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## Respect and Division: How Australians View Religion

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POLICY Paper 27

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## Executive Summary

Religious tolerance is vital for a well-functioning pluralistic, secular democracy. The ability to tolerate even undesirable ideas, ensures harmony.

In order to determine the attitudes of Australians towards religion, the Centre for Independent Studies commissioned YouGov Galaxy to poll more than 1000 Australians, with the data weighted by age, gender, and region, and also according to the religious affiliation question posed in the 2016 census.

This paper provides an insight into how Australians perceive religion and religious freedom. The results reveal Australians are viewing religion as mostly an individual right to belief but are sceptical of religious organisations.

### Key Findings

- 78% of Australians believe that respecting religion is important in a multicultural society. This was the majority position regardless of religious affiliation.
- Most Australians (54%) believe religious perspectives should be permitted in public debates even when others find them offensive
- 56% of Australians also believe people should not be allowed to ridicule the religious views of others
- The majority (64%) do not think organisations should be allowed to refuse to employ someone on religious grounds

- Most respondents (52%) believe religion divides Australians more than it unites us. Coupled with the 78% who agree respecting religion is important, it suggests they accept some degree of division in society so that individuals can be free to hold their religious beliefs.

### Recommendations

- Section 8 (3) of the proposed Religious Discrimination Bill prevents relevant employers – defined as earning revenue of at least \$50 million – from introducing a rule that would inhibit an employee’s ability to make statements of belief outside work hours. However, an employee can be disciplined or fired if an employer can prove ‘unjustifiable financial hardship.’ The definition of relevant employer should be amended. Instead of placing an amount on the revenue of the employer, there should be a figure — such as a percentage of revenue lost — placed on the financial hardship endured.
- The proposed section 41 (2) imposes restrictions on statements of belief that vilify an individual or group. Currently the RDB does not define ‘vilification.’ They should include a definition that defines ‘vilification’ as: speech that incites or threatens violence.
- The debate on religious freedom would be improved by a better understanding that religion is not simply a privately held belief, but includes the practices of one’s faith.



# Introduction

Although Australia is becoming increasingly secular, there is a renewed interest in the place of religion in our society.

One reason for this renewed interest is the worldwide emergence of religious extremism and the security issues this has raised. Another reason is that ongoing profound social change, especially in attitudes to sexual morality, have placed formerly mainstream religious bodies into the position of being recalcitrant minorities. Coupled with the rise of concerns about discrimination, religious freedom has become a contentious topic.

An early indication of this renewed interest was the unprecedented response to the Expert Panel chaired by Philip Ruddock which had been set up to examine issues of religious freedom in the wake of the legislation for marriage equality in 2017.

15,620 submissions from individuals and organisations were received in just three months, suggesting that Australians were concerned about the role of religion in ways they had not been before. It also suggested Australians were not at peace on the matter of religious liberty.

The extraordinary interest in the inquiry appeared to reflect a widespread anxiety about the future of religious freedom in Australia from a number of different and competing perspectives— with some fearing its diminution and others fearing its expansion at the possible cost of rights enjoyed by others.

Matters have moved on since. The Morrison government has tabled draft anti-religious discrimination laws and referred the issue of religious 'exemptions' within other anti-discrimination laws to the Australian Law Reform Commission. At the time of writing the outcomes of these developments are unknown.

Religious tolerance has been a proud hallmark of free and democratic societies. The Centre for Independent Studies, a secular think tank, has had a long-standing interest in the preservation of Australia as a mature liberal democracy in which all are able to live together harmoniously despite differences of religious belief.

One of the important factors in the ongoing vitality of a diverse democracy is the attitudes of its citizens. In the present religious freedom debate, much has been heard from faiths and organisations, but little from the public in general.

In order to determine the attitudes of Australians towards religion, the Centre for Independent Studies commissioned YouGov Galaxy to conduct a survey.

The sample was 1072 Australians and the data was weighted by age, gender, and region, and also according to the religious affiliation question posed in

the 2016 census (See Figure 1). This paper analyses these results. Further, it will discuss the government's proposed *Religious Discrimination Bill 2019 (RDB)*.

