

AUSTRALIA 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution bars the federal government from making any law that imposes a state religion or religious observance, prohibits the free exercise of religion, or establishes a religious test for a federal public office. The federal government introduced a bill on November 25 designed to make it unlawful to discriminate on the basis of religious belief or activity in key areas of public life. Parliaments in the two most populous states – New South Wales (NSW) and Victoria – completed soliciting public comments on laws that would strengthen protections against religious discrimination and vilification. In response, the NSW government announced its intention to add religion to the state’s existing antidiscrimination legislation, and the Victoria government announced it would make Nazi symbols illegal. A Queensland tribunal ordered former senator Fraser Anning to remove pieces of online social media content that breached antidiscrimination laws by vilifying Muslims. To control the spread of COVID-19, state and territory governments at times enforced restrictions on gatherings and movement, limiting some religious activities. There were incidents of individuals being fined for defying these restrictions to hold religious gatherings. As vaccination rates increased throughout the country and lockdown restrictions eased, some religious leaders expressed concern that unvaccinated individuals would be denied access to religious gatherings, while others voiced support for vaccine requirements as a necessary precaution.

Members of minority religious groups, including Jews and Muslims, experienced instances of religious discrimination, threats, attacks, and hate speech, some related to COVID-19. The Australian Muslim Advocacy Network filed a complaint with the Australian Human Rights Commission against Facebook for direct and indirect discrimination and liability for hate speech. The Executive Council of Australian Jewry (ECAJ) reported 447 antisemitic incidents involving threats or abuse during the period October 1, 2020 to September 30, 2021, compared with 331 in the same previous period. Antisemitic incidents included graffiti and use of Nazi symbols, verbal abuse, assault, harassment, and intimidation, including a white supremacy rally in Victoria in January, where demonstrators chanted “Heil Hitler,” and in Melbourne in August, where antisemitic stickers were placed on cars.

The U.S. embassy and consulates general engaged government officials and a wide range of religious leaders, faith communities, and groups on the importance of

respect for religious freedom and tolerance, including the need to counter threats to religious freedom and to support individuals persecuted for their religion.

Section I. Religious Demography

The U.S. government estimates the total population at 25.8 million (midyear 2021). According to the 2016 census, 52.1 percent of residents are Christian, including Roman Catholics (22.6 percent of residents), Anglicans (13.3 percent), Uniting Church (3.7 percent), Presbyterian and Reformed (2.3 percent), Baptist (1.5 percent), and Pentecostal (1.1 percent). Muslims constitute 2.6 percent of the population, Buddhists 2.4 percent, Hindus 1.9 percent, Sikhs 0.5 percent, and Jews 0.4 percent. An additional 9.6 percent of the population either did not state a religious affiliation or stated affiliations such as “new age,” “not defined,” or “theism,” while 30.1 percent reported no religious affiliation.

Revised figures from the 2016 census indicate that indigenous persons constitute 3.3 percent of the population, and that there are broad similarities in the religious affiliation of indigenous and nonindigenous individuals. In 2016, less than 2 percent of the indigenous population reported adherence to traditional indigenous religions or beliefs. Fifty-four percent of indigenous respondents identify as Christian, and an estimated 36 percent report having no religious affiliation.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution bars the federal government from making any law imposing a state religion or religious observance, prohibiting the free exercise of religion, or establishing a religious test for a federal public office. The constitution’s protection of the “free exercise of any religion” may be limited only when deemed necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others. Individuals who suffer religious discrimination may have recourse under federal or state and territory discrimination laws and bodies such as the Australian Human Rights Commission.

The state of Tasmania is the only state or territory whose constitution specifically provides citizens with the right to profess and practice their religion. In Queensland, Victoria, and the Australian Capital Territory, freedom of religion is protected in statutory human rights charters. The antidiscrimination laws of all states and territories, with the exceptions of NSW and South Australia, contain a

prohibition against discrimination on the grounds of religious belief. NSW prohibits discrimination on the basis of “ethnoreligious origin,” and South Australia protects individuals from discrimination in employment and education because of religious dress. Complainants may seek redress through state and territory human rights bodies.

