

**How the Australian Labour Party abolished itself:
and how multiculturalism creates a 'them and us', then fails us both.**

'Multiculturalism...defines the nature of the relationship between all Australian people...as one that upholds the principles of social justice by ensuring that real equality can be achieved only by elevating inequality.'

JSC Hearings 29 March 2011 - Ms Lau Ethnic Communities Council of Victoria p 3.

The Federal Government's Multiculturalism Policy and Parliamentary Enquiry - Summary

- **The Government holds power by a very slim majority. It has invested heavily in its policy of multiculturalism to try to secure the Muslim vote, particularly in Western Sydney and Melbourne, and the minority vote elsewhere. It has chosen 'multiculturalism' because it is a deliberately vague term that appeals to racial and cultural diversity, which reflects current and future demographic realities.**
- **Diversity is electorally popular; multiculturalism, cultural relativism and multiple legal systems (sometimes called 'legal pluralism') is electorally unpopular. Multiculturalism, properly understood, is based on cultural relativism which says all cultures are equal. On that basis, some Muslim groups have demanded legal pluralism and recognition of shari'a law. This has attracted considerable public opposition. Multiculturalism is being abandoned in the U.K., France, Netherlands, Germany and in other like E.U. countries. Even in Canada it is being increasingly questioned.**
- **The Government has openly rejected legal pluralism and shari'a law, but media reports have exposed that it has been allowing, or funding, shari'a law divorces, wills, polygamous marriages, finance, unlabelled Halal food, gender segregation and many other shari'a practices. The Government is increasingly being exposed as dishonest. The strategy to date has been to try to reassure mainstream voters that shari'a will not be allowed, or deny that it has been asked for ('it is a myth'), but to send messages to minorities that make it appear accommodating to aspects of legal pluralism. Its strategy is to 'manage' the resulting problems with minority communities through 'politically correct dog whistling', which the ambiguous term 'multiculturalism' facilitates.**
- **The only viable option to redress the increasingly apparent discrepancy between promises and reality, is either to stop legal pluralism or allow shari'a law. A continued policy of choice avoidance and 'plausible deniability' is becoming increasingly risky and could help it to lose office.**
- **Half the appointments to the Government's 10 member Multiculturalism Council are Muslims even though they are only 1.7% (or up to 3%) of the population. The Committee Chair's electorate has the third highest number of Muslims in the country. This risks perceptions of bias and that the Committee is captive to the opinion of multiculturalists and Muslims. This exercise requires a whole-of-Government approach. The Committee is not staffed to provide this; the ToR do not encourage it.**
- **Transcript evidence suggests that the Committee's pro-multicultural approach may pose clear national security risks and contradict the Government's broader culturally and racially non-specific 'social inclusion' agenda, designed also to address mainstream disadvantage. The Committee's approach, to date, risks delegitimising the work of the Government's anti-radicalisation program by questioning its effectiveness and seeking its displacement from the Attorney-General's Department where it can closely coordinate with the AFP, ASIO and other homeland security agencies.**
- **The vast majority of submissions from the general public are hostile to multiculturalism; vested interests are supportive. The hearings have given little or no weight to public opinion, or contrary views or opinions. The perception of some readers may be that the Committee has made numerous unsupported allegations of racism, has pathologised critical speech, and called for, or encouraged, censorship of mainstream media outlets and identities.**
- **Arguably, the Committee has made a series of embarrassing concessions on the public record about the ineffectiveness of Federal and State Government programs, lack of data and co-ordination, and the complexity of the problems faced by CALD communities. It makes embarrassing admissions regarding the diplomatically sensitive issue of Indian students who remain on extended student visas (in 'limbo') because they migrated temporally in the expectation of permanent residency, before rules were ostensibly tightened. The Committee Chair refers to this as an 'effective amnesty' and openly acknowledges 'abuses' and describes some overseas student courses as 'cash cows'.**
- **Some Committee statements, or discussion with witnesses, about the possible causes of terrorism and Muslim radicalisation (Western overreaction to 9/11 and terrorist attacks, support for flawed U.S. foreign policy, failure to address the Middle East peace process) and the ineffectiveness of ASIO and other agencies in addressing them, risk appearing ill-informed or becoming politically embarrassing.**