**Figure 1: Religious Affiliations, 2016**

Religious Affiliation		Population ('000)	Population (%)
Christian	Catholic	5 291.8	22.6
	Anglican	3 101.2	13.3
	Other Christian	3 808.6	16.3
	<b>Total</b>	<b>12 201.6</b>	<b>52.1</b>
Other Religions	Islam	604.2	2.6
	Buddhism	563.7	2.4
	Hinduism	440.3	1.9
	Sikhism	125.9	0.5
	Judaism	91.0	0.4
	Other	95.7	0.4
	<b>Total</b>	<b>1 920.8</b>	<b>8.2</b>
No Religion <sup>a</sup>		7 040.7	30.1
<b>Australia <sup>b</sup></b>		<b>23 401.9</b>	<b>100</b>

a No religion includes secular and other spiritual beliefs.

b As religion was an optional question, the total for Australia will not equal the sum of the items above it.

Source: ABS Census of Population and Housing, 2016

The polling results show that Australians are, in general, respectful of the place of religion in a multicultural society; they don't object to free expression of religious perspectives in public debate; and don't favour the freedom to ridicule other religious beliefs. Interestingly they hold these views at the same time as believing that religion divides Australians more than it unites us. This suggests Australians accept that some divisiveness in society is tolerable — or at least inevitable — as the price of the place of religion in Australia, and prioritise respect for diversity of religion above unity of society.

On the other hand, the majority do not support religious organisations having the freedom to employ on religious grounds. Australians appear to be tolerant and respectful of the individual expression of religious commitments of their neighbours; but far less so of religious institutions and communities.

As this paper was being finalised, the Australian Broadcasting Corporation (ABC) released the findings of its own survey of the attitudes of Australians to religion as part of the ABC's *Australia Talks* project.<sup>1</sup>

Although *Australia Talks* surveyed 54,000 people on different and more limited questions to those asked in the CIS survey, it is worth comparing the results.

The ABC survey concluded that a majority of Australians — whether religious or not — thought religious discrimination was occurring in this country.

But overall, they preferred that people keep religious views to themselves and expressed distrust in religious leaders.<sup>2</sup>

In general, the results seem to support the conclusion of the CIS report that the majority of Australians think religion is to be considered positively, but as an individual and private affair.

As we will argue in this paper, the results of the CIS YouGov polling do not bode well for the prospect of any robust protection for religious freedom in this country.

This is because religious freedom depends, in part, on the preservation of distinctive religious institutions and communities.

To maintain their distinctiveness, such institutions and communities need to have the freedom to select their members and employees on religiously-grounded criteria. Without this freedom being protected in some way from the increasing reach of anti-discrimination law, these institutions and communities will not be able to fulfil their roles and social functions.

The survey suggests the public does not understand this point, or does not consider it significant in the face of other moral claims to protection against discrimination.

These are matters of concern for all who desire to see Australia as a genuinely tolerant liberal democracy.

## Religious Tolerance

Figure 2 shows a significant majority (78%) of Australians agreed with the statement, 'respecting religious traditions and beliefs should be an important part of a multicultural society.' This was the majority position of respondents, across both the religious and non-religious categories.

