

National Submission

By the Christian Democratic Party

To the

Inquiry into Freedom of Religion and Belief In the 21st Century

By the Australian Human Rights Commission (AHRC)

(Refer attached CDP National Charter)

Authorised by Reverend Hon Fred Nile MLC
National and NSW President

1. Majority Christian Faith

We commend this Inquiry if it strengthens the role and influence of the Christian Faith in Australia, which is supported by 64% of the Australian population, according to the 2006 Census: Anglican 19%, Catholic 26%, Uniting 5.7%, Presbyterian and Reformed 3%, Eastern Orthodox 2.7%, Baptist 1.6%, Lutheran 1.3%, Pentecostal 1.1% Other Christian 3.9%.

2. Minority Non Christian Faith

We recognise that the minority non-Christian religions have grown in recent years, mainly through immigration, but still only constitutes 5.6% of the Australian population. Buddhism 2.1%, Islam 1.7%, Hinduism 0.7%, Judaism 0.4%, other non-Christian 0.5%.

We note the use of the term "Multi Faith Nation" by the Race Commissioner, Mr Tom Calma, which sometimes confuses the debate about religion in Australia.

3. Persons Indicating No Religion

The Census question relating to Religion is the only voluntary, non compulsory question, so there is a large percentage of Christians and Jews who do not answer this Religious Question, so there is a large percentage of Christians and Jews who do not answer this Religion Question, or indicate "no religion". First hand reports have revealed a fear, especially amongst Jews, that stating their religion may lead to religious persecution in a future period even though the Census is organised to preserve the privacy of those who respond.

The identification and persecution is still very fresh in the memories of the Jewish community.

A percentage of Christians also has a growing fear of Government, which could lead to the persecution of Christians.

The activities of the Federal Human Rights and Equal Opportunity Commission, and even this Inquiry, have caused deep concern in the Christian Community with statements such as "This Inquiry presents a major threat to our religious freedom".

4. Perceived Commission Bias

The above statement would probably cause ridicule with some of the Commission's own staff, but there is a basis for this perception, as these following samples show:

The Inquiry is being run in "partnership" with Monash University, with its reputation for radical policies, The Royal Melbourne Institute of Technology and the Australian Multicultural Foundation (AMF).

Gary Bouma from Monash acted as an expert witness for the Islamic Council in the Catch the Fire religious vilification court case, which clearly compromises his independence in such an influential role.

This Court Case sent a shock wave through the Christian community in Australia, as it implied the enforcement of a type of Sharia law based on the Islamic Koran in Australia (refer attached Court Case Summary).

Key people include Des Cahill from The Royal Melbourne Institute of Technology and Hass Dellal, a Muslim who runs the Australian Multicultural Foundation (AMF).

These key people also wrote the book called "Religion, Cultural Diversity and Safeguarding Australia" for an Immigration Department projection in 2004. This book made a number of radical proposals such as the replacement of the traditional Australian Prayer from the opening of the Federal Parliament, "*Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Parliament. Direct and prosper our deliberations to the advancement of Thy glory, and the true welfare of the people of our State and Australia. Amen*". Then the Lord's Prayer "*Our Father, Who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in Heaven, give us this day our daily bread, And for give us our trespasses as we forgive those who trespass against us. Lead us not into temptation but deliver us from evil. For Thine is the kingdom, and the power and the glory forever and ever. Amen*".

These Opening Prayers, which also occur in our State Parliaments, were to be replaced by Hindu, Buddhist, Muslim, etc, prayers.

These traditional Opening Prayers were recently the centre of controversy when The Speaker of the House of Representatives, Mr Harry Jenkins MP, raised the question of replacing those prayers. Both the Prime Minister Kevin Rudd and the Leader of the Opposition Malcolm Turnbull, rapidly stated their policy in support of the current traditional prayers and did not support any changes.

These Opening Prayers have never been challenged by members of other religions, including the Muslim religion, in my 28 years as a Member of the NSW Parliament. The only criticism has come from a minority of atheists who do not believe in God.

