

Cover page

Submission to the Human Rights Council Universal Periodic Review (Fourth Cycle) into Australia's human rights 2021-2025

July 2025

Lead organisation:



Supporting organisations:



ABOUT US

The lead organisation for this submission is the **Rationalist Society of Australia**. Established in 1906, it is Australia’s oldest freethought organisation promoting reason, secularism and evidence-based policy. The submission is endorsed by a number of other organisations with different philosophical beliefs but a shared interest in promoting secularism and the rights of non-religious and ex-religious people. They are: **Atheist Foundation of Australia; Humanists Australia; Recovering From Religion Australia; National Secular Lobby; Sydney Atheists; Queensland Parents for Secular State Schools; Fairness in Religion in Schools (NSW);** and the **Secular Association of New South Wales**. See Annex 1 for more detail about our organisations.

The submission is dedicated to the memory of the late Meg Wallace¹, who was deeply concerned about the rights of non-religious people.

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¹ Meg Wallace (1945-2024) was a former law lecturer at the University of Canberra and a senior policy officer in the public service of the Australian Capital Territory. She authored the book, ‘Freedom From Religion: Rethinking Article 18’ (2015). She was a champion for secularism and President of the Secular Association of NSW.

1. INTRODUCTION

[1] This is a formal submission by a coalition of pro-secular, non-religious and ex-religious groups to the United Nations Human Rights Council's Universal Periodic Review (Fourth Cycle) into Australia's human rights.

[2] **This submission details the discriminatory and unfair treatment of non-religious Australians, on the *basis of religion and belief*, in a number of government institutions and programs.**

[3] The discriminatory and unfair treatment detailed here is inconsistent with Australia's various commitments to international human rights treaties and declarations that provide for equal treatment of *religion and belief*. While Australia professes to support freedom of religion and belief internationally, this submission shows that, in practice, Australia privileges religion – especially Christianity – in the domestic context. As a result, religious people enjoy privileges that are not afforded to non-religious people. Also, the imposition of religion erects barriers to equal participation and contributes to the alienation of non-religious and ex-religious people in public institutions and programs.

[4] This discrimination is indefensible, especially at a time when Australians are increasingly identifying as not religious. National Census figures show that the proportion of the population identifying as not religious has surged, rising from 16.7 per cent in 2001 to 38.9 per cent in 2021². Based on the trends, 'no religion' will likely overtake 'Christianity' at the 2026 Census.

[5] Domestic policy debates on 'religious freedom' during the past decade have focused almost exclusively on protecting 'freedom of religion' and religious rights. Given Australia's international commitments to treating religion and belief equally, we believe it is imperative that the international community holds Australia accountable to these commitments domestically by urging it to address the discriminatory and unfair treatment of non-religious citizens.

[6] While Australia may well have entered into international commitments at a time when its population was largely Christian, Australian governments now must recognise that demographics have fundamentally changed and that the privileging of religion impacts negatively on the fundamental human rights of non-religious people. Genuine commitment to

² Australian Bureau of Statistics (2021), 'Religious affiliation in Australia', accessed May 2025, <https://www.abs.gov.au/articles/religious-affiliation-australia#change-in-no-religion-over-time>

freedom of religion and belief must recognise the right to freedom from religion and from coercion on matters of religion and belief, and the right to freedom to leave religion without fear, stigma or disadvantage. If Australia is to have any credibility in advocating for religious and belief rights on the international stage, then it must address the discriminatory and unfair treatment of non-religious citizens at home.

[7] We thank the Human Rights Council for the opportunity to make this submission. We urge participating countries to give due consideration to the issues raised and the recommendations made to help address the human rights impact on non-religious Australians.

2. AUSTRALIA’S PREVIOUS CYCLE (THIRD CYCLE – 2016-21)

[8] In the Universal Periodic Review Third Cycle, Australia’s national report noted that Australians enjoy a “high degree of religious freedom” but that a review into the matter, investigating the extent to which laws adequately protected freedom of religion, had identified opportunities to strengthen protections. The report said the federal government was consulting “widely” on a package of legislation, including a proposed Religious Discrimination Bill.

[9] In the *Report of the Working Group on the Universal Periodic Review*, a number of countries recommended Australia strengthen measures to combat religious discrimination (recommendations 68, 73, 75, 77, 81, 86, 94, 97, 174). However, the *Compilation on Australia: Report of the Office of the United Nations High Commissioner for Human Rights* only briefly mentioned the Human Rights Committee’s concern about “reports of discrimination on the basis of ... religious background ...”

[10] In response, Australia accepted the recommendations and highlighted the federal government’s work in drafting a Religious Discrimination Bill to make discrimination on the basis of religion unlawful federally. The Liberal-National government failed to introduce such laws. But a new government, under the Labor Party, committed, upon coming to office in 2022, to introducing its own bill. It is yet to present such a bill to parliament.

[11] We welcomed the demise of the various drafts of the Religious Discrimination Bill of the former Liberal-National government. We warned that the bill was designed to not simply ‘shield’ against discrimination on the grounds of religion and belief but provide a ‘sword’ for religious people to discriminate against others. It would have unfairly privileged the rights of religious people over non-religious people and vulnerable sections of the community, including LGBTIQ people, women and disabled people. We note that, in the *Summary of Stakeholders’ submissions on Australia* during the third cycle, submitters warned that the bill must not be

enacted as it would lead to discrimination against others. While conservative faith leaders supported these drafts of the bill, the public widely condemned them.

[12] While the final version of the bill³ recognised the “freedom of all people to have or adopt a religion or belief of their choice”, and that “religious belief or activity” included “not holding a religious belief” and “not engaging in, or refusing to engage in, religious activity”, the views of non-religious groups – such as rationalists, atheists, secularists, and humanists – were largely ignored. For example, a parliamentary committee examining the bill invited more than 40 religious groups to appear before it, while inviting *zero* non-religious groups, despite many of them having made submissions to the inquiry.