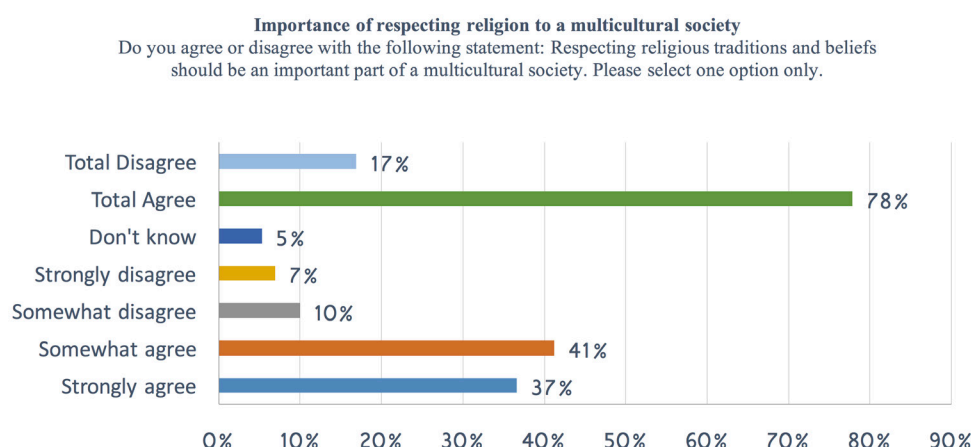
Although 'multiculturalism' is a term with no fixed definition, and is often used simply to describe ethnic and cultural diversity, the poll results suggest Australians see multiculturalism in the way described by historian John Hirst "as a new name for the traditional toleration of difference and the willingness to accept new migrants."<sup>3</sup> When Hirst's definition of multiculturalism is used, the poll results are unsurprising.

Australia has successfully accommodated, and continues to accommodate, a plurality of religions.<sup>4</sup> As Hirst wrote, during the 19<sup>th</sup> century Australia adopted policies — such as separation of church and state, and allotting equal public funds to churches of

different denominations — that allowed Australia to largely avoid the kinds of sectarian conflicts plaguing other parts of the world.<sup>5</sup> The lack of violence allowed Australians to develop a high degree of tolerance towards religion.

These measures not only helped religious tolerance to develop, but helped secure tolerance as an Australian tradition — as shown by the acceptance of new migrants. Each new wave of migrants incrementally changed Australia's religious landscape, as they brought their varying religious beliefs and practices with them. At the time the White Australia Policy was abolished in 1966, Christianity was the main religion (88%).<sup>6</sup> This has been steadily changing — those affiliated with 'a religion other than Christianity' increased from 2.6% in 1991 to 8.2% in 2016.<sup>7</sup> As law professors Joel Harrison and Patrick Parkinson argue: "It is better to understand Australia as a federation of cultures in which there are different values and beliefs, all of which deserve to be respected and, wherever possible, accommodated."<sup>8</sup>

Figure 2:



Source: CIS & YouGov/Galaxy

As is shown below, this acceptance and respect of other religions in a multicultural society extends to religious expression.

Respondents were asked about their openness to religious points of view being expressed in public debates. As shown in Figure 3, 54% of respondents agreed that religious opinions had a place in the public square.

Importantly, the question asked about public debates. There is a common perception that religion is simply a private belief and that religious people should 'keep their beliefs to themselves.' However, these results suggest Australians are tolerant of — and more than capable of hearing — religious points of view with which they disagree, or even find offensive. In addition to these results being explained by Australians' tolerance, they are also influenced by Australians' religious affiliations.

Although the 2016 Census showed that the proportion of Australians with no religious affiliation had climbed to an all-time high of 30%, almost two-thirds of the population (60%) retained a religious affiliation. Christianity had the most adherents (52%), but the number of those following other religions — such as Buddhism, Hinduism, and Islam — had increased.

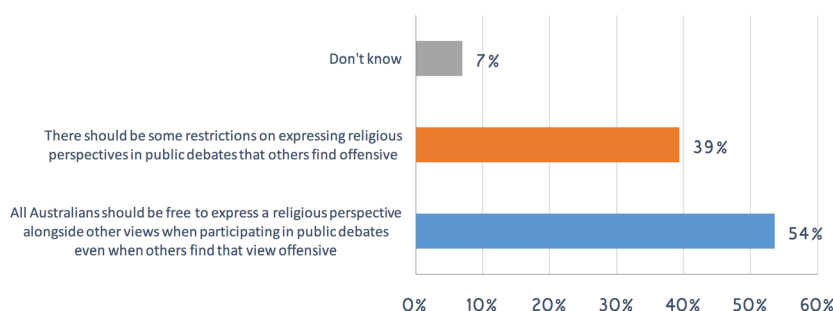
Religious people want to be able to publicly express their points of view. In fact, as law professor Neil Foster explains, many religious people believe it is their duty to speak about their beliefs, "and even to respectfully [try] to persuade others of the truth of that religion."<sup>9</sup> Foster continues, by explaining that this standard has also been adopted by the European Court of Human Rights "as a vital part of the internationally protected right to freedom of religion"<sup>10</sup> and affirmed by the High Court of Australia in *NABD of 2002 v Minister for Immigration and Multicultural and Indigenous Affairs*:

