

12 February 2018

Re. SUBMISSION to RELIGIOUS FREEDOM REVIEW PANEL

The Hon. Phillip Ruddock and Panel

Dear Sir,

The Prime Minister announced the Terms of Reference for the Review on 14 December 2017. In undertaking its Review, the Prime Minister has instructed the Panel to:

- a. consider the intersections between the enjoyment of the freedom of religion and other human rights
- b. have regard to any previous or ongoing reviews or inquiries that it considers relevant
- c. consult as widely as it considers necessary

I refer to Section 116 of the Australian Constitution on religious freedom:

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.

In its broadest sense, S.116 is specifically brief, identifying 4 key aspects to religious freedom, namely:

- a) no law for establishing any religion,
- b) no law imposing any religious observance,
- c) no law prohibiting the free exercise of any religion, and
- d) no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

So, one could live happily under the belief that “all is good!” Issues arise when certain aspects of life and culture clash with these aspects.

For example, there may be no law for establishing any religion but the moment a group applies to build a church, gathering space or temple they must deal with objections from those in the neighbourhood. Particular faiths seem to be targeted by their neighbours.

According to the 2016 Census, the majority of Australians (52.1%) identified themselves as Christian and, as a result of this percentage being much higher in our earlier colonial years, Christian feasts and celebrations throughout the year are supported by public holidays, e.g. Christmas and Easter Days, while major feasts and celebrations of other faiths often go unnoticed.

MEMBERS

Anglican Church; Church of Christ Wembley Downs; Coptic Orthodox Church; Ethiopian Orthodox Church; Greek Orthodox Church; Lutheran Church; Religious Society of Friends; Roman Catholic Church; Romanian Orthodox; St George Indian Orthodox Church; Church; Salvation Army; Syrian Orthodox Church; Uniting Church

ASSOCIATE MEMBERS

The Student Christian Movement; Australian Church Women; World Day of Prayer Committee

There are growing pressures upon aid agencies to compromise on their ideals and values in order to receive Government funding for various social services and projects.

As we progress into the Third Millennium, the social and cultural issues facing the Australian people have multiplied and the result is a complexity of views on both sides of the debate, producing a lack of clarity unseen in human history. People take sides on arguments based upon their faith and beliefs, culture, life circumstances, educational background, and experiences.

There is the tension between “the enjoyment of the freedom of religion and other human rights;” the desire for freedom, justice and human dignity for all humankind versus the scientific and technological development which have the capacity to define humanity at our best, or destroy us with the press of a button.

There is the tension between those who work out of the various religious frameworks when dealing with these issues and those who avow a humanist/secularist approach.

Our organisation is broadly connected with the World Council of Churches which is established to work towards closer unity within Christianity. Given the diversity of Christian religious denominations and the desire to follow Jesus Christ who prayed: “Father, may they all be one,”¹ we understand the complexity of the many debates facing the Australian people, and the need for such skills as tolerance, patience, the ability to listen, compassion and mercy, the desire to learn about each other, and the need to pray together as Christian men and women, in its broadest, most sincere sense.

“The Council of Churches of Western Australia Inc. is an Association of Christian Churches or related Christian bodies, which exists to promote a closer unity among Christians in Western Australia, according to the commitments, purposes and objects of the Constitution.

“The Council is based on the acknowledgement of the Lord Jesus Christ as God and Saviour as witnessed to by the scriptures and in the life of the Church, and on the readiness of the Churches to fulfil together their common calling to the glory of the one God, Father, Son and Holy Spirit.

Our Purposes and Objects are:

- a. To discover and celebrate in prayer and worship the unity the Member Churches have in Christ that the world might believe.
- b. To enrich all Member Churches through the sharing of faith, hope and love, and in this way to lead to a deeper commitment by all to Christ and His Kingdom.
- c. To foster in the Member Churches a vision of Christian unity.
- d. To provide a forum for discussing the concerns of Member Churches.
- e. To establish and maintain relationships with other ecumenical agencies in Australia and overseas. To assist communication among Member Churches.
- f. To facilitate common action or collaboration by the Churches in witness and service.
- g. To be the servant of and responsible prophet to the Churches.
- h. To call the Churches to prayer for the unity Christ wills by the means that He wills.
- i. To provide ecumenical chaplaincy services in hospitals, prisons and other institutions as appropriate.”²

The Council recognises the need to find that balance between current social issues and the wider global family who aspire to other religions and cultures by practising those same skills abovementioned.

