

AUSTRALIA 2022 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.

During the year, the state governments of Victoria and New South Wales (NSW) criminalized displaying the swastika in public. In February, the federal government withdrew a bill in Parliament designed to make it unlawful to discriminate on the basis of religious belief or activity in key areas of public life. In May, the Western Australian (WA) Parliament's Lower House passed a bill banning the use of gay conversion therapy in the state; it remained pending in the Upper House at year's end. A Christian lobbying group opposed the bill, saying it interfered with parental rights.

Members of minority religious groups, including Jews and Muslims, experienced instances of religious discrimination, including threats, attacks, and hate speech. The Australian Muslim Advocacy Network filed a complaint against Twitter's global and Australian companies with the Queensland Human Rights Commission for vilifying Muslims. The Executive Council of Australian Jewry (ECAJ) reported 478 antisemitic incidents involving threats or abuse from October 1, 2021, to September 30, 2022, compared with 447 in the preceding year. Antisemitic incidents included graffiti and the use of Nazi symbols, including by an individual who publicly gave a Nazi salute at a soccer match, verbal abuse, assault, harassment, and intimidation.

The U.S. embassy and consulates general engaged government officials and a wide range of religious leaders, faith communities, and civic 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 26.1 million (midyear 2022). According to the 2021 census, 43.9 percent of residents are Christian, including Roman Catholics (20 percent), Anglicans (9.8 percent), Uniting Church (2.6 percent), Presbyterian and Reformed (1.6 percent), Baptist (1.4 percent), and Pentecostal (1 percent). Muslims constitute 3.2 percent of the population, Hindus 2.7 percent, Buddhists 2.4 percent, Sikhs 0.8 percent, and Jews 0.4 percent. An additional 7.3 percent of the population either did not state a religious affiliation or stated affiliations such as “new age,” “not defined,” or “theism,” while 38.9 percent reported no religious affiliation.

Revised figures from the 2021 census indicate Indigenous persons constitute 3.2 percent of the population, and that there are broad similarities in the religious affiliation of Indigenous and non-Indigenous individuals. Fewer than 10,000 persons reported adherence to Aboriginal traditional religions.

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, 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.

Victoria state government’s amended Equal Opportunity Act 2010 prohibits a religious body or school from discriminating against individuals in employment decisions and decisions about students – for example, enrollment or expulsion – based on sex, sexual orientation, lawful sexual activity, gender identity, marital status, or parental status, unless another non-religious exception applies. The legislation took effect in June.

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.

In June, Victoria state criminalized the public display of the swastika, punishable by up to one year in jail or a fine of 65,000 Australian dollars (AUD) (\$44,200). In August, NSW banned the intentional display of Nazi flags or memorabilia, with violation punishable by a year in prison and a fine of up to AUD 100,000 (\$68,000).

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. 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; the government bans them from proselytizing. 35 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. Under existing law, it is lawful for private religious schools in WA, including those receiving taxpayer funding, to fire lesbian, gay,

bisexual, transgender, queer, and intersex (LGBTQI+) staff, expel LGBTQI+ students, or refuse to enroll children of same-sex parents.

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

In a suit alleging antisemitic bullying, discrimination, and negligence filed in May, five former students accused a Melbourne school principal of giving speeches endorsing Nazis, calling Jewish persons subhuman, and failing to protect his students from racial discrimination between 2013 and 2020. The students also sued the state for condoning the behavior. The suit alleged that the principal, Richard Minack, gave multiple speeches endorsing his father and grandfather, who had connections to the German army during the Second World War, and at least once referred to Jews as subhuman and evil.

On February 10, then Prime Minister Scott Morrison withdrew a bill to prohibit religious discrimination based on a person’s religious belief or activity and protect “statements of belief” (i.e., expressions of an individual’s religious beliefs) from antidiscrimination laws that might make the statement unlawful. While negotiating support for the bill, the government added amendments to outlaw discrimination by religious schools on the grounds of sexual orientation only, with the effect that these schools could continue to lawfully expel transgender students but would be barred from expelling gay students. These changes became the focus of intense controversy, and five members of the ruling party withdrew support, citing that children should not “be put in harm’s way because of who they are.”

LGBTQI+ advocates consistently opposed the legislation, stating it was “dangerous and divisive.” They called on the government to “scrap” its “broken and

friendless” antireligious discrimination bill as it would enable hurtful remarks to be made as “statements of belief,” but welcomed the additional amendments. Two gay educators testified to the Senate about being fired for their sexuality, saying the religious antidiscrimination bill would make it easier for such dismissals. Educator Karen Pack said she was fired “purely because I’m gay and I was getting married to my partner,” while Nathan Zomprognio told the Senate that schools “can and do” discriminate based on sexuality. For example, St. Andrews Christian College in Melbourne requested staff sign an updated statement of belief that “acknowledges the biological sex of a person as recognized at birth and requires practices consistent with that sex.” The bill’s original supporters, including the Australian Christian Lobby, eventually withdrew their support, saying it had been “watered down” with too many amendments.