International instruments, such as the Convention,\* are concerned with protecting the individual's public activities in interaction with others. This includes being open about one's religion and discussing it freely with others whilst at the same time respecting the rights of others to adhere to a different religion or no religion at all.<sup>11</sup>

Speech is a fundamental component of religious freedom and — as the poll results show — a majority of religious people support this freedom.

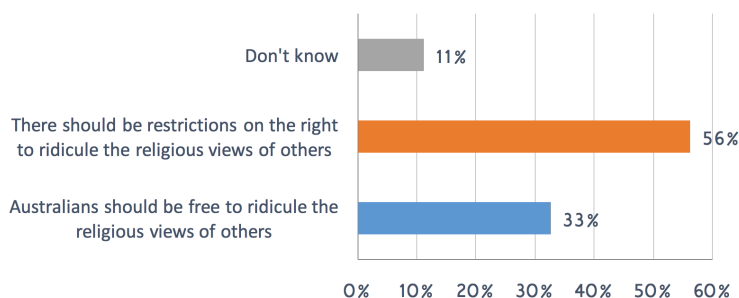
This tolerance of religious speech is accompanied by a clear finding that Australians do not think it is acceptable to ridicule the religious views of others, as shown in Figure 4.

**Figure 3:**  
**Expressing religious perspectives in public debates.**  
Which is closer to your own view? Please select one option only



Source: CIS & YouGov/Galaxy

**Figure 4:**  
**Freedom to ridicule religious beliefs**  
Which is closer to your own view? Please select one option only



Source: CIS & YouGov/Galaxy

\* Convention relating to the Status of Refugees as amended by Protocol relating to the Status of Refugees



Overall, 56% of respondents thought there should be restrictions on the right to ridicule religious views.

This result suggests Australians are conceptualising religion as nothing more than an individual's belief. When responding to this question, it is plausible that people were not thinking about it in terms of ridiculing the teachings and practices of certain religions,

but rather, they were imagining an individual being personally ridiculed for holding or expressing their religious beliefs. Ridicule amounts to more than speech which is merely offensive or critical. It is the deliberate mocking of something or someone, usually with malicious intent. Given Australians are tolerant of religion, it is understandable that they believe people shouldn't be ridiculed for their beliefs.

## Religious Action

The idea that Australians think religion is only a private individual's right to believe what they wish, is further supported by their responses to discrimination. Figure 5 shows how Australians responded when asked their opinion on religious discrimination in the workplace.

Notably 64% of respondents felt 'no organisation' should be allowed to refuse employment to someone on religious grounds. This was the majority position of respondents regardless of religious affiliation, with the strongest support coming from the categories of 'Other Religion' (77%) and 'No Religion' (73%).

Refusing to employ someone on the basis of their religion runs counter to the egalitarian ethos shared by many Australians. Also, respondents are possibly imagining an individual being refused employment, rather than thinking about the question in terms of a religious organisation being able to maintain their character.