¹ John 17:21

² Constitution of the Council of Churches Western Australia last amended 7th April 2016, p.1.

The Council of Churches WA (CCWA) would like to acknowledge our appreciation for inviting us to make a submission as you review the statement on Religious Freedom in Australia. The following concerns have a prominent place at our monthly meetings, and we would like to bring them to your attention.

Chaplaincy Services to Hospitals and Prisons

I refer to (i) above: “to provide ecumenical chaplaincy services in hospitals, prisons and other institutions as appropriate.” Healthcare organizations in Australia recognise the need for “holistic” care which attends to the physical, mental, emotional and spiritual aspects of persons resulting in good health and well-being.

In the past, prisons recognised the importance of tending to the spiritual needs of incarcerated persons, allowing appropriately trained chaplains to meet with prisoners for counselling, private prayer and public worship.

In recent years, both public hospitals and prisons have lessened their commitment to providing the basic right of patients and inmates to meet with a chaplain and/or minister. CCWA has, at times, experienced difficulty in the provision of chaplains to respond to the requests of persons. However, the major obstruction is the lessening of hours for ministry and the lessening of funds to support the ministry. This is a direct contravention of Section 116 (c) of the Constitution on Religious Freedom, as well as Article 18 of the Universal Declaration of Human Rights, which states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.³

Another issue that is of great concern to the CCWA involves the soon to be opened new Children’s Hospital in Perth. Unlike other public hospitals, the new hospital does not include a room for quiet reflection and prayer for patients and their families. There has been a room set aside for the use of the Muslim community, and no provision for people of other faiths.

In the cases of both hospitals and prisons, the CCWA is distressed at what can only be described as neglectful oversight on the part of the State Government to ignore the basic human rights of the majority of persons who find themselves in such situations of great vulnerability and who turn to the Divine Other for help, mercy and healing.

Conclusion

The Council of Churches WA recommends that the Review panel keep in mind the religious and spiritual needs of the most vulnerable in our society, on whose behalf we advocate. If the revision of the law on religious freedom includes the value of freedom of religion and the right to practice that religion, then State Governments will need to respond positively and financially to the request for chaplains to minister in prisons, hospitals and other institutions (nursing homes, aged care facilities) to meet the spiritual and religious needs of these vulnerable persons. This would include funding for appropriate training (e.g. Clinical Pastoral Education) for chaplains and pastoral associates who work as chaplains.

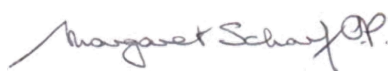
³ *Universal Declaration of Human Rights, 1948, Article 18.* <http://www.un.org/en/universal-declaration-human-rights/>

While the Council of Churches WA is a Christian association, which supports Christian men and women in prisons and hospitals, from time to time we hear of concerns from persons of other faiths who would appreciate a visit from someone who is a member of their religion. With respect to the increasing multi-cultural society of Australia, we recommend that Governments recognise the need for chaplains who are adherents of the various religions and cultures in the various regions of Australia, and encourage the support and training of appropriate persons for this pastoral ministry. Grants for participants to apply for training, and the financial support for wages would be very helpful, and provide the incentive for persons to come forward to “companion” those who find themselves in vulnerable situations.

Finally, the Council of Churches of WA recognises the enormous task ahead of the Review panel to adequately represent the multi-cultural and religious diversity of this Great Southern Land in your recommendations to assist the review of Section 116 of the Australian Constitution on Religious Freedom. Given that the Constitution was presented to the Australian public in the year 1900, and given that our land embraces so many cultures and religions in the 2000s, it is time to discuss whether Section 116 is a true reflection of where Australian people stand, at this point in time, and can be written in such a way as to reflect the future desires of our Aussie Family.

We will advocate the need for prayer and reflection among the member churches, that you will be able to exercise those skills of “tolerance, patience, the ability to listen, compassion and mercy, the desire to learn about each other, and the need to pray together” for the spiritual well-being of all who have made their way to our shores.

With our sincere thanks,



Margaret Scharf OP.

Sr Margaret Scharf OP
Chairperson: on behalf of the Council of Churches of WA

