

You're entitled to your opinion, unless it's not based on facts.

Senator-elect Pauline Hanson, leader of the far-right 'One Nation' party secured the required votes in Queensland and therefore has a legitimate right to represent her party in the Senate.

In a free and open democracy people are entitled to their opinions, however, politicians who occupy positions of power and responsibility must rise above divisive, inflammatory, baseless and unconstitutional rhetoric.

FactCheckOneNation is about moving past the political rhetoric and divisiveness. The website seeks to illuminate the substance and veracity of One Nation's policies and position statements.

We have sought to fact check each and every one of One Nation's policy statements on Islam and Muslims to see how they stack up. You can find the responses [here](#).

Pauline Hanson's One Nation Party has a host of policy positions on Islam and Muslims – in fact she has dedicated a whole section to it on her [website](#).

We will shortly begin fact checking our way through the rest of One Nation's policies.

If you are interested in assisting us and holding One Nation to account, please contact us at admin@factcheckonenation.com.au

[Pauline Hanson's One Nation Policies on Islam](#)

[POLICY 1 Call for an inquiry or Royal Commission to determine if Islam is a religion or political ideology](#)

Pauline Hanson's One Nation party have stated in their official party website that "Islam has no place in Australia if we are to live in a cohesive society" and that Islam's "religious aspect is fraud; it is rather a totalitarian political system, including legal, economic, social and military components, masquerading as a religion." Pauline Hanson has thus called "for an inquiry or Royal Commission to determine if Islam is a religion or political ideology."

As a starting point, it is important to note that Royal Commissions are purely bodies of inquiry and reporting and although have some of the appearances of a court, constitutionally, they are not courts and do not exercise judicial power (refer to the High Court statement in *Victoria v ABCE & BLF* (1982) 152 CLR 25 (Brennan J at 154)).

The fact of the matter is the seminal High Court already has already established a precedent for the meaning of 'religion' for taxation purposes in the 1983 case, *The Church of the New Faith v Commissioner for Pay-roll Tax (Vic)* (the Scientology case) and has outlined the following factors in what constitutes a religion:

1. Belief in a supernatural Being, Thing or Principle;
2. The acceptance of canons of conduct in order to give effect to that belief;
3. Adherents are required or encouraged to observe particular standards or codes of conduct or to participate in specific practices having supernatural significance.
4. Adherents constitute an identifiable group or identifiable groups.
5. Adherents themselves see the collection of ideas and/or practices as constituting a religion.

It is clear Islam meets all of the above factors to be constituted as a religion based on the precedent set in the Scientology case. In light of this, Ms Hanson's policy of forming a Royal Commission to determine whether or not Muslims/Islam is a religion would be an excessively costly and futile exercise, having no binding effects on the Commissioner of Taxation, Islam and its adherents (who make up a minority of 2.2% of the Australian population based on a 2011 census).

Further, the Australian Government's official policy on multiculturalism, the National Agenda for a Multicultural Australia (1989) stated that one of the government's objectives for its multicultural policy was "to promote equality before the law by systematically examining the implicit cultural assumptions of the law and the legal system to identify the manner in which they may unintentionally act to disadvantage certain groups of Australians." Ms Hanson's proposal for the Australian Government not to recognise the religion of Australia's minority Muslim community as a religion clearly contravenes the Australian Government's National Agenda for a Multicultural Australia. Taking multiculturalism seriously means that every effort should be made to demonstrate respect for the beliefs, values and cultural practices of minority ethnic groups.

In reality, social cohesion within Australia will suffer as a result of Pauline Hanson's discrimination against Australians who find solace in Islam as a religion as it directly contributes to the idea that the Australian Muslim and the Muslim community of which they are a part are somehow outside of society and its protections, and of less worth than members of the dominant religious group.

POLICY 2 Stop further Muslim Immigration and the intake of Muslim refugees

Calling for a blanket banning of further Muslim immigration smacks of Trump style, discriminatory and insidious dog-whistling tactics. Attempts to introduce a legislative ban may also be very well inconsistent with the restriction on the making of laws "prohibiting the free exercise of any religion" in section 116 of the Constitution.

