

**AUSTRALIAN COUNCIL FOR THE DEFENCE OF GOVERNMENT  
SCHOOLS**

**PRESS RELEASE 508#**

**‘ADVANCING SECULARISM IN AUSTRALIA’.**

**MAX WALLACE**

**21 MARCH 2013 PRESENTATION AT PANEL DISCUSSION MACQUARIE  
UNIVERSITY**

How do we ‘advance secularism’ in Australia? In my view, the main problem is the same as it has ever been: Australia is not a republic and there is no constitutional separation of church and state, either federally or within the states. This means government can fund and privilege religion as it sees fit without fear of legal sanction. That means, as taxpayers, we subsidise religion whether we like it or not.

In my view, that qualifies Australia as a soft theocracy rather than a democracy.  
**(1)**

The great disappointment for secular activism internationally is that Christopher Hitchens died before he could never turn his mind to church wealth and their tax exemptions. Had he done so we would be much further down the track in terms of the public awareness of this issue.

Here, in round figures, are the net equity, and cash and bank balances, of the top fourteen religious organisations in New Zealand from the data bases of the New Zealand Charities Commission (SLIDE 2). I can’t give you the Australian amounts because religious organisations have been *exempted from reporting* to the new Australian Charities Commission.

This was noticed by the Not-For-Profit Project at the Law School of the University of Melbourne. In a submission to the parliament they said: ‘The exemption from disclosure and from governance standards for ‘basic religious entities’ is very unusual. There is no explanation for the special treatment in the Explanatory Materials and no other charitable entity type attracts this treatment.’**(2)**

ORGANISATION	NET EQUITY	CASH/BANK
Catholic Diocese Auckland	\$695M	\$6M
Salvation Army NZ Group	\$425M	\$17M
Dilworth Trust Board [Anglican]	\$390M	\$46M
Catholic Archdiocese Wellington	\$329M	\$3M
St John's College Trust Board [Anglican]	\$316M	\$13M
Catholic Diocese Palmerston Nth	\$242M	\$2M
McCauley Trust [Catholic]	\$198M	\$45M
Catholic Diocese of Christchurch	\$187M	\$1M
Catholic Diocese of Hamilton	\$177M	\$3M
Church of JC Latter-Day Saints	\$173M	\$7M
Selwyn Foundation Group [Anglican]	\$163M	\$21M
Anglican Diocese of Christchurch	\$161M	\$3M
Catholic Diocese of Christchurch (2)	\$138M	\$4M
Seventh Day Adventist Church of NZ	\$131M	\$37M

Religious organisations in New Zealand report they have \$13.3B in assets, of which \$744M is in cash and bank accounts. If they are this rich in New Zealand, how rich are they in Australia, and indeed, the United States?

There has been a recent claim that a quarter of New Zealand children are living in poverty. **(3)** If this is so, how can the Salvation Army, in particular, have as much as \$17M in the bank?

On the Q & A program on March 11, the Shadow Minister for Education, Christopher Pyne, stated that mainly private, religious schools in Australia were saving taxpayers \$8.8B annually. The reasoning is that if the parents of private school students were not paying fees the government would have to find \$8.8B for the education of these children.

But how rich are the tax-exempt churches that stand behind most of these tax-exempt schools, some of whom are very wealthy in their own right?

Could the revenue from church wealth be on such a scale they could in fact afford to fund their own schools? *Business Review Weekly's* 2005 estimate that the five big churches in Australia had a revenue of \$21.7B may be a serious underestimate given the New Zealand data **(4)**.

Who fixed it so the reporting requirement to the Charities Commission for churches is *not* required in Australia while it *is* in New Zealand?

I suggest the exemption for churches reporting to the Charities Commission is tantamount to a cover-up. Be that as it may, I suggest a High Court case to contest the tax exemption for religion could be a way to go. There has already been a step in this direction. In 2008 disaffected Catholics attempted a case in the High Court arguing the \$20M federal funding for the Pope's World Youth Day in Sydney was unconstitutional. The *Vescio* case didn't make it to the full bench partly because the writ was found to be 'vexatious' by a Catholic judge. **(5)**

However, the plaintiff's barrister, Peter King, made the point that the Court found in the 1981 Defence of Government Schools case that federal funding for religious schools was not unconstitutional because it was for education, not religion.

If that is so, he argued, how can \$20M of federal funding for the Pope's big event in Sydney *not be* unconstitutional? In 1981 the Court said, 'oh no, the money is not for religion, it's for education'. Now here in 2008 was a case where the money is clearly for religion and they scuttle the case.

It's a lot more complicated than that, but, I believe, an establishing clause argument could be constructed and won. We have to convince the Court that no, government cannot fund religion or atheism – that, to my mind, is the very core of secularism - and yes, s.116 of the constitution really does mean separation of church and state. All we lack is a few hundred thousand dollars to have a go.

- (1) 'A soft theocracy can be defined as a state where church and government purposes coincide to garnishee taxpayers' money and resources, structurally through tax exemptions and functionally through grants and privileges.' M. Wallace, *Realising Secularism: Australia and New Zealand*, ANZSA, Melbourne, 2010, p.72.
- (2) Not-For-Profit Project, University of Melbourne Law School, Submission to the House of Representatives Standing Committee on Economics, Exposure Draft Australian Charities and Not-For-Profit Commission Bill 2012, 25 July 2012.
- (3) Radio National, 5 March 2013. Source: Dr Airini, Head of Critical Studies in Education, University of Auckland.
- (4) 'Charity Inc.' *BRW*, 24-30 March, 2005, p.45.
- (5) *Vescio* No.S292 of 2008, High Court of Australia, Transcripts, 20 & 27 June 2008; M. Wallace, 'Conflict of Interest?' *Dissent* Winter, 2011.

## THE DOGS RADIO PROGRAM

3CR

855 ON THE AM DIAL

12.00 NOON SATURDAYS