Religious groups are not required to register with authorities. To receive tax-exempt status for income or other benefits and an exemption from the goods and services tax (sales tax), however, nonprofit religious groups must apply to the Australian Taxation Office (ATO). Registration with the ATO has no effect on how religious groups are treated, apart from standard ATO compliance procedures. To receive tax-exempt status, an organization must be a nonprofit entity. An organization’s activities, size, and permanence are some of the factors considered when determining its tax-exempt status.

State and territory governments share responsibility for education policy with the federal government, and they generally permit religious education in public schools that covers world faiths and beliefs. Instruction in the beliefs and practices of a specific religion may also be permitted, depending on the state or territory. In some jurisdictions, instruction may only occur outside regular class time, while in others, alternative arrangements are made for the children of parents who object to religious instruction. The federal government provides funding to state and territory governments to support the employment of chaplains in public schools. Chaplains may represent any faith and the government bans them from proselytizing. Thirty-four percent of students attend private schools; approximately 94 percent of these schools are affiliated with a religious group. The NSW government requires schools to provide “meaningful alternatives” for students whose parents withdraw them from Special Religious Education, which could include courses in ethics.

In Victoria, laws require religious leaders and workers to report suspected child abuse, including where discovered through confession. The law carries a sentence of up to three years in prison if a mandatory reporter (which includes persons in religious ministries) fails to report abuse to authorities. In Queensland, laws require adults to report knowledge of child sexual abuse, including where information is gained during “a religious confession.”

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

On November 25, the Prime Minister introduced a bill in the House of Representatives to prohibit religious discrimination. The bill proposed to prohibit discrimination on the basis of a person's religious belief or activity in a wide range of areas of public life, including in relation to employment; education; access to premises; the provision of goods, services, and facilities; and accommodation. It contained provisions allowing religiously affiliated schools, hospitals, or aged care facilities to take religion into account in staffing decisions. The bill also proposed protections for "statements of belief" (i.e., statements of an individual's religious beliefs) from the application of certain provisions of federal, state, and territory antidiscrimination laws that might otherwise make the statement of belief unlawful, so long as such statements do not harass, threaten, intimidate, or vilify a person or group.

Anglican, Catholic, Jewish, and Muslim faith leaders welcomed the bill in a joint statement that said the bill would "protect people of faith from discrimination on the basis of their religious beliefs." LGBTQI+ advocacy group Equality Australia said the bill's proposed protections for statements of belief would "undermine everyone's right to respect and dignity at work, school, and wherever they access goods and services like healthcare" and called on parliament to oppose the bill in its entirety. Two parliamentary committees began studying the bill and were expected to conclude their work in 2022. The committees removed several provisions from the bill proposed in earlier drafts, including a prohibition on large employers penalizing employees for religious statements made outside work hours, and protections for health providers who refuse treatments due to a conscientious objection.

Separately, the Australian Law Reform Commission continued its inquiry into religious exemptions in antidiscrimination legislation. Its report is due to the federal government 12 months after religious freedom legislation passes the federal parliament.

In February, the Victoria state government passed a law banning practices that encouraged individuals to change or suppress their sexual orientation or gender identity. A person found to have conducted practices that caused serious injury faces criminal charges, including fines of up to 10,000 Australian dollars (\$7,300) and 10 years in prison. Some religious leaders, including Catholic and Baptist clergy, criticized the law prior to passage, saying its language was too broad and could cause restrictions not only on practices considered harmful but also on the free speech and free choice of those following their religious beliefs. In February,

Reverend Peter Barnes, leader of the Presbyterian Church, said his denomination would ignore the “authoritarian” law on the basis that Church leaders “don’t get our instructions from parliament house.” He said he would not turn away someone who came to him for prayer or help.

In August, a Queensland tribunal found that former senator Fraser Anning had broken antidiscrimination laws by vilifying Muslims and ordered him to remove 141 pieces of online content including memes, links to interviews featuring Anning, and calls to ban Islam in the country. The tribunal also ordered Anning to remove a press release issued the day of the March 2019 Christchurch mass shootings in New Zealand that blamed Muslim immigrants for the attack.