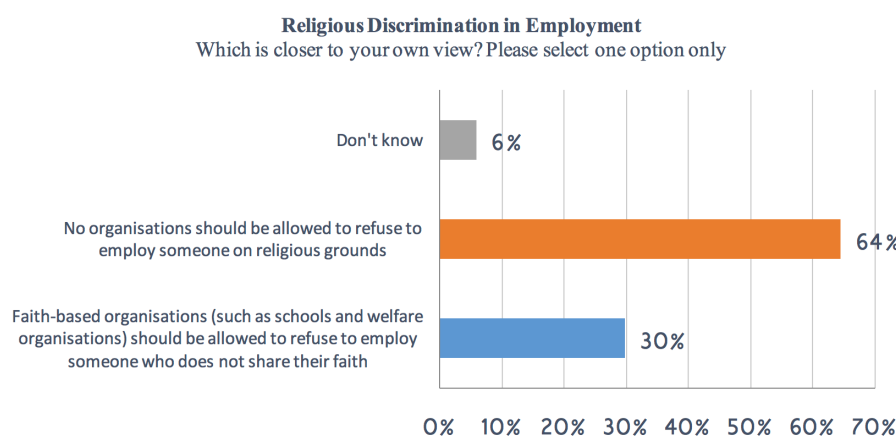
Thinking about religion as simply an individual belief (rather than religious activities or practices) is understandable given how religious freedom is viewed in some legal circles. When analysing the religious freedom protections under section 116\*\*

in the *Constitution* Justice Stephen McLeish concluded, "religion (including 'quasi-religion') is best considered as a set of deeply personal and fundamental beliefs or assumptions about the nature of reality and existence."<sup>12</sup> Although McLeish acknowledges religion is often practiced in the context of a community, he concludes it is fundamentally an individual right. Gabriel Moens describes such thinking as 'the action-belief dichotomy':

The dichotomy briefly summarised, means that the legislator is deprived of all power over belief but is free to regulate action that is inimical to State-determined priorities or social policy.<sup>13</sup>

Distinguishing between religious belief and action is concerning for a couple of reasons. Conceiving of religion in this way is a historical anomaly. As Henry Ergas writes, religion referred to 'sacred rites' and 'pious behaviour' — emphasising "command, duty and observance, rather than thought or belief."<sup>14</sup> Ergas continues by explaining that "in the modern world, the notion of religion is closely identified with belief; but that is a relatively recent — and potentially misleading — view."<sup>15</sup>

Figure 5:



Source: CIS & YouGov/Galaxy

\*\* Commonwealth not to legislate in respect of religion

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

A focus on belief ignores that religious freedom cannot exist without freedom of speech and association. These freedoms have historically been protected in Australia through common law and customs inherited from the British. There was little need to explicitly protect religion because there was a common understanding it involved belief and practice. This standard has been adopted in international human rights instruments: Article 18 of the *Universal Declaration of Human Rights* and Article 18 of the *International Covenant on Civil and Political Rights*. International law further clarifies that religious freedom includes belief and practice. The United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief states that religious freedom includes the freedom to “in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”<sup>16</sup>

Understanding religion properly — as a unity of belief and action — goes a long way in mediating some tensions in the religious freedom debate. This debate is often centred on discussions on discrimination, and some argue that religious freedom is simply a “licence to discriminate.”<sup>17</sup>

The concern over perceived ‘religiously motivated discrimination’ was reflected in several submissions to the government concerned about the *RDB* exposure draft.<sup>18</sup> Mental Health Australia claims the *RDB* privileges “the rights of one group of the population over another” and could create “stigmatising attitudes” and “cause harm to the whole population and to LGBTIQ+ people in particular.”<sup>19</sup>

Although these submissions claim to believe religious freedom is important, they are basically relegating it to only allowing people to *believe* what they wish, and they don’t place equal weight on the importance of the freedom to *act* in accordance with one’s faith. This mistaken distinction is why the religious freedom debate has focussed on religious organisations.<sup>20</sup> There is a sense that organisations wanting the ability to employ staff according to their beliefs is somehow

illegitimate, or not relevant in the discussion on religious freedom.<sup>21</sup>

However, according to the Christian legal think tank, Freedom for Faith, the ability to select staff based on their faith is an existential issue:

If Christian welfare organisations and health and aged care providers are not permitted to make adherence to the faith a selection requirement at any level of the organisation, they will quickly lose their character as faith-based organisations.<sup>22</sup>