Imagine that instead of banning Muslims, we banned Catholics. If you're Catholic, you can't migrate to Australia. Surely no court today will ever hold that as constitutional. This is exactly what Pauline Hanson is proposing but against another religious community. This policy aims to legislate an "us vs them" mentality, making Muslims or anyone perceived as Muslim, them.

"Human rights must be at the center of any analysis of migration and xenophobia (ILO, IOM, & OHCHR, 2001)." This quote is from the publication for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerances (WCAR). As it states "human rights" is what is crucial, and by using the international standards that have been established to protect human rights seems like the best way to keep them at the center.

The UN General Assembly Third Committee regularly discusses how to deal with xenophobia and racism on the international level (UN General Assembly Third Committee, 2015). One of its treaties, the International Covenant on Civil and Political Rights (ICCPR), states in Article 26:

"All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (UN General Assembly, 1966)."

Australia is a signatory of the ICCPR. Pauline Hanson's policy is clearly in conflict with Article 26.

POLICY 3 Ban the Burqa and Niquab in public places

The 'niqab', (which is different to the 'burqa) is worn by a tiny percentage of Australian Muslim women who exercise their free choice to wear them.

Such a ban would be potentially unconstitutional as it may breach section 116 of the Australian Constitution that prevents the Commonwealth from enacting laws that prohibits the free exercise of any religion. Such a ban could also be breaching our international law obligations international human rights obligations and under the Universal Declaration of Human Rights (UDHR).

In fact, the likelihood of seeing someone in a burqa or niqab in Australia is probably less than what it would be in France, where it was estimated that less than 0.00003 per cent of the French population *may* have worn the niqab.

In a free, open and secular society, women should be entitled to dress as they please. There's a distinct irony in the suggestion that women who are allegedly forced to wear a face covering should be forced not to wear it.

If the issue is in fact about identification, then women who wear the niqab can currently be asked to remove the face covering momentarily for identification purposes by authorities. But equating the face covering to extremism and violence in the discourse of national security is disingenuous and suggests that it is not about identification.

The controversy surrounding veiled women has been significantly blown out of proportion where it ultimately promotes nothing but hatred and violence. Violence in light of the burqa ban in France was depicted when two men targeted a pregnant veiled woman in the north of Paris and shouted racist insults before she was admitted to hospital, consequently losing her unborn child.

POLICY 4 Driver's licence cannot be obtained without showing the full face and having photo ID on driver's licence

On the surface one may be inclined to believe the hysteria being peddled by One Nation around individuals circumventing standard practises when obtaining a driver's license across Australia. We decided test the veracity of such claims.

Upon closer inspection, major states and territories across Australia have clear guidelines pertaining to the prohibition of face covering during photo ID's being taken for an Australian driver's license. Moreover these guidelines are enshrined in various road transports, identification and other forms of legislation resulting in fines or possible jail time if not adhered to, this includes the falsification of information. Let's canvass but a few examples.

In [Victoria](#) *'Religious headgear is acceptable provided it does not obscure your face. Veils and facial coverings are not permitted if they cover your face and make identifying you as the driver difficult'*.

In [New South Wales](#) *'Head coverings worn for religious reasons may be worn, but must be adjusted so that your whole face is visible, from the bottom of your chin to the top of your forehead, and both edges of your face. There should also be no shadows cast on your face'*

In [Queensland](#), One Nations stronghold and origination, the state that gives us the Great Barrier Reef and the mighty XXXX Maroons, clear safeguards and provisions are in place when trying to obtain a driver's license. The road authorities make it clear *'If you wear headwear for religious reasons, it must be adjusted so that all facial features from the bottom of your chin to top of your forehead (including both edges of your face) are clearly shown.'*

Moreover, in [Western Australia](#) 'Head gear worn for religious purposes does not have to be removed for the photo capture provided it does not cover the face' & in [South Australia](#) the *Motors Vehicles Act 1959* outlines the penalties associated with falsifying information in obtaining a license or falsely representing themselves as another individual.