Muslims regard the Opening Prayers as reflecting the central belief of Islam which is submission to the Will of God.

Muslims I have met also respect the Lord's Prayer as taught by Jesus Christ, who is highly respected as a Prophet of God in the Muslim sacred book, the Koran.

During the debate over the removal of these Opening Prayers in the NSW Legislative Council (Upper House), the vote was 31 to 5 in favour of retaining these Opening Prayers. Refer Hansard Debates (2001 first debate and 2003 second debate).

However, in spite of this bias the Christian Democratic Party has submitted this Submission with reservation in some circles.

Recommendation:

We recommend, to remove this perception of bias, that the Commission increase the three key person to six and add Associate Professor Stuart Piggin, Reverend Dr Ross Clifford, Reverend Dr Peter Barnes and Barrister Robert Balzola. Please refer to their profiles, as below.

- i. Associate Professor Stuart Piggin has played a leading role in the issues to be considered by this Inquiry and was Convenor of the National Forum on Australia's Christian Heritage in Federal Parliament House in August 2006. Refer www.australiaschristianheritageforum.org.au
- ii. Rev Dr Ross Clifford BTh, DipLaw, DipMin, MA, MTh, ThD is both a lawyer and a theologian. He has also served as Australian President of the Baptist Church.
- iii. Rev Dr Peter Barnes is a lecturer at the Presbyterian Theological College and has had a deep interest in the issues being considered by this Inquiry.
- iv. Barrister Robert Balzola B.Ec LLB LLM MA (Theol) as a Catholic has debated these issues over many years.

5. Religious Vilification

Religious Vilification laws have been controversial in Australia as a result of the long, drawn-out "Catch the Fire" Religious Vilification Victorian Court Case.

In spite of objections, similar Religious Vilification laws have been adopted in the ACT, Queensland and Tasmania. However, in NSW, a more draconian Private Members Religious Vilification Bill was defeated by a combined vote of the ALP, Liberal and National, Christian Democratic Parties in opposition to the Green Party and the Mover, Hon Peter Breen.

There are ongoing determined efforts to repeal or amend the Victorian Religious Vilification Law, which has been shown to provide special protection for the Muslim religion on a similar basis to Shariah law in Muslim nations.

Recommendation:

We therefore totally oppose a Federal Religious Vilification Law, which would be a major attack on the freedom of speech, and recommend the Commission reject any such proposal.

6. Australia, a Christian Nation

The Commonwealth Constitution of 1901 contains two important references to religion, which must be clearly understood by the Commission.

Opening Preamble:

The Opening Preamble of the Commonwealth Constitution contains this recognition – that Australia was born under the blessing of God.

The Preambles states “..... humbly relying on the blessing of Almighty God”. Members of other religions, such as Muslims, are pleased our Constitution acknowledges God. This acknowledgement is not an accident but was the result of fierce national debate in Australia over the question – how do we acknowledge Australia is a Christian nation?

There were a number of proposals and finally the current Preamble was the agreed form of words, which reflected the widespread belief of politicians and Church leaders (refer Hansard).

In 1898, Sir John Downer, who had an influential role concerning the Commonwealth Constitution, stated, “Our Commonwealth from every stage will be a Christian Commonwealth”.

No referendum has been held to overturn this belief since the Referendum that adopted the Commonwealth Constitution. In fact, the powerful Church leaders of this period had threatened to campaign for a NO vote if there was no acknowledgement of God.

It is obvious that if they had carried out their threat, the referendum would have been defeated and we could have continued with separate Sovereign State Governments on a similar basis to the European nations, with separate State Armies, Navies, etc.

One of Australia’s first Prime Ministers, Alfred Deakin, thanked God in his prayers when the Commonwealth Constitution was adopted with these words: “God preserve these people and grant its leaders unselfish fidelity and courage to face all trials for the sake of brotherhood. Thy blessing has rested upon us here yesterday and we pray that it may be the means of creating and posturing throughout all Australia a Christlike citizenship”.