For some religious organisations, staffing is not simply a matter of preference — it is a vital aspect of their organisation’s existence. Attorney-General Christian Porter reiterated this important point in an address on religious discrimination:

Where we seek to protect people from being excluded because of their religion, we equally recognise that for religion to exist at all; religious bodies must be able to maintain a chosen level of exclusivity to their premises or composition or services.<sup>23</sup>

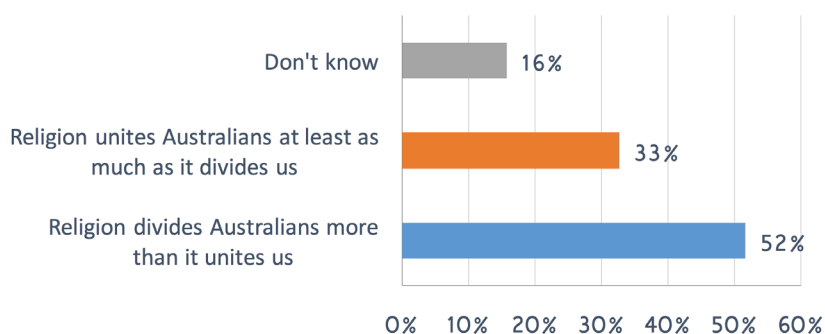
The constant emphasis on ‘discrimination’— and the need to eradicate it — has confused the issue of staffing and religious organisations.

Australian attitudes to faith-based organisations and employment demonstrate that, although Australians are respectful and tolerant of religion and religious expression, they are sceptical about religious organisations, and believe there are downsides to allowing them to fully practice their faith.

A hesitancy about certain aspects of religion is further supported by the results shown in figure 6, in which a majority of respondents (52%) thought religion divides Australians more than it unites us.

At one level this result is not so remarkable. In a society without a dominant ‘state’ religion but with a number of different religious communities — some with opposing beliefs —it is not unexpected that a small majority of respondents perceive religion as dividing as much as uniting.

**Figure 6:**  
**Perceived divisiveness of religion**  
Which is closer to your own view? Please select one option only



Source: CIS & YouGov/Galaxy

Nor is this a recent phenomenon. If the CIS had asked this question 100 years ago at the end of the Great War and the conscription debates, it is highly likely that even more would have perceived religion as divisive. Today the deep sectarian divisions among the Christian churches are long forgotten, but the reality of (sometimes intense) religious difference between religious communities and the wider society remain. It could be argued that societies have historically always been anxious about what are perceived to be the more fervent non-conforming religious minorities among them; with ancient examples going back well into the pre-Christian era of the Mesopotamians, Egyptians, Greeks and Phoenicians, through to the concerns about the early Christian movement in the Roman Empire.<sup>24</sup>

Certainly the perception that religion is divisive has been ramped up in the recent debates about marriage equality and related matters. For better or worse in the face of rapidly changing sexual mores in Australia most religious communities have found themselves somewhat isolated as recalcitrant minorities. Often the current debate on religious freedom focuses on 'discrimination.' This implies that religious organisations, acting in accordance with their faith, are incompatible with a society that respects the equality and dignity of individuals.<sup>25</sup>

However, the more interesting feature of this survey result is that despite the perception of religion as

divisive, Australians nonetheless believe religious traditions and beliefs should be respected, do not favour restrictions on religious perspectives in public debate and do not think that people should be free to ridicule the religious beliefs of others, as the first three responses in the survey indicate. In fact, Australians' respectful attitude towards religion and tolerance of expression indicates that they are happy to accept a level of divisiveness in order for people to be free to hold and express their religious beliefs. This reflects a belief in the genuine tolerance of difference. As Kurti writes: "If something is tolerated, it is permitted to be, even though it may be considered objectionable or undesirable."<sup>26</sup>

Tolerating the undesirable does not mean certain practices or beliefs are above criticism. A well-functioning pluralistic society requires the free exchange of ideas. But genuine tolerance is required if we are to be free to speak, act and believe what we wish. Australians support this view of tolerance when it comes to their religious neighbours, but do not extend that support to religious organisations.