Finally, police across Australia have significant powers to investigate crimes. This includes powers of search and carrying out identity procedures on people they reasonably suspect to have committed an offence. While these vary slightly across jurisdictions, it is common that where police legally require someone to identify him or herself, this can include removing face-coverings. (Several years ago a [NSW law](#) clarified this to avoid doubt).

The insidious calls for new policy and legislation to safeguard the public when obtaining a drivers license seeks only to demonise various religious denominations and individuals. The so-called vacuum in legislation and policy is evidently false. Such claims only seek to undermine the social fabric of our nation.

POLICY 5 Surveillance cameras to be installed in all Mosques and schools. Mosques to be open to the public during all opening hours

One Nation's intention to install surveillance cameras in all Mosques and Islamic schools would be an unacceptable invasion of the privacy of members of Australia's Muslim community.

Such surveillance would inhibit the capacity of Muslims' to practice their religion in safety and privacy. This is incompatible with the open values of multiculturalism that underpin modern Australian society. Further, it is highly likely an attempt to do this would be inconsistent with the restriction on the making of laws "prohibiting the free exercise of any religion" in section 116 of the Constitution.

Serious questions also surround who would monitor these security cameras and what information could be retained. In general circumstances, unnecessary surveillance and retention of personal information by Commonwealth personnel, such as personally identifying video footage, would likely be prohibited under the *Privacy Act 1988* (Cth). This Act relevant provides that a practice of a Commonwealth agency is an interference with privacy if it breaches an Australian Privacy Principle in relation to personal information about the individual.

Most relevantly, a Commonwealth agency must not collect personal information unless the information is reasonably necessary for, or directly related to, one or more of the entity's functions or activities. While various means to exempt such surveillance exist, particularly if carried out in response to genuine security concerns, it is inconceivable that the conspiracy theories touted by One Nation about an imaginary pan-Islamic totalitarian agenda could form a sufficient basis for a plausible argument that it is "reasonably necessary for, or directly related to" the functions or activities of any government agency. Serious and repeated interferences with privacy are punished with significant fines, consistent with societal expectations about government invasiveness and harassment.

As with all private property, the owners and operators of Australia's mosques are fully entitled to make decisions about who can enter and when. However, One Nation's proposal to require mosques to allow all the public to enter during opening hours is fundamentally misconceived. Mosques are already welcoming community institutions. Attached to many mosques are sport and recreational facilities that are used by the community at large. Compliance with a request

that entrants to the mosque itself respect basic Islamic norms, such as the removal of shoes, is a courtesy that cannot reasonably be withheld by non-Muslims.

POLICY 6 No more mosques to be built until the inquiry is held

As discussed in our response to One Nation's Policy 5 above, One Nation is calling for a Royal Commission to inquire into whether Islam is a religion or a political ideology. Pauline Hanson is seeking to have laws made which prohibit the construction of mosques until the inquiry is concluded.

Mosques must comply with normal planning requirements. In some instances proposed designs for mosques may be seen as inappropriate for a particular area by the local planning authorities. Such developments are negotiated or litigated in the same manner as all other development proposals. Similarly, religious practices such as the broadcast of the call to prayer using noise amplification systems may be prohibited by council ordinance as incompatible with the quiet enjoyment of different elements of a community. These requirements do not discriminate against Muslim's on the basis of religious prejudice but are part of normal civic relations.

However, to institute a general ban on the construction of mosques on the absurd conspiracy theory that the "religious aspect" of Islam is a fraud, would be discrimination based solely on religious prejudice. As it cannot be sensibly be argued there is a genuine issue as to whether Islam is a religion, such laws would clearly be in breach of the protections in section 116 of the Constitution, as discussed.

POLICY 7 Oppose the introduction of Sharia Law

What is Shariah?

The word shariah means 'path' and it is a set of interpretations that are dynamic and intended to accommodate the time, place, and laws of a particular community. Thus, the term shariah law is a misnomer because shariah is not law but a set of principles.

