

# **AUSTRALIA 2020 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 government considered public feedback on revised draft religious freedom laws whose stated aim was to make it unlawful to discriminate on the basis of religious belief or activity in key areas of public life. Citing pressures related to the COVID-19 pandemic, the government announced the legislation's consideration would be delayed to an unspecified date. As movement restrictions imposed to contain the spread of COVID-19 began to ease in the latter part of the year, several religious leaders criticized remaining state government restrictions, saying they unfairly affected religious communities. Parliaments in the two most populous states – New South Wales (NSW) and Victoria – initiated inquiries into laws with the stated purpose of strengthening protections against religious discrimination and vilification. While Catholic archdioceses welcomed the legislation, some individual Catholic leaders expressed opposition to state laws enacted in Victoria and Queensland requiring religious leaders and workers to report evidence of child abuse, including evidence heard in confession.

There were reports that COVID-19 enabled conspiracy theorists, neo-Nazi sympathizers, and far-right hate groups to introduce new avenues of attack on religious organizations. Members of minority religious groups, including Jews and Muslims, experienced instances of religious discrimination, threats, attacks, and hate speech. Allegations of anti-Semitic bullying in a Melbourne school received widespread media attention and in July, the Victoria Department of Education launched an investigation into claims two Jewish brothers were regularly the subjects of verbal and physical abuse. There were several reports of anti-Semitic verbal attacks in Melbourne. In NSW, a man was jailed for 10 months for posting anti-Muslim threats on social media.

The U.S. embassy and consulates general engaged government officials and a wide range of religious leaders, faith communities, and groups to promote religious freedom. This included engagement with members of the country's Uyghur community, some of whom have reported harassment by the Chinese Communist Party in the country.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 25.5 million (midyear 2020 estimate). 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 two 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 on

the grounds of religious dress. Complainants may seek redress through state and territory human rights bodies.

Religious groups are not required to register. 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 taken into account 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 belief structures. Instruction in the beliefs and practices of a specific religion may also be permitted, depending on the state or territory. In some jurisdictions instruction must 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 are banned from proselytizing. Thirty-four percent of students attend private schools; approximately 94 percent of these schools are affiliated with a religious group.

In February, new laws in Victoria came into effect requiring 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 September, the Queensland parliament passed laws requiring 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 May, Prime Minister Scott Morrison announced delays to proposed religious freedom legislation as a consequence of his government's focus on the COVID-19 pandemic. The government made no further announcements during the year related to the proposed laws' revision or their introduction in the parliament. The

government stated the purpose of the draft legislation was the prohibition of discrimination in key areas of public life on the ground of religious belief or activity and the creation of a new office of Freedom of Religion Commissioner in the Australian Human Rights Commission.

A revised draft of the religious freedom legislation, released in December, 2019, made several changes to the original draft legislation as a consequence of public consultation. This included provisions allowing religiously-affiliated hospitals, aged care facilities, and accommodation providers to take religion into account in staffing decisions; allowing religious camps and conference centers to take faith into account when deciding whether to provide accommodation; and narrowing conscientious objection protections for health professionals by expressly stating an objection must be to a service generally, rather than to the personal attributes or characteristics of an individual seeking a service. The draft laws continued to propose banning large businesses with a turnover of more than 50 million Australian dollars (\$38.6 million) from setting codes of conduct that would have the effect of restricting or preventing an employee from making a statement of belief “other than in the course of the employee’s employment,” meaning outside the employee’s working hours, unless the business can prove it would cause “unjustifiable financial hardship to the business.” The draft laws continued to propose 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.

The government received approximately 7,000 submissions from interested members of the public related to the revised draft. The Australian Human Rights Commission praised the legislation’s objective of prohibiting discrimination on the grounds of religion, but it warned that other provisions “provide protection to religious belief or activity at the expense of other rights,” which in turn raised concerns about protections for religious organizations “participating in the general economy” that would allow them to deny services or exclude others in ways that the commission considered discriminatory. The commission recommended the government remove provisions exempting statements of belief from federal, state, and territory antidiscrimination laws. LGBTI Legal Service Inc. said these provisions “will allow discriminatory and hurtful comments to be made against a large portion of our community, including LGBTI people.”

Several religious groups, including the Australian Christian Lobby, welcomed “some improvements” in the revised draft, but they said there were “fundamental

deficiencies” needing amendment, including broader protections for religious charities. The Anglican Church Diocese of Sydney welcomed changes permitting religious bodies to provide preference to persons who share their faith in an employment setting, but it lobbied for broader protections for religious charities and statements of belief.

Equality Australia, an organization that promotes “the wellbeing and circumstances of LGBTIQ+ people in Australia,” said the bill “continues to privilege the interests of some people and institutions over the rights of others,” and expressed concern that private sector employers “will find it harder to enforce universal standards of appropriate conduct across their workplaces.” The Australian Chamber of Commerce and Industry said the proposed protections for statements of belief potentially create “a serious issue for employers” in balancing employees’ public comments with their obligations to prevent discrimination in the workplace.