How the ALP abolished itself

The Federal Parliament's multiculturalism enquiry

-Summary.....	0
-Cultural relativism - the fatal flaw	2
-Australia abolishes itself	3
-Shari'a law through Constitutional prohibitions on racism – backdoor shari'a	4
-The hearings to date.....	5
Hearing, 15 June 2011 - Federation of Ethnic Community Councils of Australia	7
-Sharia law and free speech.....	7
-Shari'a Law Zones	8
-Labelling and pathologising	9
-Halal slaughter	11
Hearing, 29 March 2011 –Spectrum Migrant Resource Centre of Victoria; Ethnic Communities Council Victoria; Islamic Women's Welfare Council of Victoria	12
-Special exclusive employment services for migrants	12
-The unemployment figures are a sham; the Government has no plans to solve real unemployment	13
-No needy person left behind	15
-African and refugee youth - violence and disorder?	16
-Islamic gender segregation.....	17
- Genital mutilation	19
Hearing, 24 October 2011 – NSW Spanish and Latin American Association for Social Assistance	20
-Recognition of overseas qualifications	20
Hearing, 17 June 2011 Ms Bartels, Deputy Chair, Settlement Council of Australia	22
Hearing, 24 October 2011 Ms Abdelseed, Coordinator, Angels of Mercy Welfare Services Inc.....	23
-The complexity and costs of refugees	23
Hearing, 8 February 2012, Prof. Sharma, National Chairman, Australia India Business Council.....	24
-Indian immigration - the student 'limbo'	24
-Cash cows	26
Hearing 23 February 2012 Dr. Szoke Race Discrimination Commissioner	26
-No free speech about the burqa?.....	26
-The anti-discrimination police?	27
-Shari'a or no shari'a? - squaring the circle.....	28
Hearing 28 July 2011 - Christian Minister Rev. Slucki	30
-Tension between Muslims and Christians?	30
Hearing 11 July 2011 - Ms Caniglia Ethnic Community Council Qld	31
-Too many children?	31
Hearing 14 September 2011 - Dr. Jupp	32
-Whither multiculturalism?.....	32
-Shari'a law is harmless and misunderstood?.....	33
-Those nasty shock jocks.....	36
-Did we cause terrorism against us?	38
-Rorts in multicultural funding?	39
Hearing 26 October 2011 - Australian Israel Jewish Affairs Council	40
-The Australian citizen and worker diploma scheme	41
Hearing 17 June 2011 - Australian Federation of Islamic Councils	42
-Multiculturalism means shari'a law.....	42
-No shari'a legislation	44
-Muslim prayer rooms in all schools, universities and workplaces and time off	44
-AFIC on Halal slaughter.....	46
-Australians support diversity: maybe they are not racist after all?.....	47

Hearing 14 March 2012 - Ms Lowe AS National Security and Policy Division Attorney General's Department	48
-We must stop monitoring terrorists because it makes them do it?	48
-The Chair on monitoring terrorists again - hearing 3 February 2012	51
-The Chair on monitoring terrorists again - hearing 29 February 2012	52
Hearing Friday 29 July - Ms Moore, TAFE SA Mount Gambier	53
-500 hours of English is not enough.....	53
Hearing - 17 August 2011 - Skills Australia	54
-Are we racist for not giving all migrant graduates a job?	54
Hearing 12 October 2011 - Canberra Multicultural Community Forum - Mr Wong	54
-The multicultural and Muslim respect agenda	54
Hearing 22 June 2011 - Prime Minister and Cabinet Social Inclusion Unit	56
-Social cohesion or multiculturalism – who swallows whom?	56
Hearing 21 March 2012 – Bluestar Intercultural Centre	59
-Stoning adulterers in shari'a – yes or no?.....	59
-Hudud penalties, amputation for theft, honour killings and honour based violence	60
-Whose law is supreme - shari'a or ours?.....	62
-Amputation for theft - yes or no?.....	63
-Honour killings	63
-Shari'a compliant wills and services - the controversy explained	65
Response to Sadiq and Black: 'Good and Bad Sharia: Australia's Mixed Response to Islamic Law' [2011] UNSW Law Journal p. 17	67
-Why shari'a law and pluralism are polar opposites.....	69
-Shari'a finance is bad shari'a - there is no good shari'a	72
-The not so good shari'a - family law	74
-Can any compliant Muslim honour his or her citizenship pledge?.....	76
-Is multiculturalism allowing underage marriage?	77
-Fetching, plural and forced marriages – demographic jihad?	77
-Best interests of the child	80
-No Islam: no children.....	80
-The position of women under shari'a law	81
Submission by the Islamic Women's Welfare Association (sub. 403)	84
- some disturbing requests	84

PM Gillard and Opposition Leader Abbott
Federal Attorney General (A-G) and Opposition A-G
Parliamentary Secretary for Immigration and Multicultural Affairs
Scott Morrison Shadow Minister for Immigration and Citizenship
All State and Territory Premiers

The Federal Parliament's Multiculturalism Enquiry

This submission has been prepared for the specific purpose of responding to the Parliament's Joint Standing Committee on Migration Enquiry into Multiculturalism. Before reading this paper, please read the warning below and do not proceed until you have done so. This is a very important warning.¹

'Multiculturalism is recognition of and a response to the reality of Australia's culturally diverse population. It defines the nature of the relationship between all Australian people, between communities and between governments and all Australians as one that upholds the principles of social justice by ensuring that real equality can be achieved only by elevating inequality.' Hearings 29 March 2011 - Ms Lau Ethnic Communities Council of Victoria p 3 - see later.