3. AUSTRALIA’S COMMITMENTS TO FREEDOM OF RELIGION AND BELIEF

[13] Australia’s Constitution provides limited protections for religious freedom and belief⁴, with Section 116 preventing the Commonwealth from: enacting laws for establishing any religion; imposing any religious observance; and requiring a religious test for any office or public trust under the Commonwealth. The High Court, through its decisions, has made it clear that Section 116 does not amount to a constitutional guarantee⁵ of the right to freedom of religion and belief. It is a narrow limitation on legislative power rather than a guarantee of individual rights.

[14] Australia does not have a bill of rights or federal laws protecting religious freedom or prohibiting discrimination on the basis of religion or belief. Thus, according to Australia’s Human Rights Commission⁶, the country has “no comprehensive Commonwealth legislation that protects religious freedom or prohibits discrimination on the basis of religion or belief”.

³ Religious Discrimination Bill 2021, House of Representatives, accessed May 2025, https://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r6821_first-reps/toc_pdf/21169b01.pdf;fileType=application%2Fpdf

⁴ Australian Human Rights Commission, ‘Freedom of thought, conscience and religion or belief’, accessed May 2025, <https://humanrights.gov.au/our-work/rights-and-freedoms/freedom-thought-conscience-and-religion-or-belief#:~:text=Article%2018.3%20permits%20restrictions%20on,rights%20and%20freedoms%20of%20others>

⁵ Attorney-General’s Department, ‘Right to freedom of thought, conscience and religion or belief’, accessed May 2025, <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-freedom-thought-conscience-and-religion-or-belief>

⁶ Australian Human Rights Commission, ‘Freedom of thought, conscience and religion or belief’, accessed May 2025, <https://humanrights.gov.au/our-work/rights-and-freedoms/freedom-thought-conscience-and-religion-or-belief#:~:text=Article%2018.3%20permits%20restrictions%20on,rights%20and%20freedoms%20of%20others>

[15] Most states and territories – except New South Wales and South Australia – have anti-discrimination laws prohibiting, to different degrees, discrimination on the basis of religion and belief. Some jurisdictions – Victoria, Queensland and Australian Capital Territory – also have statutory human rights charters, explicitly protecting freedom of thought, conscience, religion and belief.

[16] Australia is a party to a number of international commitments that protect the right to freedom of thought, conscience and religion. Article 18 (1 and 2) of the International Covenant on Civil and Political Rights (ICCPR)⁷ state:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Under Article 18 (3), freedom to manifest one's religion or belief can be subject to limitations to protect, among other things, the "fundamental rights and freedoms of others". Article 26 also provides a right to equality before the law and to non-discrimination on grounds that include religion.

[17] Australia has supported a number of other international declaratory statements. Among these, the Universal Declaration of Human Rights (Article 18)⁸ declares the "right to freedom of thought, conscience and religion", which includes the "freedom to change his religion or belief". Australia has agreed to similar commitments in the International Convention on the Elimination of All Forms of Racial Discrimination⁹ (Article 5) and Convention on the Rights of the Child¹⁰ (Article 14).

⁷ United Nations, 'International Covenant on Civil and Political Rights', accessed May 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁸ United Nations, 'Universal Declaration of Human Rights', accessed May 2025, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁹ United Nations, 'International Convention on the Elimination of All Forms of Racial Discrimination', accessed May 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

¹⁰ United Nations, 'Convention on the Rights of the Child', accessed May 2025, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

[18] Australia is a member of the International Religious Freedom or Belief Alliance¹¹. The alliance is “fully committed to advancing freedom of religion or belief around the world” and advocates for “freedom of religion or belief for all, including the right of individuals to hold any belief, to change it or to hold none”.

[19] Australia recognises that such commitments apply equally to religious and non-religious beliefs. In regards to Article 18 of the ICCPR, the federal government’s Attorney-General’s Department¹² says:

The UN Human Rights Committee has interpreted religion to include theistic, non-theistic and atheistic beliefs, and has stated that the right includes the right not to profess any religion and belief. The right includes the right to adopt a religion or belief of a person's choice, including the right to leave a religion and convert to another.

[20] Further, the Attorney-General’s Department says the government must ensure that legislation, policies and programs “respect the right to freedom of thought, conscience and religion or belief”, and adds that the government may not impose religious beliefs:

The Government may not impose restrictions on the right to hold positions based on religious or other belief, nor may it impose religious or other beliefs. The Government may also be obliged to take positive steps, where necessary and appropriate to protect this right...

[21] In 2017, the federal government commissioned an expert panel to examine whether Australian law (Commonwealth, state and territory) adequately protects freedom of religion. The panel’s report, *Religious Freedom Review*, noted that the right to “freedom of thought, conscience and religion belongs to all”¹³. The report said:

The atheist and the agnostic receive the same protection as the religious adherent. Each is free to hold their beliefs and to live free of coercion to adopt some different set of beliefs.

The report noted that, as a signatory to the ICCPR, Australia:

¹¹ Department of Foreign Affairs and Trade, ‘Joint Statement on the International Religious or Belief Freedom Alliance’, accessed May 2025, <https://www.dfat.gov.au/international-relations/themes/human-rights/hrc-statements/49th-session-human-rights-council/joint-statement-international-religious-or-belief-freedom-alliance>

¹² Attorney-General’s Department, ‘Right to freedom of thought, conscience and religion or belief’, accessed May 2025, <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-freedom-thought-conscience-and-religion-or-belief>

¹³ Attorney-General’s Department (2018), *Religious Freedom Review: Report of the Expert Panel*, accessed May 2025, <https://www.ag.gov.au/sites/default/files/2020-03/religious-freedom-review-expert-panel-report-2018.pdf>

...has an obligation to ‘respect’ the rights secured in the Covenant...and to ‘ensure’ those rights to individuals within Australia’s territory or its jurisdiction, and to do so in a non-discriminatory manner...