In December, the Victoria state government passed legislation prohibiting a religious body or school from discriminating against an employee based on sexual orientation, gender identity, marital status, or other protected attributes. Religious organizations and schools remained able to make employment decisions based on an employee’s religious beliefs where they were critical to the subject matter of the job, such as a religious studies teacher. The new laws prohibit religious organizations that receive government funding to provide services from denying these services based on a person’s sexual origination or gender identity. The Human Rights Law Alliance, a Christian charitable law firm set up to protect and advance religious freedom, stated that the law would result in religious schools being “unable to make hiring decisions that preserve the Christian ethos and mission of the school.”

Most state and territory governments at varying times imposed temporary restrictions on movement to control the spread of COVID-19, including requiring residents to stay at home unless commuting for a designated purpose, such as to purchase groceries or for essential work. These restrictions, typically put into effect in response to specific outbreaks, affected religious gatherings, including funerals and weddings, although many religious groups continued to hold services online. While a small number of religious leaders expressed concern, most of the religious community accepted the restrictions, which supported state and federal health measures as necessary for keeping the pandemic in check.

COVID-19 restrictions enacted by NSW on June 25 for the Greater Sydney region included bans on all in-person gatherings including those at churches. Churches and congregations moved to a virtual format for services. In August, police fined 31 parishioners from the Blacktown Christ Embassy Sydney Church 1,000 Australian dollars (\$730) each, and the church 5,000 Australian dollars (\$3,600)

for an August 22 service. On September 9, the NSW government announced that on the first Monday after the state achieved the 70 percent fully vaccinated rate, churches could welcome in-person fully vaccinated worshippers.

The Sydney Morning Herald reported that in September the NSW health minister said anyone going to church unvaccinated would be “committing a breach of the public health orders.” Religious leaders including senior Anglican and Catholic clergy requested exemptions from the vaccination requirement, saying they had a responsibility to minister to all regardless of immunization status. Although authorities allowed places of worship to open on October 11 for fully vaccinated individuals, Catholic churches, some Anglican churches, and the largest mosque in Sydney announced they would delay reopening until the 80 percent vaccination threshold was reached on October 18, so that unvaccinated worshipers would not be turned away. As of October 18, when the state had reached 80 per cent vaccination rate, all worshippers were welcome regardless of vaccination status.

The Victoria government continued to restrict all public gatherings in Melbourne, setting a goal of having at least 70-80 percent of the eligible population fully vaccinated before lifting restrictions. Religious organizations conducted services online, supported by religious community and church leaders, except for several Orthodox Jewish leaders, who insisted on in-person service. In August, Melbourne Jewish leaders urged the community to maintain compliance with all COVID-related public health measures after a widely publicized engagement party attended by dozens of members of the Orthodox Jewish community in contravention of public health orders. In September, Melbourne’s Orthodox Jewish community wrote a letter to the state government signed by nine rabbis calling on the government to allow small prayer groups to gather during Yom Kippur. The state denied this request, citing public health concerns. Police issued 11 fines of 5,452 Australian dollars (\$4,000) each in response to several small Orthodox Jewish gatherings that breached COVID public health restrictions during Rosh Hashanah in September.

On September 19, the Victoria government announced its road map to exit the lockdown, maintaining some restrictions on density and numbers allowed to attend religious services, restrictions that sources stated were slightly more accommodating than requirements imposed on industries. In September, Bishop Paul Barker of the Anglican Diocese of Melbourne told media he feared the unvaccinated would be treated like “the lepers of Jesus’ day,” noting tensions between public health measures and religious values. Also in September, Roman Catholic Archbishop of Melbourne Peter Comensoli said he was not comfortable

with a “vaccine passport” requirement for attending worship. During the same month, the head of the Islamic council of Victoria, Adel Salman, said he supported a “no double-jab, no entry” policy for mosques.

State and territory governments administered grant programs supporting multicultural and multifaith communities throughout the country. In response to the COVID-19 pandemic and an increase in incidents of antireligious behavior, such as abuse targeted at the Islamic and Jewish communities, the Victoria state government continued its interfaith community fund, offering up to 50,000 Australian dollars (\$36,400) to faith-based organizations, including funding for the Islamic Society of Victoria and the Uniting Church Synod of Victoria, for activities that supported harmonious relations among faith communities.