As the polling shows, most Australians are tolerant of religion, to a point. There is an opportunity to ensure the religious freedom of Australians is better protected and — to the extent legislation might be required — the government's proposed *RDB* deserves consideration.

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## Policy Implications

The government released the exposure draft of the *RDB* on 29 August 2019. The *RDB* was influenced by the Report of the Expert Panel on Religious Freedom (The Ruddock Review), and seeks to enact the recommendation to introduce a Religious Discrimination Act "to render it unlawful to discriminate on the basis of a person's 'religious belief or activity', including on the basis that a person does not hold any religious belief. In doing so, consideration should be given to providing for appropriate exceptions and exemptions, including for religious bodies, religious schools and charities."<sup>27</sup> If enacted, the *RDB* will — for the first time — make it unlawful under federal law to discriminate against someone on the basis of their religious belief or activity.

As the polling surveyed respondents about their attitudes towards religious speech and discrimination in employment, this section will focus on the areas of the *RDB* that address these issues.

The *RDB* broadly replicates areas common in other discrimination laws — such as employment and education — and also provides for 'direct' and 'indirect' discrimination. Section 7 addresses direct

discrimination and would render it unlawful to base an employment decision solely on the basis of an individual's religious belief or activity.<sup>28</sup> For example, firing someone on the basis they are a Sikh would be unlawful if the *RDB* becomes law.

Sections 8 (1) and (2) prohibit indirect discrimination. This would make discrimination unlawful if an employer were to impose an unreasonable "condition, requirement or practice" that, although not aimed at a particular religious person or religion, would have the effect of disadvantaging them.<sup>29</sup>

Sections 7 and 8 both outline instances in which treating people of a certain religion differently *is* discrimination. Importantly, the *RDB* also acknowledges there are certain circumstances in which differential treatment, based on religious belief or activity, or other protected attributes, is *not* discrimination, for the purposes of the Bill.

Section 10 of the *RDB* states "A religious body does not discriminate against a person under this Act by engaging, in good faith, in conduct that may reasonably be regarded as being in accordance with the doctrines, tenets, beliefs or teachings of the



religion in relation to which the religious body is conducted.”<sup>30</sup>

This is an important element of the *RDB*. Section 10 is not an exemption to discrimination, but rather, it clearly states a religious body is *not* discriminating when they act in accordance with their faith. As the Bill’s explanatory notes state, s. 10 “clarifies that the conduct outlined in this provision is not, in and of itself, discrimination under this Act.”<sup>31</sup> This is a good initiative because it acknowledges there are circumstances in which religious belief or activity is relevant to the role someone will be employed in, such as employment in a religious school.

Importantly, this section is not a mandate. It does not require all religious schools to only employ staff who adhere to their faith — some schools simply prefer (or believe it is a vital requirement for them to maintain their identity) to employ this way.<sup>32</sup> Section 10 allows religious organisations to make these important decisions for themselves, and ensures they will not be punished for doing so.

In addition to protecting the hiring practices of religious organisations, the *RDB* protects religious speech. Section 8 (3) would make it unlawful for an employer to impose a ‘conduct rule’ — defined as a requirement or practice “that is imposed, or proposed to be imposed, by an employer on its employees or prospective employees and that relates to standards of dress, appearance or behaviour of those employees”<sup>33</sup> — that would have the effect of inhibiting an employee’s ability to make statements of belief outside work hours.<sup>34</sup>

This section has been interpreted as responding to the firing of Israel Folau. The Folau case has created confusion among both employees and employers about the role of religion in and outside the workplace. Section 8 (3) is a good initiative but could be improved. It does not protect religious statements that cause an unjustifiable financial hardship on the employer. For the purposes of s. 8 (3), a *relevant employer* is defined as having “a revenue for the current or previous financial year of at least \$50 million.”<sup>35</sup> This definition of *relevant employer* is arbitrary. As it currently stands, larger companies would be able to discipline or fire employees who breach a ‘conduct rule’ if the company can prove unjustifiable financial hardship, whereas smaller companies would not be able to employ this defence. Section 8 (3) could be improved by placing an amount on the financial hardship endured, as opposed to the revenue of the employer. This could be in the form of a percentage of revenue lost. Therefore, the religious speech of employees would be protected, regardless of the amount of money their employers make, and employers could protect their financial interests.