4. EXAMPLES OF DISCRIMINATORY AND UNFAIR TREATMENT OF NON-RELIGIOUS PEOPLE

[22] This section does not seek to provide an exhaustive list of examples of discriminatory and unfair treatment of non-religious Australians. Instead, it highlights issues relating to government institutions and programs that have been of particular focus for our organisations during the review period (2021-2025).

4.1 Prayers in government institutions

[23] All state parliaments and the federal parliament begin daily proceedings by observing acts of Christian worship, including recital of the Lord’s Prayer, as part of formal procedures – known as ‘Standing Orders’. The practice leaves many non-religious people – elected representatives, parliamentary staff, and members of the public – feeling alienated.

[24] Numerous parliamentarians have called for such practices to change or be removed. In 2022, the new Senate President said that, as an atheist, she did not want to lead the recital of prayers – traditionally the President’s role¹⁴. In a 2023 speech in the Tasmanian parliament – a state where 50 per cent of the population marked ‘no religion’ in the 2021 Census¹⁵ – one member of parliament said it was a matter of basic rights to “participate in parliament without having to observe acts of religious worship”¹⁶.

¹⁴ *The Australian* (2022), ‘Atheist Senate chief wants Lord’s Prayer ‘gone’’, accessed May 2025, <https://www.theaustralian.com.au/nation/politics/atheist-senate-president-sue-lines-wants-lords-prayer-gone/news-story/92e2be9d68dfa277b1ad458823727ac7>

¹⁵ Australian Bureau of Statistics, ‘Snapshot of Tasmania’, accessed May 2025, <https://www.abs.gov.au/articles/snapshot-tas-2021#:~:text=In%202016%2C%20Christian%20affiliation%20was.affiliation%20was%2050.0%25%20in%202021>.

¹⁶ Gaffney, M (2023), ‘Our parliament needs to become a more inclusive and welcoming place for all’, *Rationale*, accessed May 2025, <https://rationalemagazine.com/index.php/2023/03/29/our-parliament-needs-to-become-a-more-inclusive-and-welcoming-place-for-all/>

[25] Many parliamentarians protest by standing outside the chambers while Christian worship takes place inside. In Victoria last year, one-third of lawmakers in the Legislative Council were boycotting the Christian prayers¹⁷.

[26] A significant proportion of local governments (known as 'councils') observe religious worship at the opening of meetings. In 2019, about 36 per cent of Australia's 520 local governments – and as high as 56 per cent in New South Wales – imposed Christian prayers in meetings¹⁸. This is despite the practice of incorporating prayers being considered likely unlawful on the basis that local governments are exceeding the powers granted to them by state-based local government laws¹⁹.

[27] Encouragingly, a number of elected representatives in local governments have opposed the practice for reasons including the human rights impact on non-religious people. Many councillors have argued that the practice likely breached their state's human rights and anti-discrimination laws.²⁰ In 2023, more than 20 Victorian councillors urged the state government to stop the practice, arguing that the right to freedom of religion "necessarily includes freedom from religion"²¹.

¹⁷ Rationalist Society of Australia (2024), 'One-third of members in Victoria's upper house boycotting prayer ritual', accessed May 2025, <https://rationalist.com.au/one-third-of-members-in-victorias-upper-house-boycotting-prayer-ritual/>

¹⁸ Beck, L (2019), 'Local Government Prayers in Australia', *Journal for the Academic Study of Religion*, accessed May 2025, <https://journal.equinoxpub.com/JASR/article/view/21309>

¹⁹ Beck, L (2021), 'Our Father who art in town hall: do local councils have power to pray?', *Alternative Law Journal*, volume 46, issue 2, June 2021, pp128-133, accessed June 2025, <https://www.scopus.com/record/display.uri?eid=2-s2.0-85102716152&origin=inward&txGid=6727dc7ee1e164ec160f21bc169c1746>

²⁰ *Warwick Today* (2024), 'Meetings still have a prayer', accessed May 2025, <https://warwicktoday.com.au/news/2024-07-23/meetings-still-have-a-prayer/>; ABC (2024), 'Pressure grows on Victorian councils to ditch opening prayer amid claims of human rights violation', accessed May 2025, <https://www.abc.net.au/news/2024-03-05/vic-councils-face-pressure-opening-prayer-human-rights-violation/103516516>; *The Guardian* (2023), 'Melbourne council ditches Christian prayer after concern about potential human rights breaches', accessed May 2025, <https://www.theguardian.com/australia-news/2023/oct/24/boroondara-city-council-christian-prayer-voted-out-melbourn-e-legal-human-rights>; Rationalist Society of Australia (2023), 'Fraser Coast council CEO warns of 'likely discrimination' in prayer practice', accessed May 2025, <https://rationalist.com.au/fraser-coast-council-ceo-warns-of-likely-discrimination-in-prayer-practice/>

²¹ *The Age* (2023), 'Councillors take a stand over 'inappropriate' Christian prayers at meetings', accessed May 2025, <https://www.theage.com.au/national/victoria/councillors-push-for-end-to-inappropriate-christian-prayers-at-meetings-20230202-p5chf5.html>

[28] The public has also voiced its support for change, with thousands of Australians signing petitions on the matter²². One to the federal House of Representatives²³ argued that imposing Christian worship sent a message to non-Christians that they were not welcome.

[29] One Australian legislature provides a good example to follow. In the 1990s, the Australian Capital Territory's Legislative Assembly replaced prayers with a moment of silent reflection.