In March, the Victoria state parliament published a report that examined the potential for expanding or extending protections under the anti-vilification laws, vilification being defined as engaging in conduct against another person or group in public that incites hatred, serious contempt, revulsion, or severe ridicule. Parliament examined the effectiveness of the Racial and Religious Tolerance Act 2001, sought evidence of increasing vilification and hate conduct in Victoria, and examined online vilification. The Australia/Israel & Jewish Affairs Council praised the report, specifically its recommendation “to establish a criminal offence that prohibits the display of symbols of Nazi ideology, including the Nazi swastika with considered exceptions to the prohibition.” The parliament in Victoria completed soliciting public comments on laws that would strengthen protections against religious discrimination and vilification. In response, in September, the Victoria government announced it would make Nazi symbols including the swastika illegal and make civil and criminal vilification easier to prove so that victims could seek justice through the courts more easily. Following the Victoria government’s announcement, the Tasmania state government suggested in September that it would observe Victoria’s implementation of the anti-swastika law with a view to potentially enacting similar laws in the future. The NSW Labor Party in September proposed a bill to ban the display of Nazi symbols including swastikas and Nazi flags, with exceptions for swastikas used in connection with Hinduism and Buddhism. The proposal included sentences of six months and fines ranging from 5,500 Australian dollars (\$4,000) for individuals to 55,000 Australian dollars (\$40,000) for organizations who violated these guidelines.

The parliament in NSW completed soliciting public comments on laws to strengthen protections against religious discrimination. In March, an NSW state parliamentary inquiry recommended an amendment to the state antidiscrimination

law that included the protection of individuals from discrimination on the grounds of religious beliefs or activities. In September, the NSW government committed to support legislation outlawing religious discrimination – but only after the enactment of proposed federal antireligious discrimination legislation, citing the need to understand interaction between the two and address any constitutional inconsistencies. Equality Australia opposed the NSW bill and criticized it for “allowing people to use religion to hurt others (including other people of faith)” and making it “harder for employers and educational institutions to respond to inappropriate, offensive or discriminatory conduct” when that conduct was motivated by religious belief.

Special Religious Education remained in place in NSW public schools. Government-approved Special Religious Education providers included representatives of Christian denominations, Islam, Judaism, Buddhism, and other religious groups. During the year, the NSW government provided assistance to public schools to implement religious and ethics classes.

In March, Western Australia Premier Mark McGowan stated that his government would ban gay conversion therapy. The Australian Christian Lobby (ACL), a group which seeks to bring Christian influence into politics, criticized the proposed ban as “draconian,” stating it could interfere with parental rights. At year’s end, the ban remained unimplemented.

In May, the state government-run Perth Theatre Trust (PTT) rejected an application from the ACL to use the publicly-owned Albany Entertainment Centre. The PTT originally defended the rejection on the grounds the ACL’s event was politically motivated and did not represent the views of the Western Australia government. Several LGBTQI+ advocacy groups welcomed the ban, including Albany Pride, which said the ACL had “a long history of opposing and speaking out against any kind of advancement in LGBTQIA+ rights and freedoms”. The PTT later reversed its decision.

The Australian Multicultural Council continued to provide guidance to the government on multicultural affairs policy and programs. The government’s national multicultural policy, entitled “Multicultural Australia – United, Strong, Successful,” continued to be based on a government-wide approach to maintaining social cohesion, and included religious freedom as a component.

The government continued to begin each session of parliament with a recitation of a short prayer, followed by the Lord's Prayer, as has been the practice since 1901. Participation in the prayers remained optional.

Section III. Status of Societal Respect for Religious Freedom

In February, a group of men in Western Sydney, purportedly members of the Indian community, attacked four Sikh students. Police investigated the attack but did not label it a hate crime. Community leaders said divisions within the Indian-Australian community had grown, accusing "Hindu nationalists" of using Facebook and WhatsApp to spread divisive rhetoric targeting minority religious groups within the community, including Sikhs and Muslims.

In August, after a cluster of COVID-19 cases emerged at the Islamic al-Taqla College, Principal Omar Hallak told media that for the second year running, families and students received "racial comments" on social media, blaming the Muslim community for Victoria's sixth lockdown.

Twenty to thirty white supremacists rallied in a Victoria national park in January, chanting white power slogans and "Heil Hitler." The group timed the rally to coincide with the 76th anniversary of the liberation of the Auschwitz concentration camp. Police did not charge the group, stating the individuals did not break any laws; however, state Premier Daniel Andrews told media there was evidence "evil and wicked" antisemitism was on the rise in Victoria.

