Section 116 of the Constitution of Australia precludes the Commonwealth of Australia from making laws, inter alia, prohibiting the exercise of any religion.

Historically, the High Court appears reluctant to provide an interpretation of what “the exercise of any religion” really means.

To me this is the essence of the issue as it relates to freedom of religion, and that in this Review of the freedom of religion, clarification of the intention of this limb of Section 116 should be provided.

There are two elements that are probably most prominent in the discussion of freedom of religion:

- **Internal Influence** - The ability to nurture the personal growth of the “believer” and that of their charges (fellow believers, family and children)
- **External Influence** – The manner in which individuals of a given faith / belief, interact with the broader community

**Internal Influence**

Believers should be able to teach and encourage one another in their faith:

- Without ridicule
- Without interference from the State or Commonwealth
- When and how the traditions of that religion provide for

This teaching and encouraging should be conducting conscious of those around, within the broader laws of the State and Commonwealth (to the extent that the laws of the State and the Commonwealth do not prohibit the free exercise of any religion).

The State and the Commonwealth, in the exercise of its various authorities, should ensure that people of different belief values (including atheism) acknowledge and accept the rights of others to be able to exercise their faith / beliefs associated with their religion without ridicule or favour, particularly in public education. Public education should provide a balanced, unbiased environment, accepting of the right for people to have different beliefs, and to promote that acceptance (tolerance); and not to act in a critical manner towards students of different faiths, or the teaching they may receive from parents or religious institutions.

**External Influence**

I believe that the issue of evangelism, as it impacts the broader community (those who do not subscribe to the belief or values promoted by the evangelism), is satisfactorily managed by current laws associated with harassment.

An individual may not wish to be subject to ongoing approaches by another person engaged in “evangelistic” activities. The subject of those approaches should have the right to say that they do not wish the “evangelising” party to continue as it constitutes harassment due to the unwanted nature of the ongoing approaches.

External Influence includes consideration of how to address the issue where two parties of different views interact. The oft cited example is that of the Christian wedding cake maker, engaged by a gay couple wanting to get a wedding cake made.

The public debate seems to focus on the lack of “tolerance” that, in the case, is demonstrated by the baker. However, the discussion doesn't consider the “tolerance” that could be demonstrated by the
gay couple in accepting that the baker has a view that is inconsistent with their view, and that the baker has a “right” to that view.

In any instance, the views or beliefs of one party should not be force another party to act against their conscience or belief.

I actually think this case is a “nonsense” discussion as ultimately free market forces will resolve the provision of a cake for the gay couple.

**Conclusion**

The outcome of this Review should provide clarity and certainty for all members of society on what religious freedom is. The term “tolerance” has been used to great effect in recent years in other areas of society, and is just as applicable in the individual’s rights to exercise their beliefs / values, and to provide an inclusive environment that encourages the broad discussion and thought that religion brings to society today.