On June 14, the Victoria state government’s amended Equal Opportunity Act 2010 took effect. The amendments provided that religious organizations and schools could 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. Beginning on December 14, the new laws prohibited religious organizations that receive government funding to provide services from denying those services based on a person’s sex, sexual orientation, lawful sexual activity, gender identity, marital status, or parental status, unless a non-religious exception applied. In this state government-funded service provision context, religious bodies would only be able to discriminate based on a person’s religious belief. 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.”

The Australian Association of Christian Schools, the main body representing Christian schools, expressed “grave concerns” that Christian schools in WA would close if new antidiscrimination laws passed in the state legislature. The proposed laws were a product of a review of the state’s Equal Opportunity Act. One of the key laws being considered was an “inherent requirement test” that would force religious schools to prove religious belief or activity was an essential requirement of the job. The Australian Association of Christian Schools said that change would make it difficult for religious schools to employ staff and give enrollment preference to families who shared the beliefs of the school.

In February, WA police stopped a Catholic mass at a Perth church to check whether people were wearing masks, as required by government COVID-19 mandates at the time, and found four who were not. Police checked the individuals to see if they had an exemption and when they could not present one, ordered them to wear masks. According to media articles following the incident, parishioners were left stunned at the “intrusion” by police. Catholic Archbishop of Perth Timothy Costelloe said in a statement that it was a regrettable incident. Others complained that police did not remove their hats when entering the church, citing it was a mark of disrespect.

In June, the Victorian government passed laws banning Nazi symbolism, including swastikas. In response to the ban, Dvir Abramovich, chairman of the B’nai B’rith Anti-Defamation Commission, described the new legislation as a “thunderous blow” to neo-Nazi elements.

The NSW parliament considered a bill proposed by a minor party to strengthen protections against religious discrimination. Neither the state government or opposition supported the bill, which NSW Premier Dominic Perrottet said might “cause more harm than good,” and at year’s end, the state parliament did not pass the proposed legislation.

NSW Labor Party leader Chris Minns told a meeting of the Australian National Imams Council that a Labor-led state government, if elected, “will stand up against Islamophobia wherever we find it.”

Special Religious Education, an optional class on a particular religion, remained 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 May, the NSW Parliament passed the Voluntary Assisted Dying law, set to take effect in November 2023, allowing for qualified patients to receive access to assisted dying in the state at any medical facility. Proposed amendments to include a “conscientious objection” clause for faith-based aged-care providers to

opt out were not accepted in the final legislation. The general manager of Anglicare, a Christian provider of aged care facilities, suggested the organization might need to consider whether to cease providing services rather than facilitate assisted dying on its premises.

In June, the NSW government set aside AUD 30 million (\$20.4 million) in the state budget to establish a Religious Communities Advisory Council to address concerns about safety and security around places of worship. The initiative was in part inspired by the previous year's COVID-19 lockdowns, which adversely impacted portions of Sydney with higher numbers of Muslim residents.

In May, the WA Parliament's Lower House passed a proposed law that would ban the use of gay conversion therapy in the state; the bill remained pending with the Upper House at year's end. Premier Mark McGowan had stated his government would ban gay conversion therapy following his March 2021 election victory. The Australian Christian Lobby (ACL), a group which seeks to "bring Christian influence into politics," criticized the ban as "draconian," stating it could interfere with parental rights.

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 federal Parliament continued to begin each day's session with a recitation of a short prayer, followed by the Lord's Prayer. Participation in the prayers remained optional.

Section III. Status of Societal Respect for Religious Freedom

In September, the NSW Jewish Board of Deputies said antisemitism was "systemic" in schools following media reports of antisemitic bullying in public and private schools in Sydney's east, and the use of antisemitic slurs in online student chat rooms.

In October, the chief executive of a Melbourne soccer club resigned his position following media pressure over his links with City on a Hill, an Anglican church that newspapers reported condemned homosexuality and abortion in strong terms in sermons dating from 2013. The club's board said Andrew Thorburn could not continue to serve in his dual roles at the Essendon Football Club and as chairman of the church, "despite these not being views that Andrew Thorburn has expressed personally and [which] were also made prior to him [taking up a leadership position at the church]." The Anglican Archbishop of Melbourne, Kanishka Raffel, expressed concern over Thorburn's treatment, saying, "It would be unfortunate if people of faith are sidelined from participation in professional and public life on account of personal religious beliefs." The Archbishop added that "everyone should be expected to be judged on their [own] behavior." Thorburn said in a statement, "It is troubling that faith or association with a church, mosque, synagogue, or temple could render a person immediately unsuited to holding a particular role," calling this a "dangerous idea" that "will only reduce tolerance for others and diversity of thought."