[30] During the review period, momentum for change continued to build at the level of local government, in particular, as a number of councils decided to remove prayers and introduce secular and more inclusive practices.

4.2 Lack of non-religious frontline wellbeing support in Defence Force

[31] The Australian Army and the Royal Australian Air Force do not provide any non-religious frontline wellbeing support to their personnel, despite most of them identifying as not religious. Instead, they employ exclusively religious-based chaplains.

[32] Chaplains employed in Army, Air Force and Navy wear military uniforms and are embedded in military units. They are considered the “first port of call” for personnel in need. Official data show Defence is increasingly relying on Pentecostal and evangelical Christian chaplains to deliver this capability²⁴.

[33] In 2020, the Royal Australian Navy recognised the need to provide a non-religious frontline wellbeing option to meet the changing needs of its workforce²⁵. It introduced a handful of secular roles (known as ‘Maritime Spiritual Wellbeing Officers’) into its chaplaincy branch.

²² Change.org (2022), ‘Replace prayers in parliament’, accessed May 2025, <https://www.change.org/p/replace-prayers-in-parliament> ; Australian Parliament House, ‘Petition EN5562 - Modernise the Standing Orders to replace daily Christian prayers’, accessed May 2025, <https://www.aph.gov.au/e-petitions/petition/EN5562>

²³ Australian Parliament House, ‘Petition EN5562 - Modernise the Standing Orders to replace daily Christian prayers’, accessed May 2025, <https://www.aph.gov.au/e-petitions/petition/EN5562>

²⁴ *The Guardian* (2023), ‘Wellbeing of non-religious ADF personnel at risk, former recruiter warns’, accessed May 2025, <https://www.theguardian.com/australia-news/2023/aug/20/wellbeing-of-non-religious-adf-personnel-at-risk-former-recruiter-warns>

²⁵ National Secular Lobby (2020), ‘Navy’s Top Chaplain Excited for New Secular Roles’, accessed June 2025, <https://www.nsl.org.au/columns/navys-top-chaplain-excited-for-new-secular-roles/>

[34] The provision of exclusively religious-based frontline wellbeing support/pastoral care in Army and Air Force is discriminatory towards Army and Air Force personnel who are not religious. Many simply do not want to seek help from a religious agent. This was evidenced in testimony to the Royal Commission into Defence and Veteran Suicide²⁶. As a result, many Army and Air Force personnel do not have access to appropriate and timely frontline wellbeing support. This is particularly disturbing at a time of high suicide rates and a mental health crisis among personnel and veterans.

[35] Army and Air Force also discriminate against non-religious applicants who may wish to apply for the roles. Religious requirements – such as theological qualifications, pastoral experience in churches, and belonging to certain identified faith groups²⁷ – unfairly block otherwise professionally qualified and experienced people who are not religious. In 2018, a humanist chaplain lodged a discrimination complaint with the Australian Human Rights Commission about being unable to apply for a role²⁸.

[36] The 2023 *Defence Census* showed that the majority (61 per cent) of Defence Force personnel are not religious²⁹. Official data also reveal the staggering lack of non-religious wellbeing support for non-religious personnel across Defence. A 2022 review³⁰ into the Navy's secular roles noted that the ratio of Christian chaplains to Christian Defence personnel was 1:134, while the ratio for non-religious wellbeing support officers to non-religious personnel was 1:11,992. For Muslims, the ratio was 1:62. For Buddhists, it was 1:83.

[37] A former head of Navy chaplaincy has argued that, in not pursuing secular reform, Army and Air Force were disregarding the needs of its non-religious members, which posed an

²⁶ Royal Commission into Defence and Veteran Suicide, accessed May 2025, <https://defenceveteransuicide.royalcommission.gov.au/>

²⁷ Australian Defence Force Careers, 'Chaplain', accessed May 2025, <https://www.adfcareers.gov.au/jobs/army/chaplain?title-tab=requirements&requirements=education-and-experience&tab=ways-to-join>

²⁸ *The Guardian* (2018), 'Military chaplains could be atheists if discrimination complaint upheld', accessed May 2025, <https://www.theguardian.com/australia-news/2018/aug/03/military-chaplains-could-be-atheists-if-discrimination-complaint-upheld>

²⁹ Department of Defence (2023), *Australian Defence Force Census: Public Report*, accessed May 2025, <https://www.defence.gov.au/sites/default/files/2024-12/ADFCensus2023.pdf>

³⁰ Rationalist Society of Australia (2023), 'Exclusive: Defence review reveals "strong demand" for Navy's non-religious pastoral care', accessed May 2025, <https://rationalist.com.au/exclusive-defence-review-reveals-strong-demand-for-navys-non-religious-pastoral-care/>

“inexcusable risk to the health and wellbeing of our serving personnel”³¹. The religious-based model also fails to meet the needs of ex-religious personnel, some of whom may have experienced trauma in cult/high-demand groups and, as a result, view religious chaplaincy as a barrier to care.

[38] A better model of frontline wellbeing support would remove the religious-based barriers to care. While it would still provide religious options for those who want them, such a model would provide non-religious people the option of accessing non-religious professional support.

4.3 Census religion question

[39] As the nation’s statistical agency and official source of data about the population, the Australian Bureau of Statistics (ABS) conducts a national Census every five years. Census data inform policy-making and decision-making, including for funding of important sectors such as health and education.

[40] The ABS claims to “tell the real story of Australia”³². Yet, it uses a flawed question on religious affiliation that fails to accurately count non-religious people. In 2026, when Australians will next complete the Census, it will again ask: “What is the person’s religion?” This question assumes all respondents have a religion and produces acquiescence bias that inflates data in favour of religious affiliation.

[41] The question framing is inconsistent with international human rights provisions in that it fails to treat religious and non-religious beliefs equally. The question denies Australians the right to freely and fairly answer the question. It interferes with each individual’s right to accurately record their religious or non-religious affiliation.