In response to a pledge made in late 2018 by the Prime Minister to remove religious schools’ ability to expel LGBTI students, Attorney General Christian Porter tasked the Australian Law Reform Commission to conduct an inquiry into religious exemptions in antidiscrimination legislation. In March, the Attorney General amended the original December, 2020 reporting deadline, setting it at 12 months after the draft religious freedom legislation passes the federal parliament.

In November, the Victoria state government introduced a bill that would ban practices that encourage individuals to change or suppress their sexual orientation or gender identity. If enacted, violation of this law could result in fines of up to 10,000 Australian dollars (\$7,700) and 10 years in prison. Some religious leaders, including Catholic and Baptist clergy, criticized the bill, 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. As of year’s end, the bill had not been passed by the state parliament.

As restrictions on movement that were imposed to contain the spread of COVID-19 began to ease in the latter part of the year, several religious leaders, including senior Catholic, Anglican, and Greek Orthodox clergy, criticized remaining state government restrictions, saying they unfairly affected religious communities. On October 21, the NSW state government eased restrictions on religious gatherings, increasing maximum attendance from 100 to 300 persons. St. Mary’s Cathedral in Sydney was granted an exemption from the NSW government’s 100-person cap on religious services to hold a larger ordination mass on September 19. In October,

the Premier of Victoria State, citing public health recommendations, defended his government's decision to ease restrictions in areas of Victoria outside the city of Melbourne on hospitality venues but not on religious gatherings. The leaders of several prominent religious groups criticized the decision.

State and territory governments administered grant programs supporting multicultural and multifaith communities throughout the country. In response to COVID-19, the Victoria state government provided grants to religious communities to upgrade their IT infrastructure to enable digital services in their facilities. In August, the Victoria government announced new grants to fund projects and IT capabilities for online cultural and religious festivals.

In February, several Hindu groups criticized comments made by Treasurer of Australia Joshua Frydenberg regarding the opposition Labor Party's proposed "wellbeing budget" as demeaning to the Hindu religion, with the Hindu Council of Australia calling the comments "brazen, racist, and Hindu-phobic." Frydenberg subsequently apologized for any offense taken by his depiction of an opposition spokesperson delivering his wellbeing budget after descending barefoot from an Ashram in the Himalayas.

When a new law requiring religious leaders to report suspicions of child abuse discovered through confession came into effect in February, a spokeswoman for the Catholic Archdiocese of Melbourne said the Church "fully supported" mandatory reporting. She declined to comment on the Archbishop of Melbourne's previous position, in which he indicated he would refuse to comply with such a law. Queensland enacted similar laws in September. The Catholic Archbishop of Brisbane criticized the laws as making priests "less a servant of God than an agent of the state." The laws in Victoria and Queensland followed similar legislation passed in South Australia (2017), Tasmania (2018), Western Australia (2019), and the Australian Capital Territory (2019).

In April, Roman Catholic Cardinal George Pell won an appeal in the country's highest court that nullified his conviction for child sexual abuse. The High Court of Australia's decision was unanimous in its ruling that the jury ought to have had reasonable doubt about Pell's guilt based on testimony from other witnesses. Pell had been found guilty by a Victoria court in 2018, sentenced to six years' imprisonment, and required to register as a sex offender. After his release, victims' advocacy groups and others criticized the verdict. The same night Pell was released, the cathedral in Melbourne was vandalized with graffiti that included

calls for the cardinal to “rot in hell.” A tricycle was tied to the fence of the monastery where Pell spent his first night following his release from prison.

In late 2019, the Victoria state parliament opened an inquiry into existing antivilification laws, examining the potential for the expansion or extension of protections. The stated purpose of the inquiry was to examine the effectiveness of the Racial and Religious Tolerance Act 2001, seek evidence of increasing vilification and hate conduct in Victoria, and examine online vilification. The inquiry was due to report back on September 1, but the deadline was extended to March 1, 2021 due to the COVID-19 pandemic. Speaking to the media about the inquiry, Premier Daniel Andrews said, “Anti-Semitism is on the rise – that is a fact.” Sources said the review would also consider a prohibition on publicly displaying anti-Semitic iconography, such as swastikas.

In August, the NSW state parliament began an inquiry into the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020, proposing to make discrimination on the ground of a person’s religious beliefs or activities unlawful. Equality Australia criticized the bill for privileging “the interest of some people and institutions over the rights of others, including LGBTIQ+ people, women, people with disabilities, and even people with different or no beliefs,” by allowing organizations “to discriminate in employment, education, and service provision against others with different or no beliefs, even when religion has no relevance to the role...” The Anglican Church Diocese of Sydney welcomed the attempt to protect citizens from discrimination on the basis of religious belief. The inquiry received 144 public submissions.

Muslim immigrants detained in Brisbane filed a complaint in September with the Australian Human Rights Commission, saying they had not been given certified halal food for more than 12 months. The detainees stated that their caterer confirmed to them that the food was not certified halal.