Shariah was and is developed to be flexible and dynamic in practice, in order to achieve two main goals, and protect six main principles in society. The two goals are to bring good to one's community, and to repel harm from one's community. The six principles protected under Shariah are life, family, religion, education, property, and human dignity. Sharia must then adapt with respect to the social, political, and cultural climate of a given place and time in order to ensure that these two goals are met, and these six principles are protected.

Throughout history the way to achieve these goals and protect these principles has differed between various philosophies, eras, communities, and leaders. Understanding the potential complexity behind shariah and its various interpretations, is the first step in realising that following shariah in Australia is not a threat to Australia. In fact, shariah mandates that a Muslim practice their faith while respecting the law of the land in which they reside. The scholars are in a consensus on this issue.

The vast majority of Australian law is Shariah compliant and in most instances exactly same as Shariah so there is no need for any 'imposition'.

This includes, but is not limited to; the rule of law, the adversarial system, the jury system, much of court etiquette, evidence law, maritime law, tort law, trust law, contract law, equity, power of attorney, mediation, legal ethics, criminal law, marriage, partnership, trade practices, consumer law, child support and the list goes on and on!

The fear of Shariah has been deceptively implanted in people's minds to cause fear and division.

The ultimate and indisputable proof that there should be no fear of Shariah is that it only applies to Muslims. That's right, non-Muslims are not subject to Shariah under Islamic law, so why fear something which is irrelevant except for Muslims?

Sharia explicitly mandates Muslims to respect the law of the land in which they reside. Thus, Sharia acknowledges the need to abide by laws independent of Islam – not to overthrow or replace them.

Sharia is not a code of punishments for crimes. In accordance with the above, criminal punishments are not a part of Sharia for Australian Muslims because our government enforces criminal laws. Australian Muslims are mandated to respect the criminal system of Australia and not to create their own.

Australian Muslims don't want a separate legal system

New South Wales Muslims believe Australian society accommodates Islamic law, and are not seeking to create a separate Islamic legal system according to research from the University of Sydney. Dr Ghena Krayem conducted interviews with members of Muslim communities in Sydney. Dr Krayem focused on family law, an area where observant Muslims abide by both Australian and sharia law when it comes to marriage and divorce.

The study suggests observant Muslims do not seek to create a separate legal system to rival Australian law, and existing legislative instruments, such as prenuptial agreements, allow for sharia to be practised within the Australian legal system.
<http://sydney.edu.au/news/84.html?newsstoryid=8407>

POLICY 8 Investigate welfare payments paid to Muslims who may be in multiple marriages, having multiple children

Polygamy is illegal and in Australia, bigamy (getting married while still legally married) is criminalised. The *Marriage Act 1961* (Cth) provides that any person who, while married, goes through a form or ceremony of marriage with any other person is guilty of an offence with a maximum penalty of five years imprisonment [s 94(1)].

Many people who are not Muslim have multiple marriages, divorce, and children from multiple marriages. These people may be entitled to benefits, but these benefits all rely on looking at income and circumstances.

It is up to each individual applicant to Centrelink to provide truthful information, and intentionally failing to do that can amount to Centrelink fraud. Crimes under the Criminal Code such as Obtaining financial advantage [s 135.2(1)], Dishonesty causing a loss [s 135.1(5)], and Obtaining a financial advantage by deception [s 134.2(1)] have penalties that range from 12 months to 10 years maximum imprisonment and large fines may also apply.

Centrelink fraud is illegal and is not unique to any one group. There is no need to specifically target Muslims to seek out where people are committing fraud. Any suspected fraud should be reported: <https://www.humanservices.gov.au/customer/contact-us/reporting-fraud>

In any event, Sharia law explicitly mandates Muslims to respect the law of the land in which they reside, so Muslims engaging in conduct that is in breach of Australian laws are engaging in un-Islamic conduct.

POLICY 9 Ban Halal certification. Halal certified food not to be provided in prisons or the armed services. Companies may comply for export but no monies must be paid.

Claims of halal certification funding terrorism

One Nation's policy to ban "companies operating in Australia from paying a Halal certification tax" is based on her concern "that some of the monies indirectly supports terrorism." This claim has been investigated by the relevant intelligence and law enforcement agencies in Australia and they have concluded that no such links exist.