[42] The question framing is coercive in assuming all people have a religious affiliation and in creating a perception that there is something wrong with not being religious. It is particularly coercive for: people who have left religious cults or high-demand groups; and people who have migrated from countries where repressive regimes or societies made identifying as not religious a risk to their safety. Article 18 of the ICCPR speaks of the right of each person to enjoy

³¹ Acton, C (2024), ‘Defences reliance on ordained ministers of religion is out of touch’, *Pearls & Irritations*, accessed May 2025, <https://johnmenadue.com/post/2024/01/defences-reliance-on-ordained-ministers-of-religion-is-out-of-touch/>

³² Australian Bureau of Statistics, ‘About’, accessed May 2025, <https://www.abs.gov.au/about>

“freedom to have or to adopt a religion or belief of his choice” and to not “be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”.

[43] Instead of accurately marking their current non-religious affiliation, many people are steered towards marking a religion that they may have had previous associations with – such as the religion of their childhood, parents or school. Other survey results suggest a significant impact when the bias is removed from the question, finding 11-point increases of ‘no religion’ and as many as 52 per cent of adults identifying as religiously unaffiliated³³.

[44] Adopting best practice would mean reframing the question to ask respondents whether they have a religious affiliation. Following a public consultation process during 2022-24, the ABS acknowledged public concern that the question “assumes you have a religion”³⁴. It then proposed changes to “support more accurate data collection”³⁵. In 2023, it proposed to change the question to “Does the person have a religion?”, with ‘Yes’ and ‘No’ boxes and an open text space for religious people to write their affiliation. Regrettably, following a public campaign by the Catholic Church, the ABS opted to return to the flawed question, saying it wanted to deliver comparable data with past censuses and that religious data users had a “strong desire” to retain the existing question³⁶.

4.4 Scripture classes in public schools

[45] In government schools in New South Wales and Queensland, non-religious students face unfair disruption to their normal learning time while doctrinal religious instruction is held. Education laws require normal curriculum time to stop while external religious agents deliver scripture programs – known as Special Religious Education (SRE) in New South Wales and Religious Instruction (RI) in Queensland – to children whose parents have provided consent.

³³ Pew Research Centre (2025), ‘Around the World, Many People Are Leaving Their Childhood Religions’, accessed May 2025, <https://www.pewresearch.org/religion/2025/03/26/around-the-world-many-people-are-leaving-their-childhood-religions/>; National Secular Lobby (2021), ‘The Essential Report – National Secular Lobby’, accessed May 2025, <https://www.nsl.org.au/wp-content/uploads/2021/08/NSL-Essential-Report-Census-2021-final.pdf>.

³⁴ Australian Bureau of Statistics (2023), ‘2026 Census topic review: Phase one directions’, accessed May 2025, <https://www.abs.gov.au/statistics/research/2026-census-topic-review-phase-one-directions#cultural-diversity>

³⁵ Australian Bureau of Statistics (2023), ‘2026 Census topic review: Phase two directions’, accessed May 2025, <https://www.abs.gov.au/statistics/research/2026-census-topic-review-phase-two-directions>

³⁶ Rationalist Society of Australia (2025), ‘Religious groups had “strong desire” to keep Census religion question, says ABS’, accessed May 2025, <https://rationalist.com.au/religious-groups-had-strong-desire-to-keep-census-religion-question-says-abs/>

[46] These weekly classes disrupt formal curricular education for those who attend and for those who do not. They segregate children according to family or parental religious affiliation, creating a sense of alienation and difference in classrooms based on religious and non-religious affiliation. These state governments treat scripture as the default option, with non-participating students viewed as the "problem" in terms of schools determining what to do with them.

[47] Students not participating in SRE or RI have variable and limited options to fill their time. The New South Wales government says these children can undertake "alternative meaningful activities", including reading, homework or private study. Logistical issues, such as a lack of classrooms, mean that, often, these do not occur. As a result, many students do not even get to engage in the specified "alternative meaningful activities", instead having to bide their time in crowded classrooms, school halls or sit idle outside.

[48] New South Wales allows an alternative program, Special Education in Ethics (SEE), delivered by an external organisation. It is believed to be available in only about 25 per cent of primary schools and is not available to all students in schools that may have it. Queensland does not provide a non-religious alternative.

[49] Previous United Nations reports have called for governments to provide alternative programs that would "accommodate the wishes of parents and guardians"³⁷. In 2010, the Special Rapporteur on Freedom of Religion or Belief said: "...wherever possible, students not participating in religious instruction due to their different faith should have access to alternative courses provided by the school".³⁸

[50] Scripture programs have a privileged status compared to other optional extra-curricular activities. For example, if a student wishes to voluntarily participate in instrumental music lessons, their choice does not inconvenience the learning of others.

[51] It would be more appropriate for such scripture classes to be moved outside class time to avoid disruption to normal learning – something peak public education stakeholders have been calling for³⁹. In 2024, 1,500 citizens signed a petition to the New South Wales parliament,

³⁷ Office of the High Commissioner for Human Rights (1993), 'CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)', accessed June 2025, <https://www.refworld.org/legal/general/hrc/1993/en/13375>

³⁸ Human Rights Council (2010), 'Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt', accessed June 2025, <https://docs.un.org/en/A/HRC/16/53>

³⁹ *Sydney Morning Herald* (2023), 'The Sydney high schools where scripture enrolments fall below 15 per cent', accessed July 2025, <https://www.smh.com.au/national/nsw/the-sydney-high-schools-where-scripture-enrolments-fall-below-15-per-cent-20230802-p5dt95.html> ; Rationalist Society of Australia (2023), 'Principals call for option to move RI outside class

arguing that public education should not be disrupted while some pursued a private interest in religion⁴⁰.