Due to what they stated was an increasing number of students in NSW public schools who do not identify with a religion, some education groups continued to advocate for the removal of Special Religious Education classes from high schools. According to the NSW Teachers Federation, “School time is for teaching and learning, and special religious instruction should not be interrupting the crucial learning of students during the school day.” Government-approved Special Religious Education providers included representatives of Christian denominations, Islam, Judaism, Buddhism, and other religious groups. 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. At year's end, Special Religious Education remained in place in NSW public schools.

The Australian Multicultural Council continued to provide guidance to the government on multicultural affairs policy and programs. The government's national multicultural policy, 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 October, Stipe Lozina, who punched and stomped on a pregnant Muslim woman in 2019, was sentenced to three years in prison. Media reported that Lozina shouted “anti-Islamic hate speech at the victim and her friends” during the attack.

In January, a household in Victoria State prominently flew a swastika flag for several weeks. Neither the local council nor the police could require the flag's removal, but a spokesperson for Victoria Police said it had been taken down after discussions with the homeowners, who stated they were not aware the flag could cause offense.

Sources stated that the COVID-19 pandemic enabled conspiracy theorists, neo-Nazi sympathizers, and far-right hate groups to introduce new avenues of attack on religious organizations. In August, during Victoria State's second wave of COVID-19, a cluster of cases emerged at the Islamic Al-Taqwa College. Principal Omar Hallak told media that references to the “Al-Taqwa cluster” by state leadership, including Premier Daniel Andrews, had instigated online attacks from hate groups.

On July 17, the Australian Muslim Advocacy Network expressed concern to a Senate inquiry into foreign interference that “right-wing extremist rhetoric” was being brought into the country through various social media platforms. The network also stated that there were 12 fringe political parties in the 2019 federal election that ran on platforms that supported “discriminatory anti-Muslim polic[ies.]”



The NSW Attorney General's Department told the state parliament that it was aware of three instances of swastika flags being flown in the state during the year.

There were reports that anti-Semitic rhetoric increased during the COVID-19 pandemic. In one well publicized incident, Victoria State Premier Daniel Andrews was targeted with anti-Semitic graffiti reading "Stop Dan Andrews," with a Star of David replacing the "a" in "Dan" and a swastika replacing the "s" in "Andrews." *The Australian Jewish News* reported that anti-Semitic content was posted online that included statements that blamed Jews for the COVID-19 pandemic and called it the "Jew Flu." Anti-Defamation Commission chairman Dvir Abramovich warned that COVID-19 was fueling "anti-Semitic and hateful conspiracy theories blaming Jews for the pandemic."

In June, an NSW man was jailed for 10 months for posting threats against Muslims on social media.

The Anti-Defamation Commission reported a Jewish man and his son were subjected to anti-Semitic verbal abuse in Melbourne in July. The two were standing on a busy road when a man began yelling at them, calling them "Jew dogs."

In July, the Victoria Department of Education launched an investigation into anti-Semitic bullying at Brighton Secondary College, where two Jewish brothers said they were regularly the subjects of verbal and physical abuse, including taunts of "Heil Hitler" from students, as well as comments from teachers referring to Israel as "Palestine." The brothers said they made numerous reports to teachers but no serious action had been taken.

In August, a Jewish Uber driver in Melbourne reported that a passenger asked him if he was Jewish. When the driver confirmed his religion, the passenger asked that the car be stopped, since he "did not want a Jew to drive him," and as the car pulled over, the passenger verbally abused the driver with insults, including "Jewish scumbag." Uber removed the passenger's access to the app and the driver filed a complaint with Victoria Police.

On January 24, Islamic scholar Ismail al-Wahwah of the Australian chapter of Hizb ut-Tahrir delivered a sermon, later uploaded on YouTube, that denied the Holocaust and called for world domination by Islam.

The Executive Council of Australian Jewry reported 331 anti-Semitic incidents involving threats or abuse during the year, compared with 368 the previous year. According to the council, there was an increase in several more serious categories of incidents, including physical assault (eight, compared with four in 2019) and direct verbal abuse, harassment, and intimidation (128, compared with 114 in 2019). Graffiti reports declined to 42, compared with 95 in 2019.

The Community Security Group released a report on anti-Semitic incidents in 2019 in which it stated there were 451 reported incidents throughout the country, a 31 percent increase over the 343 incidents reported in 2018.

In May, vandals sprayed swastikas on a golf course in Melbourne that was originally founded by Jews nearly seven decades ago because they were not allowed to play at other clubs.

The Victoria State Equal Opportunity and Human Rights Commission received 36 complaints involving religion from July 2019 to June 2020, a 36 percent decrease from the previous year. Of these complaints, half occurred in the provision of goods and services, and just over a third occurred in employment. Complaints relating to employment under the Equal Opportunity Act and Racial Religious Tolerance Act decreased 28 in 2018/19 to 20 in 2019/20.

#### **Section IV. U.S. Government Policy and Engagement**

The embassy and consulates general engaged government officials and a wide range of religious leaders, faith communities, and groups to promote religious freedom. This included engagement with members of the country's Uyghur community, some of whom have reported harassment by the Chinese Communist Party in the country.