The Senate inquiry into third-party certification of food has heard there is no direct link between halal certification and Islamic terrorism. The evidence was given by the Australian Crime Commission and Australian Transaction Reports and Analysis Centre (AUSTRAC), the nation's anti-money laundering intelligence agency, at the inquiry's second hearing.

Angela Jamieson is the national manager of compliance at AUSTRAC, which monitors the flow of money into and out of the country, flagging suspicious transactions and financial activity. Ms Jamieson has confirmed, "of the information identified from this monitoring of reported financial transactions, none of these have been assessed as related to funding of terrorism with regard to halal certification fees."

When Senator Cory Bernardi asked if the reason AUSTRAC had not identified any evidence was because they were not looking at halal certifiers, AUSTRAC's Acting National Manager of Intelligence, Craig Robertson, stated "The answer to that is 'no'."

Craig Robertson goes further to confirm no evidence for the link between halal certification and terrorism exists by stating "we're not looking specifically at the use of those funds on the basis that I guess a third party outside of AUSTRAC hasn't been able to refer us information that provides evidence to look at it, and our own detection and monitoring systems of what we know about how terrorism financing occurs has not surfaced that information."

The Australian Crime Commission gave similar evidence to the inquiry. "We haven't found any direct links between halal certification and the funding of terrorism," said Hamish Hansford, the ACC's national manager of strategic intelligence and strategy. Further stating, "since this issue has been highlighted in the press, we've been on a heightened lookout for any links between halal certification in our intelligence holdings and to date we have not found any direct linkages."

Denying halal meals to prisoners and members of Defence Force

As for providing halal to prisoners or members of the Defence Force due to religious beliefs is a human rights obligation. It is no different to someone asking for kosher meals because they are Jewish.

Whether someone demands kosher, halal, vegan or vegetarian, if the request can be reasonably accommodated, it would be violation of human rights if this request were not fulfilled.

Claims of a "religious tax" being paid by consumers

Federal Agriculture Minister and Nationals MP Barnaby Joyce has in the past taken aim at the anti-halal lobby over one of their central claims – that consumers are paying more for food that is halal certified.

Critics of the Islamic certification of food claim that the money paid for it funds terrorism, and also describe it as a “religious tax”, arguing that non-Muslims are being forced to pay more for their food as a result.

The protests have attacked leading food brands such as Sanitarium, Kelloggs and Cadbury Vegemite for being halal certified, calling for shoppers to boycott the products and last week, even the Jacob’s Creek winery was targeted following mistaken rumours that it was halal.

But Barnaby Joyce has said that the Australian livestock industry was heavily reliant on Muslim export markets and that the price of beef could triple and the sector would become unviable if the campaign against halal food ended.

“If we didn’t have the halal market for beef that could really affect thousands of meatworkers in Australia because we can sell certain amounts of cuts to certain markets, but other cuts go to Islamic markets and unless it’s halal certified we can’t sell them and that means the whole processing sector becomes unviable,” the minister said. Thousands of abattoir workers could lose their jobs, Joyce warned.

POLICY 10 Call for a referendum to change Section 116 of the Australian Constitution

One Nation requests a Royal Commission into Islam to determine if it is a religion or political ideology and proposes a referendum to change Section 116 of the Australian Constitution which allows the free exercise of religion.

Section 116 of the Australian Constitution stipulates that, “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...”

Attacks on the Constitutional Rights of Australian-Muslims

One Nation imposes its own politicised definition of Islam. By virtue of defining it as a political discourse and not a faith, One Nation fundamentally deprives Australian-Muslims protection under s.116 of the Constitution.

One Nation makes obscure claims that because Islam is defined as a religion, it is somehow protected from questioning. This is far from the truth. S. 116 does not in any way declare Islam or any other religion to be protected from criticism or questioning. We have seen the media, ring-wing political groups, and individuals publically criticise (at times, unfairly) the religious and cultural practices of Muslims.

In fact, Muslims have routinely been subjected to [discrimination](#) and misrepresentation in the media and public space.