7. Commonwealth Constitution Section 116

“The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth”.

This section has frequently been misunderstood because of its historical context.

In the 1880’s “religion” in the British context referred to the Christian religions such as the Anglican religion, Catholic religion, Baptist religion, etc. Australia, as a British nation, inherited these views.

“Religion” in the 1880’s did not refer to other religions such as Muslim, Buddhism and Hinduism, etc.

Therefore, Section 116 does not in any way undermine the fact Australia is a Christian nation because of its Christian heritage, Christian majority and Christian conventions such as the Opening Prayers of Parliament.

The same confusion has arisen over the use of the word “secular” in State laws such as the 1880 NSW Education Act which stated Education in State/Public Schools had to be “Free and Secular”. “Secular, in the 1880’s meant “non denominational”, that is non Catholic, non Anglican, non Baptist etc.

“Secular” meant it had to be Christian teaching based on the Holy Bible without any denominational emphasis. Therefore, State teachers could not promote the Catholic Mass, Baptist State Teachers could not promote Baptist Adult Baptism, etc.

This denominational teaching was to take place in the original daily Scripture classes in State Schools, and then reduced to one period per week, which would be conducted by approved denominational Scripture teachers.

Therefore, Section 116 and the word “religious” and State Laws with the word “secular” were not anti Christian and did not in any way undermine Australia being a Christian nation. This does not mean every Australian is a Christian or a churchgoer. It refers to our heritage, conventions, culture and laws in the same way Pakistan is Muslim or India is Hindu or China is Communist with Christian minorities.

Therefore the purpose of Section 116 was not to prevent Australia being a Christian nation but the exact opposite. It ensured Australia would be a Christian nation, but it would not have State Church, as occurred in England with the Church of England, or European nations with State Lutheran Churches.

The non Anglican Denominations, particularly Catholic, Presbyterian and Baptist, did not want to be under a State Church of England in Australia.

Section 116 therefore was to protect the Freedom of Religion from the power of the State and from the power of any dominant Church.

Australia as a Christian nation is tolerant of religious minorities and protects them from religious persecution or the law, as long as they obey and uphold Australian laws.

Australia as a Christian nation also respects the lawful religious practices of various religions, such as ensuring Industrial Laws enabled Muslims to attend the Mosque on Friday, or Jewish believers to worship on Saturday, their Sabbath. I have personally supported these provisions in our NSW Industrial Laws.

8. Religious Freedom Act

In 1998, the Federal Human Rights and Equal Opportunities Commission (HREOC) held an Inquiry into Religious Freedom and published a report – “Article 18 Freedom of Religion and Belief”. It investigated Australia’s obligation under the UN “International Covenant on Civil and Political Rights”.

The HREOC report recommended the establishment of a Religious Freedom Act and suggested all religious beliefs are equal. We do not accept the HREOC’s reliance only on the “International Covenant on Civil and Political Rights” to recommend the necessity of a Religious Freedom Act.

The relevant UN Document is the “Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief” (1981), which states in paragraphs 1, 2 and 3 of Article 1:

“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

At the same time we note that Paragraph 3 of Article 1 makes it clear that it is not envisaged that freedom of religion shall be unfettered when it comes to putting religious belief into practice:

3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental right and freedoms of others”.

We do not believe there is any need for a Freedom of Religion Act because we already have adequate protection of religious freedom because of:

1. Section 116 of the Commonwealth Constitution,
2. The Commonwealth Freedom of Religion and Belief Act (1986),
3. The UN Declaration on Religious Tolerance and Non Discrimination (1981) which the Australian Parliament signed in 1981, and the International Covenant on Civil and Political Rights (1966) ratified by Australia in 1980, particularly Article 18.

We believe all religious groups should be allowed to make statements in their own or rented premises against any other religious view world view or philosophy and to produce publications promoting their views.

Obviously this excludes statements which specifically promote hatred of or violence towards a racial, religious or national group. Every religious group (school, aged home, church, religious organisation) must be free to choose who they employ, that is in agreement with the religions so expressed.