[52] Victoria provides an example of best practice. In 2016, its government moved scripture to out-of-class hours – in line with other optional extra-curricular activities. This arrangement ensures parents can opt their children into scripture while also ensuring other children can continue their normal education. While other jurisdictions provide an option for scripture and other religious activities, including during class time, we understand that these activities are not as disruptive to non-participating children.

4.5 Chaplains in public schools

[53] In 2006, the Liberal-National federal government began funding religious chaplains to work in wellbeing support/pastoral care roles in public schools under what was originally called the National School Chaplaincy Program (NSCP). About AUD \$1.5 billion has since been spent on the program⁴¹, recently renamed National Student Wellbeing Program (NSWP). Some states have also contributed additional public funds.

[54] Discrimination on the grounds of religion and belief remains a feature of hiring practices in the NSWP. The employment of chaplains via third-party labour hire firms (almost exclusively Christian) continues to require candidates have religious credentials, such as ordination, an active church life, and endorsement by a religious institution. As a result, the program discriminates by preventing non-Christian people from applying.

[55] In 2011, the then Labor government made reforms to allow schools the choice of either a chaplain or a secular wellbeing officer. Yet, this was undone by the Liberal-National government in 2014, returning to funding just chaplains. In 2022, the new Labor government renamed the program and returned to allowing schools a choice of either a secular worker or a chaplain.

hours in QLD public schools', accessed July 2025,
<https://rationalist.com.au/principals-call-for-ri-to-move-outside-class-hours-in-qld-public-schools/>

⁴⁰ Parliament of New South Wales, accessed May 2025,
<https://www.parliament.nsw.gov.au/la/Pages/closedePetition-details.aspx?q=CLJR7ATVShkYn1HEXbAe8A>

⁴¹ Ron Williams (2023), Secularism Australia Conference, accessed May 2025,
<https://www.youtube.com/watch?v=OUYd6mqP5NU>

[56] The NSW funding agreement says the program is explicitly not religious and wellbeing officers and chaplains may be of any faith or no faith. Also, the role descriptions are identical⁴². Yet, the agreement requires chaplains to have religious endorsement and meet religious requirements. When asked to clarify the nature of the religious requirements, the federal education department stated that people in these roles need to “confirm their faith”⁴³.

[57] State-based anti-discrimination commissioners have indicated that the hiring practices are legally problematic:

- In 2020, Victoria’s Equal Opportunity and Human Rights Commission told a member of parliament: “we agree that the program may be in breach of [Victoria’s] Equal Opportunity Act 2010”⁴⁴;
- In 2020, Queensland’s Human Rights Commissioner said the practice involved “potential contraventions of the [Qld Anti-Discrimination] Act”⁴⁵;
- In 2021, Western Australia’s Equal Opportunity Commissioner said he was concerned that the practice was “prima facie religious conviction discrimination” under the state’s Equal Opportunity Act 1984⁴⁶.

[58] Encouragingly, many schools have embraced the secular option since 2023⁴⁷. However, non-religious and non-Christian wellbeing officers who have appropriate qualifications and experience continue to be blocked where schools seek chaplains. No public information is

⁴² National Student Wellbeing Program, ‘Federation Funding Agreement’, accessed May 2025, https://federalfinancialrelations.gov.au/sites/federalfinancialrelations.gov.au/files/2023-01/National%20Student%20Wellbeing%20Program%20-%20All%20states_0.pdf

⁴³ Rationalist Society of Australia (2023), ‘Religious endorsement needed to “confirm faith” of school chaplains in new program’, accessed May 2025, <https://rationalist.com.au/religious-endorsement-needed-to-confirm-faith-of-school-chaplains-in-new-program/>

⁴⁴ Rationalist Society of Australia (2021), ‘Religious-based discrimination in school chaplaincy program sending ‘wrong message’, accessed May 2025, <https://rationalist.com.au/religious-based-discrimination-in-school-chaplaincy-program-sending-wrong-message/>

⁴⁵ Rationalist Society of Australia (2021), ‘QLD education department questioned over religious-based discrimination in chaplaincy’, accessed May 2025, <https://rationalist.com.au/qld-education-department-questioned-over-religious-based-discrimination-in-chaplaincy/>

⁴⁶ Rationalist Society of Australia (2021), ‘Commissioner raises concern over religious discrimination in WA school chaplaincy program’, accessed May 2025, <https://rationalist.com.au/commissioner-raises-concern-over-religious-discrimination-in-wa-school-chaplaincy-program/>

⁴⁷ Rationalist Society of Australia (2024), ‘Public schools choosing secular wellbeing roles over religious chaplaincy in New South Wales’, accessed May 2025, <https://rationalist.com.au/public-schools-choosing-secular-wellbeing-roles-over-religious-chaplaincy-in-new-south-wales/>

available explaining the rationales underlying schools' decisions for choosing chaplains based on religious requirements rather than wellbeing officers based on merit.

[59] The program is also discriminatory on the grounds of religion and belief in failing to cater for non-religious students and families. The religious nature of chaplain roles creates an automatic barrier to some seeking care. This can be particularly so for ex-religious people who have previously experienced trauma in cult/high-demand groups. As part of a 2022 evaluation of the NSCP, students raised concerns about religious judgmentalism and proselytising⁴⁸. The use of almost exclusively Christian roles in highly diverse public schools is inherently exclusionary and leaves non-Christians uncatered for.

[60] In adopting best practice, governments would fund modern wellbeing support capabilities through their education departments, instead of outsourcing to third-party, religious-based providers. Such a model would employ the “best person for the job”, irrespective of the candidates' religious or non-religious affiliations.

