁴

Related to Christianity

In September 2014, a group of men waving a Daesh (ISIS) flag shouted death threats at a Maronite nun in front of a Catholic school in Western Sydney, reportedly threatening to “slaughter the Christians”.¹⁵

In September 2015, Martine Delaney, a Greens party political candidate lodged a complaint with Tasmania’s Anti-Discrimination Commissioner against the Catholic Church about a pastoral letter on the Church’s teachings on marriage, produced in booklet form, that was distributed to families with children at Catholic schools. In November, the Commissioner’s office notified Hobart Archbishop Julian Porteous that the complaint fell within the scope of the anti-discrimination act, and that it had named the Australian Catholic Bishops Conference, as well as the Archbishop himself, as respondents. In May 2016 Tasmania’s Anti-Discrimination Commissioner Robin Banks decided it was not in the public interest to continue investigating the complaint, after it was withdrawn by Martine Delaney.¹⁶

Related to Islam

In September 2014, there were reports of incidents targeting Muslim and Christian communities following high-profile counterterrorism raids in Sydney, Brisbane, and Melbourne.¹⁷ A number of mosques were vandalised, and media reported at least 30 cases of Muslims – particularly women wearing the hijab – who were subjected to physical and verbal abuse in the weeks following the raids.¹⁸

Incidents reported include a Sydney woman in a hijab being physically attacked and her car vandalised; a Brisbane woman with a baby being spat on, having her hijab torn from her head, and being shoved to the ground; and many instances of verbal threats and abuse. A pig’s head embedded with a cross was left on the grounds of a mosque in Queensland.¹⁹ In Sydney, police charged a man with “intimidation and armed intent to commit an indictable offense” after he entered a Muslim school on 26th September 2014 armed with a large knife.²⁰

In December 2014, a self-styled sheik who displayed a flag with the Islamic Shahada or creed on it, held 17 people hostage at a café in Sydney, resulting in three deaths, including that of the gunman. In the wake of the “Sydney siege,” police reported a surge in anti-Islamic activity. One man was charged with making several threats against a mosque.²¹

Several anti-Islam rallies were held across Australia in November 2015, resulting in clashes between those protesters and anti-racism groups.²² The Race Discrimination Commissioner denounced the anti-Muslim rallies as “a fringe of society that’s seeking to promote hatred and division.” The Federal Justice Minister said they were not “reflective of mainstream Australia”.²³

Related to Judaism

The Executive Council of Australian Jewry (ECAJ), a non-governmental organisation, reported that 190 anti-Semitic incidents had been logged by it, community security groups, and official Jewish state community umbrella groups in the 12-month period from 1st October 2014 to 30th September 2015. This is a 39 percent decrease from the 312 recorded by those same organisations during the previous 12-month period. Incidents included eight physical assaults, including throwing eggs and

other objects at identifiable Jews, 119 incidents of abuse, harassment, and intimidation – most frequently aggressive gestures and abusive statements being directed at Jews from passing vehicles, and 126 incidents of vandalism and graffiti.²⁴

In July 2014, a man in Melbourne reported being attacked and injured by several men who shouted anti-Semitic statements. In August 2014, a Jewish kindergarten teacher was struck by a rock thrown from a passing car and five teenagers were arrested for threatening 30 Jewish school children on a school bus in Sydney. Incidences of vandalism and graffiti included damage to buildings and cars. In February 2015, a rabbi was assaulted in Melbourne. In November 2014, a Jewish man was assaulted on the street.²⁵ The ECAJ suggested that much of the 2014 intolerance against Jews might be related to the situation in Gaza.²⁶

Prospects for Freedom of Religion

It appears that while there were no reports of governmental restrictions on religious freedom, there may be a risk of increased societal intolerance toward religions, both minority and majority, as a backlash provoked by events such as domestic terrorism. Also, this is due to publicly available information about geopolitical conflicts e.g. in Gaza, Syria, Iraq, Afghanistan, etc. which are often linked or attributed to religious groups.

¹ Anglicans.

² <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

³ <http://www.abs.gov.au/ausstats/abs@.nsf/94713ad445ff1425ca25682000192af2/1647509ef7e25faaca2568a900154b63?OpenDocument>

⁴ Commonwealth of Australia is a federal parliamentary democracy and a Commonwealth realm

⁵ http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/0

⁶ Commonwealth of Australia Constitution Act, Section 116

⁷ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

⁸ http://www.austlii.edu.au/au/legis/tas/consol_act/ca1934188/s46.html

⁹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

¹⁰ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

¹¹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

¹² <http://schoolchaplaincy.org.au/about-school-chaplaincy/>

¹³ <http://www.theaustralian.com.au/national-affairs/education/school-chaplaincy-program-declared-invalid-by-high-court/story-fn59nlz9-1226959670910>

¹⁴ <http://www.abc.net.au/news/2014-08-27/chaplaincy-program-revised-after-high-court-ruling/5701390>

¹⁵ <http://www.dailytelegraph.com.au/news/students-shaken-as-death-threats-made-to-nun-at-maronite-high-school-in-western-sydney/news-story/3c51cd2538bf25a95e5d6c98f91a7071>

¹⁶ https://www.sydneycatholic.org/news/latest_news/2016/201656_413.shtml

¹⁷ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

¹⁸ <http://www.smh.com.au/national/dozens-of-antimuslim-attacks-as-islamic-leaders-warn-of-community-fear-20141009-113tmk.html>

¹⁹ <http://www.smh.com.au/national/dozens-of-antimuslim-attacks-as-islamic-leaders-warn-of-community-fear-20141009-113tmk.html>

²⁰ <http://www.abc.net.au/news/2014-09-30/bail-refused-over-muslim-school-knife-threat/5778562>

²¹ <http://www.smh.com.au/nsw/sydney-siege-aftermath-man-charged-following-alleged-hate-threats-to-auburn-mosque-20141217-128w9t.html>

²² <http://www.aljazeera.com/indepth/inpictures/2015/11/punches-thrown-australia-anti-islam-rally-151123052110274.html>

²³ <http://www.abc.net.au/news/2015-11-23/australians-should-reject-repudiate-violent-anti-islam-rallies/6963902>

²⁴ <http://www.ecaj.org.au/2015/ecaj-2015-report-on-antisemitism-in-australia/>

²⁵ <http://www.ecaj.org.au/2015/ecaj-2015-report-on-antisemitism-in-australia/>

²⁶ http://www.ecaj.org.au/wp-content/uploads/2012/08/2014_antisemitism_report.pdf