Religious speech is also protected in s. 41 (1) which appears designed to address the circumstances that lead to a case being brought against Catholic Archbishop of Hobart, Julian Porteous, who was

accused of acting unlawfully under the Tasmanian *Anti-Discrimination Act* 1998, for distributing materials outlining the Roman Catholic view of marriage. Section 41 (1) reads: “statements of belief do not constitute discrimination.”<sup>36</sup>

Section 41 (1) has again adopted the language of outlining what isn’t discrimination. However, s. 41 (2) imposes restrictions on statements of belief “that would, or [are] likely to harass, vilify or incite hatred or violence against another person or group of persons.”<sup>37</sup> Therefore, a complaint could still be brought under existing vilification laws, if someone believes a religious statement was vilifying. This could create problems — such as trivial complaints — given the network of Australia’s vilification laws.

Several states prohibit public speech that ridicules, harasses, and incites hatred or contempt, against a variety of protected characteristics.<sup>38</sup> The Ruddock Review discussed the impact of vilification laws on religious freedom:

There was considerable confusion in the community between vilification provisions and provisions directed at other restrictions on speech. For example, a large number of groups raised concerns about high-profile complaints, arguing that religious groups now feel threatened by uncertainty around what they can and cannot say in relation to their beliefs about marriage.<sup>39</sup>

Although s. 41 (2) is an improvement on laws that make offensive statements unlawful, it could be further improved by providing clearer definitions of terms such as ‘vilify.’ In order to minimise the chilling effect on religious speech, an appropriately high threshold — such as incitements and threats of violence — should be adopted in the *RDB* and vilification law.

Expressions of faith have often been characterised as vilification; especially as the focus has shifted towards protecting certain members of society from so-called ‘harmful’ or ‘hateful’ speech. But freedom of religion and speech are inextricably linked. “The freedom to exercise...one’s religion or belief cannot exist if... freedom of expression is not respected, as free public discourse depends on respect for the diversity of convictions which people may have.”<sup>40</sup>

The *RDB* protections for religious speech are a positive step. They will provide much-needed clarity around which religious speech can and cannot be justifiably limited. Further, it acknowledges the importance of speech to freedom of religion.

The *RDB* is not a cure-all, and the problems with anti-discrimination law are well documented.<sup>41</sup> There will still be difficult tensions to navigate between religious freedom, discrimination, and free speech. However, the *RDB* mostly addresses these concerns in a careful and moderate way.

# Conclusion

The responses to the CIS / YouGov survey provide a snapshot of Australian attitudes to religion. Overall, Australians are respecting of religious individuals, and religious speech. But there is a scepticism about religious organisations and practice.

The results suggest there is public misunderstanding about what religious freedom means. It is likely Australians are thinking of religious freedom, as the ability for an individual to believe what they wish – a personal commitment that should be relegated to private thoughts. This interpretation of religious freedom leaves little room for the communal aspects of religion, or religious organisations; which are arguably more important than what an individual believes.

Religious freedom involves the ability to live out religion in everyday life: Including the ability to adhere to certain forms of dress, diet, and other religious observances — Some religions even require adherents to proselytise. Although not everyone is required to follow — or even like — these practices, we have a duty to respect the religious freedom of our fellow Australians. People are still free to criticise and mock religion, but they cannot use the law to claim religious beliefs or activities are discrimination.

The debate on religious freedom is at a stalemate, because many are starting from a faulty premise that religion is only belief. Australia needs to move away from pejoratives such as a 'right to discriminate' and the focus on what an individual believes (rather than how they practise their beliefs) in order to finally resolve the issue.

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## Related works

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