Reported violence, threats and abuse against Australian-Muslims

One Nation completely ignores the increasing vandalism of mosques, physical abuse of Muslim women on public transport and far right propaganda and racism used to marginalise and treat Muslims as second-class citizens.

An independent report released by the Human Rights Equal Opportunity Commission into the prejudice against Arab and Muslim Australians, found that a staggering 93% of Muslims surveyed believed that there had been an increase in racism, abuse and violence against their ethnic or religious community since September 11; with 64% reporting a significant increase in racism towards their communities.

If Islam were to be unclassified as a religion, it would lose its protected status as a religion. If this were the case, discrimination and attacks would only intensify and create an environment of impunity against Muslims.

Australia's civic and democratic culture would be under threat

Australia is a partner to international conventions such as Article 18 in the International Covenant on Civil and Political Rights that proclaims the right to "freedom of thought, conscience and religion."

Though One Nation does not specifically state what changes it would make to S.116 – its policy towards Islam has the potential to eliminate the rights guaranteed under s. 116 for many Muslim refugees fleeing war and persecution.

One Nation's claims that Muslims are unable to integrate or follow Australia's secular laws are misleading and baseless. A 2009 report funded by the Department of Immigration and Citizenship found that, "Muslim Australians highly value the freedom they experience in society to practice their religion and go about living their lives".

Professor Kevin Dunn's [findings](#) from the University of Western Sydney also echoed the ability of Muslim to feel comfortable with their dual identities: "Muslims feel a strong sense of belonging to Australia: Those Muslims with stronger levels of religiosity have a stronger level of self-belonging in the country."

POLICY 11 Muslims will not be allowed to be sworn in to Parliament under the Qur'an

A fundamental strength of our democracy is freedom of religion. Australian parliamentarians are free to use whichever holy text, or none at all, to be sworn into their positions. Our politicians have been given the option since Federation in 1901. Our previous prime minister, Julia Gillard, made an affirmation of allegiance instead of swearing her oath of office on a holy text. Australian Jewish MP Josh Frydenberg and Michael Danby [were sworn](#) in on their holy book, the Torah in 2010. In July 2013 Labor MP, Ed Husic made history by being the first Australian Muslim to be appointed as a front bencher in Australian parliament, and he chose to be sworn into his parliamentary role by making an oath on a hard copy of the Quran.

The discourse surrounding Husic's choice was based on ignorant remarks that suggested that "Australia is a Christian nation" and that Husic's actions were "unconstitutional". Those who mounted these arguments clearly lack a basic understanding of the rights afforded to all of us under Australia's constitution.

POLICY 12 Female genital mutilation to carry lengthy jail term

Presently, female genital mutilation (FGM) is criminalised by State and Territory laws. Furthermore, in each State and Territory, the laws apply extraterritorially to protect Australian residents from being subjected to FGM overseas. Accordingly, the existing legislation provides extensive criminalisation both within and outside Australia. In 1998 a Model Criminal Code for FGM was produced and sought imprisonment of up to 15 years for some specified offences. As it stands, States and Territories vary in the penalties for the offence of FGM depending on the actions undertaken by the offender. Whilst not uniform, the offences carry significant custodial sentences.

There is an oft improperly held view that FGM is an Islamic commandment or an action that is exclusively held within Muslim households. It is in fact, more a cultural practice as opposed to a religious instruction. Much of the reported instances of FGM are reported through the African continent are not only attributable to adherents of Islam but also to persons of Christian and persons of a non-religious background.

To imply that FGM is an Islamic commandment, somehow exclusively practiced in Australia by members of the Islamic faith is erroneous and intellectually dishonest. One Nation has provided no evidence to substantiate any claim in this regard.

It should be noted that Islam explicitly mandates that Muslims are to respect the law of the land in which they reside so Muslims engaging in conduct that is in breach of any Australian legislation are not properly engaged in their faith.

Contributors

Contributors to this website include ordinary mums, dads, academics, social workers, lawyers, sales staff, educators, teachers, everyday Australians all concerned about the veracity of many of the claims and policy proposal put forward by One Nation.

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