We do not support any law that would force a Muslim school to employ Christian or Atheist teachers, or force a Christian school to employ Muslim, Atheist or practising homosexuals.

Recommendation:

We therefore oppose any proposed Bill or Charter of Rights, as it would put controversial issues into the hands of unelected judges, rather than democratically elected parliaments. (Refer former Premier Bob Carr's opposition to the Bill of Rights <http://www.cis.org.au>.)

So-called Freedom of Religion laws rapidly change to Freedom FROM Religion, as non-Christians use this law to restrict and attack the rights of Christians to practise their Christian faith.

For example – to use the Freedom of Religion Law to prevent Christian Anzac Day Services, to prevent the distribution of Bibles to new Police Officers or Army, Navy or Air Force recruits, to prevent distribution of Gideon Bibles/New Testaments in hotels, motels and schools, to prevent Councils or State Governments supporting Christian Christmas Carols by Candlelight Services, to prevent Christian Youth Beach Missions, to prevent the use of the Bible in Courts, to prevent Scripture Classes in State/Public Schools, to prevent Christian prayers at State Funeral Services, to prevent Army, Navy, Air Force Church Services, to prevent Army, Navy, Air Force Chaplains and Police Christian Chaplains, to prevent Federal Christian School Chaplains, to prevent Federal and State Government cooperation with Christian/Church projects and building projects, to prevent Christian basis of marriage – monogamy not polygamy, not same sex marriage, to prevent Christian-based moral laws concerning pornography, incest, indecent exposure, adoption laws, to prevent restriction on Christian morality related laws restricting to alcohol, drugs and gambling etc.

Recommendation:

We oppose any form of a Freedom of Religion Act, as it is not necessary and may in fact reduce our Freedom of Religion by its application and undermine our national harmony and unity by crating controversy and division.

9. Recognition of Christian Holy Days

Since its founding, Australia has always observed its Christian Holy Days as Public Holidays, i.e. Christmas Day to celebrate the birth of Jesus Christ, and Good Friday to

commemorate the death of Jesus Christ for our sins and for our salvation. Easter includes Good Friday, Easter Sunday and Easter Monday, to celebrate the resurrection of Jesus Christ.

These Christian Holy Days are embodied in Industrial Legislation and by the Proclamation of the State and Federal Parliaments.

Good Friday, because of its solemn nature, also has been given special protection by our various Liquor/Hotel laws. Obviously the observance of these Christian Holy Days is completely voluntary and no one is forced to attend Church or take part in any special religious events or ceremonies.

The percentage of the population who believes in Jesus Christ is over 86% and is higher than the Census figures of 63.9%. Refer Church Life Surveys www.ncls.org.au

10. Constitutional Monarchy

Since its inception in 1901, our Commonwealth Constitution clearly states Australia is a Constitutional Monarchy and prior to that date from 1788 with the arrival of the First Fleet under Captain, later Governor, Arthur Phillip.

The Republican Referendum upheld our Constitutional Monarchy in January 1999, which overwhelmingly rejected a Republic and voted to retain our Constitutional Monarchy.

We attach The Reverend Fred Nile's Speech in the NSW Parliament on 3rd April 1990, which clearly states our Christian Heritage in the Crown and Parliament.

11. Polygamous Relationships

One of the most controversial issues facing Australia is the demand by Muslims for legal recognition of polygamous relationships and Muslim divorce laws. Some Muslims coming to Australia as refugees or migrants have more than one wife according to Islamic Law. Other Muslims living in Australia wish to marry more than one woman and do so under Muslim law. Apparently they easily receive religious recognition by the local Australian Imams, but not by Australian law.

Australia is based on the Judeo-Christian Ethic and upholds Christian standards of marriage, that is, only one wife is allowed. More than one wife is bigamy and a criminal offence.

Muslims wishing to come to Australia must be told they are coming to a Christian nation with Christian based laws. If they object to these laws then they should choose to live in a Muslim nation, such as Indonesia or Malaysia, which recognises Muslim polygamy and Muslim divorce laws.