In August, the Victoria government's "COVID Commander" apologized to Melbourne's Orthodox Jewish community after naming the group among those who tested positive for the virus during a COVID-19 media briefing, saying it was a "poor choice of words."

Melbourne Jewish organizations reported an increase in antisemitic messages and social media posts after news reports emerged featuring video footage of an engagement party in August in the Jewish community that broke the state's COVID lockdown rules.

In March, the Australian Muslim Advocacy Network filed a complaint with the Australian Human Rights Commission against Facebook under the national Racial Discrimination Act for direct and indirect discrimination and liability for hate speech. At year's end, the commission continued to investigate the complaint. The network also sent Facebook a letter in March outlining its concerns about the

spread of hate speech and dangerous conspiracy theories directed towards Muslims on the site.

In Melbourne, Victoria, an antisemitic group placed stickers during an August 21 anti-lockdown demonstration with the Star of David and a QR code linking to a video claiming the Jewish community was responsible for the 9/11 terrorist attacks in the United States.

The ECAJ reported 447 antisemitic incidents involving threats or abuse during the period October 1, 2020 to September 30, 2021, compared with 331 in the October 1, 2019 to September 30, 2020 period. According to the council, incidents increased in several more serious categories, including direct verbal abuse, harassment, and intimidation (147 compared with 128 in 2020), graffiti (106 compared with 42 in 2020), and stickers/posters (72 compared with 28 in 2020). Physical assaults remained at the same number (eight).

The Community Security Group (CSG), which oversees the specialized and specific security needs of the Jewish community in New South Wales, Victoria, Queensland, and Western Australia under the auspices of the ECAJ, released a report on antisemitic incidents in 2020 in which it stated there were 356 reported incidents throughout the country. The CSG recorded a 21 percent decrease in antisemitic incidents compared with 2019.

In May, police opened an investigation after closed circuit television recorded an unidentified man wearing a balaclava putting up posters around Perth's northern suburbs that included imagery that was hostile towards Jews. By year's end, the perpetrator had not been arrested due to what police described as difficulties in identifying him.

The federal census form included "Greek Orthodox" as the only Christian Orthodox religious group, omitting other groups such as Coptic, Macedonian, Russian, Serbian, and Ukrainian. In Perth, the Orthodox religious groups that were omitted raised concerns about the form.

Uyghur Muslims reported harassment and threats in the country from the Chinese Communist Party.

The Australian Human Rights Commission published a study in July entitled, "Sharing the Stories of Australian Muslims," based on a national survey of the country's Muslims. The study found 80 percent of survey participants experienced some form of unfavorable treatment based on their religion, race, or ethnicity. The

most common situations in which respondents experienced unfavorable treatment were when dealing with law enforcement (50 percent); in the workplace or when seeking employment (48 percent); at a shop or restaurant (43 percent); or online (43 percent).

The Victoria State Equal Opportunity and Human Rights Commission received 44 complaints involving religion from July 2020 to June 2021, an 18 percent increase from the previous period. Of these complaints, 19 occurred in the provision of goods and services, 13 in education, eight in employment, and four in accommodation.

Section IV. U.S. Government Policy and Engagement

Embassy and consulate staff engaged with government officials to advance religious freedom issues and promote religious tolerance, including use of social media in response to COVID-19-related pandemic restrictions and lockdown measures that had an impact on the religious community. They also engaged with religious leaders, faith communities, and groups on religious tolerance issues and to promote religious freedom.

On May 23, the president of the Uyghur Association of Victoria hosted the Melbourne Consul General for an event with community members, discussing the importance of countering threats to religious freedom. Social media posts on the embassy and consulates' engagement related to Uyghurs reached 110,000 persons with 8,000 engagements.

In September, the Perth Consul General spoke at the Multicultural Eid al-Adha Carnival in Perth, one of the largest multicultural events held in Western Australia with more than a thousand attendees, highlighting the importance of religious tolerance and the important role religious diversity plays in Australia and the United States. In May, the Perth Consul General attended the University of Western Australia Muslim Students Association community iftar and discussed ways to promote diversity, inclusion, and religious tolerance.