4.6 Religion in the charities system

[61] Australia's charities system gives charitable status to organisations for a number of recognised purposes, such as 'advancing health', 'advancing education', 'advancing social or public welfare', and 'advancing religion'⁴⁹. A subset of the 'advancing religion' category is 'Basic Religious Charities' (BRCs). In addition to the various tax concessions available to all charities, BRCs receive exemptions from standard financial reporting requirements and governance standards.

[62] The system is inherently discriminatory in that it recognises 'advancing religion' as a charitable purpose in and of itself, while denying the same treatment to non-religious people and organisations in advancing their worldviews. For example, an atheist organisation cannot obtain charitable status for advancing its worldview, while a religious organisation automatically can.

⁴⁸ Department of Education (2022), '2022 National School Chaplaincy Programme Evaluation Report', accessed May 2025, <https://www.education.gov.au/national-student-wellbeing-program-nswp/resources/2022-national-school-chaplaincy-programme-evaluation-report>

⁴⁹ Australian Charities and Not-for-profits Commissions, 'Charitable Purpose', accessed May 2025, <https://www.acnc.gov.au/for-charities/start-charity/you-start-charity/charitable-purpose>

[63] Commercial enterprises owned by religious charities with ‘advancing religion’ as a charitable purpose – such as food manufacturer Sanitarium, owned by a church – enjoy tax advantages over non-religious commercial competitors.

[64] While non-religious organisations can obtain charitable status for other purposes (such as ‘advancing social or public welfare’), the Australian government’s special treatment of religious worldviews sends a message that it views religion as being more beneficial for the community. Yet, with Australians increasingly identifying as not religious, this state sponsorship of ‘advancing religion’ is not just discriminatory but seemingly at odds with the will of the people.

[65] The presumption that religion is beneficial does not stand up to scrutiny. As revealed in the Royal Commission into Institutional Responses to Child Sexual Abuse⁵⁰, religious organisations with charities have a long history of harming individuals, families and communities. Also, cults/high-demand groups have charities for the purpose of ‘advancing religion’. Yet, as evidenced by survivor stories in the media, such groups subject their members to coercive and abusive practices.

[66] Adopting best practice would mean providing charity status to all organisations that conduct *genuine* charitable works for the public benefit and in an accountable manner, regardless of religion. Religious charities doing genuine work for the public benefit would qualify for charity status under other charitable purposes. In 2024, the Productivity Commission recommended that government abolish the BRC category so as to “enhance regulatory consistency and public transparency”⁵¹.

4.7 Military commemorations

[67] On 25 April each year, Australians commemorate Anzac Day – a day of remembrance for Australians and New Zealanders who have served in war and in peacekeeping operations. Australians who have served come from all kinds of religious and non-religious backgrounds. Notably, a majority of current Defence personnel are not religious (61 per cent), with a minority identifying as Christian (34 per cent)⁵².

⁵⁰ Royal Commission into Institutional Responses to Child Sexual Abuse, accessed May 2025, <https://www.childabuseroyalcommission.gov.au/>

⁵¹ Rationalist Society of Australia (2024), ‘Productivity Commission stands firm in calling for reform of religious charities’, accessed June 2025, <https://rationalist.com.au/productivity-commission-stands-firm-in-calling-for-reform-of-religious-charities/>

⁵² Department of Defence (2023), *Australian Defence Force Census: Public Report*, accessed May 2025, <https://www.defence.gov.au/sites/default/files/2024-12/ADFCensus2023.pdf>

[68] Yet, the nation's most important place of commemoration, the Australian War Memorial (AWM), hosts an Anzac Dawn Service dominated by Christianity. The event features several acts of Christian worship, including the Lord's Prayer, and has significant sections presided over by Christian chaplains. The AWM, a government institution, hosts the event on its grounds but says the Canberra branch of the Returned & Services League is responsible for the content. Similarly, Anzac Dawn Services in most other capital cities are dominated by Christianity.

[69] The imposition of Christian worship in Dawn Services alienates many people. In recent years, a number of non-religious veterans have spoken out against the practice, arguing that it turns veterans off from attending⁵³.

[70] Non-religious and pro-secular advocacy organisations have raised discrimination and human rights concerns with the AWM and the organisers of Dawn Services in other capital cities. The government minister responsible for the AWM argued that Dawn Services were "welcoming for all"⁵⁴.

[71] Anzac Day commemorations should be secular events that welcome all and recognise the contributions of all Australians who have served and died for their country, regardless of religious or non-religious affiliations.

[72] Adopting best practice would resemble the example set in the state of Victoria. The Anzac Day Dawn Service at Melbourne's Shrine of Remembrance provides an example of a secular service not dominated by Christian acts of worship or presided over by Christian chaplains.

⁵³ Fallon, A (2025), 'Hymn karaoke': Veterans organisation and War Memorial told to modernise Dawn Services or face 'irrelevance', *Crikey*, accessed May 2025, <https://www.crikey.com.au/2025/02/21/war-memorial-dawn-service-christian/>; 'Anonymous' (2025), 'Reader reply: I'm a veteran and I don't feel welcome at Anzac Day dawn service', *Crikey*, accessed May 2025, <https://www.crikey.com.au/2025/04/24/anzac-day-dawn-service-religion-veterans/>; Palmer, G (2025) 'A veteran's view of Anzac Day', *Rationale*, accessed May 2025, <https://rationalemagazine.com/index.php/2025/04/03/a-veterans-view-of-anzac-day/>; Hoglin, P (2022), 'Anzac Day: Religious services are turning veterans away', *Rationale*, accessed May 2025, <https://rationalemagazine.com/index.php/2022/05/09/anzac-day-religious-services-are-turning-veterans-away/>.