We now have the illegal situation where a number of Muslim husbands with more than

one wife seek legal recognition for one wife and classify the remaining “wives” as “single unmarried mothers” for Social Security purposes so that they get pensions.

This illegal practice must be prohibited.

Muslim divorce laws are also in conflict with our Australian family law and cannot be legally adopted in Australia.

Recommendation:

We recommend Australia maintains its current marriage and divorce laws and prohibit polygamy.

12.Future Religious and Cultural Harmony in Australia

Australia has been held up as a model for the rest of the world as it has absorbed millions of new arrivals and settlers from over a hundred different nations, cultures and religions.

Australia has successfully demonstrated cultural and religious harmony, particularly since World War II.

Migrants of different religious beliefs such as Hinduism, Buddhism, Judaism etc have recognised they live in a peaceful, Christian nation that respects the beliefs of religious minorities.

However, beliefs such as paganism and witchcraft etc should not receive the same tolerance and legal recognition.

In recent years we have seen the rise of Islamic fundamentalism in Australia, which is causing widespread concern in our nation from all religious and non-religious communities.

This Inquiry must examine this development and recommend policies to reduce the impact of Islamic Fundamentalism on our national harmony and security.

A major concern is the increase in Islamic Schools and Mosques where this Islamic Fundamentalism is being taught and promoted.

These organisations, such as the Quranic Society teach the literal obedience of the Koran which has many sections that condemn Christians and Jews.

The Koran particularly rejects the Christian belief that is held by over 80% of the Australian population that Jesus Christ is the Son of God.

The Koran condemns those Christians who believe Jesus Christ is the Son of God as “corrupt unbelievers”. Refer to the following quotes from the Koran.

Koran, Surah 5.80 (pg 112): The messiah, son of Mary, was only a messenger.

Koran, Surah 5.55: O believers, take not Jews or Christians as friends, they are friends of each other. Who so of you Muslims who makes them his friends is one of them. God guides not the people of evildoers.

Koran, Surah 9.30 (pg 182): The Jews say Ezra is the Son of God, the Christians say the messiah Jesus is the Son of God. That is the utterance of their mouths, conforming with the unbeliever before them. God assail them! How they are perverted!

Koran, Surah 9:70 (pg 205): The Christians say God has taken to Him a son – say those who forge against God falsehood shall not prosper

Koran, Surah 16:50 (pg 287): God says, “Take not to you two gods. He is only One God, so have awe of me”.

Koran, Surah 17:287 (pg 287): Praise belongs to God, who has not taken to Him a Son and who has not any associate in the kingdom

Koran, Surah 17:35 (pg 305): It is not for God to take a son unto Him

Koran, Surah 5.20 (pg 102): They are unbelievers who say God is the Messiah, Mary’s son.

Koran, Surah 5.75 (pg 111): They are unbelievers who say God is the Messiah, Mary’s son.

Koran, Surah 5.80 (pg 97): They are unbelievers who say God is the third of three (Trinity of God the Father, the Son and the Holy Spirit).

It is essential for our future peace, harmony and security, that these anti Christian teachings not be promoted in Australia through Islamic Schools and Mosques.


Recommendation:

We recommend the close supervision of the preaching in Mosques and teaching in Islamic Schools with approved preaching and teaching materials as occurs in the Muslim nations of Turkey, Malaysia, Saudi Arabia and Egypt etc.

Conclusion:

Thank you for the opportunity of sharing our concerns to your Inquiry. We pray that Almighty God will guide your Inquiry in its investigations and Report so that Australia will continue to be a Christian nation in its culture and conventions whilst recognising and respecting religious minorities.

We believe Australia is a Christian nation in the same way as Pakistan is a Muslim nation that has Christian and other religious minorities. It does not mean every Australian is a Christian or a Churchgoer.



Reverend Hon Fred Nile MLC
National/NSW President

30th January 2009