In October, Football Australia issued a lifetime ban on attending soccer games to a man for performing a Nazi salute that was broadcast on television at a professional Sydney game. According to an NSW police investigation, the man could also be subject to criminal charges. Football Australia investigated other individuals for singing Za Dom Spremni (For Homeland – Ready), a chant used by the far-right antisemitic Ustase movement in Croatia.

In June, seven rugby players withdrew from a professional game because they said wearing a pride jersey conflicted with their cultural and religious beliefs. The team's coach said, "These young men are strong in their beliefs and convictions, and we will give them the space and support they require."

In October, a professional Australian soccer player chose not to wear a pride jersey for religious reasons and withdrew from a game. She chose not to play in January for the same reason. The league's head of inclusion said, "People of faith have rights as well."

In June, the Australian Muslim Advocacy Network filed a complaint against Twitter's global and Australian companies with the Queensland Human Rights Commission for vilifying Muslims. The complaint alleged the company failed to

remove more than 400 examples of content from its platform that showed “a pattern of hatred” towards the Muslim community.

The ECAJ reported 478 antisemitic incidents involving threats or abuse from October 1, 2021, to September 30, 2022, compared with 447 in the preceding year. According to the council, there were substantial increases in two categories: posters/stickers (up 70 percent from 72 to 123 incidents) and graffiti (up 18 percent from 106 to 125 incidents). The large increase in posters was due to more street protests related to COVID-19 antivaccination conspiracy theories with antisemitic themes. There were significant decreases in two categories, physical assault (down from eight to five incidents) and hate messages via email, postal mail, and telephone (down from 103 to 76 incidents).

The Community Security Group (CSG), which oversees the specialized and specific security needs of the Jewish community in NSW, Victoria, Queensland, and WA under the auspices of the ECAJ, released a report in December 2021 that stated there were 490 antisemitic incidents reported in 2021 throughout the country. According to CSG, this statistic represented a 38 percent increase in antisemitic incidents compared with 2020 and a nine percent increase compared with 2019. CSG attributed the rise to an increase in antisemitism globally and greater reporting to CSG as a result of community engagement.

In September, Habibah Jaghoori, an editor of Adelaide University’s student magazine *On Dit*, wrote an article stating, “The solution to achieving peace and bringing forth justice for Palestine is to demand the abolition of Israel. Free Palestine, and death to Israel.” The Australasian Union of Jewish Students called for Adelaide University “to take action against those responsible.” The student union dismissed the editor in September.

The Victoria State Equal Opportunity and Human Rights Commission received 36 complaints involving religion from July 2021 to June 2022, a 19 percent decrease from the previous period. Of these complaints, 14 occurred in education, 13 in employment, and nine in the provision of goods and services.

Muslim students at Melbourne’s Monash University prayed outside in protest of what they characterized as inadequate prayer spaces at the university’s Clayton campus. Sources said the current prayer room could accommodate up to eight

men and eight women, despite approximately 260 students requiring access each week.

Results of the 2022 Australian Cooperative Election Study confirmed voters do not see religious discrimination as a significant issue. Only a minority (27 percent) agreed that “Australians who hold religious beliefs face a lot of discrimination.” A majority either disagreed with the statement (31 percent) or were neutral (42 percent). Clear majorities opposed protections of religious freedom seen as discriminating against LGBTQI+ individuals.

Section IV. U.S. Government Policy and Engagement

U.S. embassy and consulate officials continued to engage with government officials to advance religious freedom issues and promote religious tolerance. They raised issues including use of social media, treatment of Muslim Uyghurs in Australia, and antisemitic incidents in response to COVID-19-related pandemic restrictions and lockdown measures that had an impact on the religious community.

In April, the Chargé d’Affaires hosted community leaders, students, and academics for an iftar where the importance of multiculturalism and religious freedom were discussed.

Consulate Melbourne officials regularly met with leaders from Uyghur communities and other religious groups to discuss issues relating to religious rights and freedoms in the country. On April 21, Melbourne’s consul general hosted the consulate’s annual iftar, with members of Australia’s Uyghur community and a member of the Afghan women’s soccer team among the guests. Consulate officials discussed the need to preserve religious freedoms and noted the need to work collaboratively with religious minorities in the country to end the persecution of minorities worldwide. On September 26, the Consul General hosted a dinner where participants from Future Female, an organization for culturally and linguistically diverse female students, discussed religious freedom in the country.

In April, Sydney’s Consul General attended a service at St. Andrew’s Cathedral. Following the service, the Consul General met with Anglican Archbishop Raffel to

discuss the importance of religious freedom. Also in April, the Consul General attended an iftar with students from the consulate's youth advisory council and discussed multiculturalism and religious freedom.