⁵⁴ Rationalist Society of Australia (2023), 'Minister's office argues military ceremonies "remain welcoming to all"', accessed May 2025, <https://rationalist.com.au/ministers-office-argues-military-ceremonies-remain-welcoming-to-all/>

4.8 Faith-based advisory bodies

[73] Through the establishment of ‘faith advisory committees’, governments provide opportunities to religious leaders to advise on policy matters that affect all people, while denying the same opportunity for non-religious representatives. This results in the further privileging of religious voices in policy making.

[74] Two examples are the Religious Advisory Committee to the Services (RACS) in the Defence Force, and the New South Wales Faith Affairs Council (FAC). Taxpayers fund the involvement of religious leaders on the RACS, while the representatives of FAC volunteer their time. In both cases, the Australian and New South Wales governments discriminate against non-religious groups in not providing equal opportunity to participate.

[75] Since its establishment in 1981, RACS has effectively operated as a religious lobby within Defence. The committee of religious clerics has some oversight over chaplaincy recruitment, but it also has a direct line to the Defence minister and military leaders, and injects itself into policy discussions at will. No other Commonwealth government department has such an advisory committee.

[76] Yet, RACS does not even represent most currently serving personnel, who are not religious. The absence of non-religious representation means non-religious service personnel are discriminated against in that they do not have equivalent representation.

[77] When the New South Wales government established the FAC in 2023, it rejected the application of an atheist leader who, with the endorsement of a Christian minister, had nominated for a position⁵⁵. The government did not provide a position for a non-religious leader on the initial 16-member body (now 19 members), despite the responsible government minister having committed to introducing a body that would reflect a “diversity of viewpoints”⁵⁶. The atheist leader argued it would be “an injustice” to exclude the non-religious community given that FAC would be influencing government policy on matters affecting all citizens.

[78] The FAC has direct access to government ministers and policy-makers – a privilege not afforded to the pro-secular or non-religious community. Documents obtained under freedom of information laws show that the FAC has used this position to influence government policy

⁵⁵ Rationalist Society of Australia (2023), ‘Minns government rejects atheist’s application, privileges religious voice’, accessed May 2025, <https://rationalist.com.au/minns-government-rejects-atheists-application-privileges-religious-voice/>

⁵⁶ Rationalist Society of Australia (2023), ‘NSW multiculturalism minister promises “diversity of viewpoints” on faith advisory body’, accessed May 2025, <https://rationalist.com.au/nsw-multicultural-minister-promises-diversity-on-faith-advisory-council/>

according to religious interests⁵⁷. When urged to consider non-religious viewpoints, the FAC has declined to do so⁵⁸.

[79] Adopting best practice would ensure that any such advisory bodies on issues of religion and belief include non-religious representation.

5. RECOMMENDATIONS

5.1 Main recommendation

- **Recommendation 1:** Australian governments should take measures to ensure equal treatment of people on the basis of religion and belief in public institutions and programs by removing privileges afforded to religion.

5.2 Specific recommendations

- **Recommendation 2:** Regarding '*4.1 Prayers in government institutions*', parliaments and local governments should remove prayer rituals or replace them with practices that are secular and reflect the diversity of the communities they serve.
- **Recommendation 3:** Regarding '*4.2 Lack of non-religious frontline wellbeing support in Defence Force*', the Army and Air Force should, at a minimum, follow the lead of the Navy in undertaking secular reform of their chaplaincy branches to include non-religious representation. Ideally, the Defence Force should introduce a modern wellbeing support capability not based on religion and that could meet the needs of all its people.
- **Recommendation 4:** Regarding '*4.3 Census religion question*', the ABS should remove the inherent bias from the Census religion question to allow Australians to freely and fairly record their religious or non-religious affiliation.

⁵⁷ Rationalist Society of Australia (2024), 'Faith advisory body commits to "secular democracy" with space for "all faiths and none"', accessed May 2025, <https://rationalist.com.au/faith-advisory-body-commits-to-secular-democracy-with-space-for-all-faiths-and-none/> ; Rationalist Society of Australia (2024), 'Scripture lobbyist advocates education policies on new faith advisory body', accessed May 2025, <https://rationalist.com.au/scripture-lobbyist-advocates-education-policies-on-new-faith-advisory/>

⁵⁸ Rationalist Society of Australia (2024), 'Faith Affairs Council declines to act on instances of religious-based', accessed May 2025, <https://rationalist.com.au/faith-affairs-council-declines-to-act-on-instances-of-religious-based-discrimination/>

- **Recommendation 5:** Regarding '*4.4 Scripture classes in public schools*', state education departments should move scripture programs to out-of-class hours to allow all children to continue with their normal learning while still providing capacity for scripture providers to make available their programs for families that want their children to participate.
- **Recommendation 6:** Regarding '*4.5 Chaplains in public schools*', governments should fund modern wellbeing support capabilities through their education departments, with professional staff hired on merit and not religious credentials.
- **Recommendation 7:** Regarding '*4.6 Religion in the charities system*', the federal government should either modernise its charities system to remove 'advancement of religion' as a charitable purpose and require all charities to demonstrate their public benefit under other charitable purposes, or provide a new purpose that allows charity status for organisations advancing non-religious worldviews.
- **Recommendation 8:** Regarding '*4.7 Military commemorations*', the Australian War Memorial and other organisers of Anzac Day Dawn Services should stop observing Christian tradition and instead hold secular events that are welcoming for all and reflect the religious and non-religious diversity of all veterans, current service personnel and the wider community.
- **Recommendation 9:** Regarding '*4.8 Faith-based advisory bodies*', the Australian government should abolish the Religious Advisory Committee to the Services to end the privileged influence of religious clerics over Defence's frontline wellbeing support capability and policy-making. If the government were to keep a committee of some form, it should, at a minimum, ensure fair representation of non-religious beliefs. Similarly, the New South Wales government should either abolish the Faith Affairs Council or ensure fair representation of non-religious beliefs.