All Australians should be aware of the serious problems posed by the Government's multiculturalism policies and the Parliament's 'Multiculturalism Enquiry'. Cross references to submissions and hearing transcripts are set out below. The terms of reference (ToR) are at the beginning of each transcript. Australians are encouraged to read the submissions and transcripts and judge for themselves.² Readers have a duty to inform as many people as they can about the grave dangers posed by the continued pursuit of multiculturalism.

Is the outcome of Parliament's 'Multiculturalism Enquiry' predetermined? Is its Chair sufficiently impartial? Is its multiculturalism policy, or this enquiry process, encouraging excessive demands, enforcing political correctness at the expense of free speech and national security, and fostering a sense of victimhood and resentment that could lead to conflict and terrorism later? You decide.

On a fair reading, the overall flavour of the 504 submissions to date is that the vast majority from ordinary Australians with no vested interest (around 60% by numbers) was that 5-10% were in favour, the rest, 90% were opposed to, or concerned about, multiculturalism, especially high rates of Muslim immigration. The second main group of submissions was from vested interest such as S.B.S., multicultural groups, and peak bodies (including Muslim peak bodies) all strongly in favour, and many of whom made a series of exaggerated financial and other demands. See, in particular, the submission, reproduced at the end, from the Islamic Women's Welfare Association (I.W.W.A).

Organised opposition about some aspects came from a small group such as Pluralists for a referendum (sub. 479), Dealing with Diversity (sub. 45), Q Society (sub. 335), Senator Cory Bernardi (sub. 77). Others, Dr. Jupp and Dr. Rubenstein, gave a somewhat critical analysis of the problem, the former constrained by his role as one of multiculturalism's chief architects.

Let us closely consider the Government's record to date and ask a few searching questions.

¹ *Warning: the following discussion is about sensitive issues concerning multiculturalism. If you may be offended do not read it. Do not use this material to incite violence, discrimination, vilification, humiliation or racism against anyone. Such conduct is unlawful and is strongly denounced by the authors. All people have a right to live in peace and security in Australia without violence, discrimination, vilification or intimidation. Terrorism, which includes killing civilians for political or religious reasons, and whether or not the perpetrator considers them innocent, and no matter what the motive or justification, is cruel, cowardly, absolutely abhorrent and utterly condemned. In particular the terrorist actions of such as Anders Breivic and Muhamad Merah are utterly condemned. It goes almost without saying, but should be clearly stated anyway: not all Muslims are alike, considerable variations occur, many genuine moderate and reformist Muslims oppose multiculturalism and support pluralism, oppose shari'a law and strongly oppose violence, extremism and terrorism. In part, this paper is about shari'a law, being the legal and political aspects of Islam; it not at all concerned with the purely religious, personal and spiritual aspects of Islam's five pillars. Many behaviours, customs and laws are described and condemned in the context of shari'a law and Muslims. But readers should be aware that some of these laws, customs, and practices are also evident in other cultures. Any other person, culture, race or religion that behaves the same way is condemned by the authors equally. Finally, the authors cite a number of other authors, but do not claim that they necessarily agree with our views.*

² <http://wopared.parl.net/house/committee/mig/multiculturalism/subs.htm>; http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=/mig/multiculturalism/hearings.htm.

It should be known to all Australians that to date, multiculturalism is merely Government policy: it is *not* legally or constitutionally entrenched. It can be changed to 'pluralism', 'diversity', or 'interculturalism' without the need for substantive legislation. All Government policies, without exception, have two critical features: there are costs and benefits (winners and losers); and there is an end result. But, almost unique in terms of Government policies, multiculturalism, and the massive spending it involves (over \$450m per year plus in direct costs alone, and probably much more), has never been subject to rigorous cost benefit analysis. Its harmony and other programs are not properly assessed. The losers, the cultural majority (or former majority), not entitled to the positive discrimination that underpins multiculturalism, or who are displaced from areas that become ethnic ghettos, without acknowledgment or compensation ('white flight'), or who compete most directly with immigrants and refugees for jobs, and welfare and other services, usually the working class, the aged, or Indigenous people, are told when they object, that they are racists or haters. This had led to a tense political environment whereby the mainstream feel disenfranchised in favour of inner city intellectuals and their clients, the culturally and linguistically diverse (CALD). This is feeding the growth of racism and radicalisation. In their submissions and hearings many readers may think that the Committee gives no real weight to views of opponents of multiculturalism, and generally ignores contrary evidence or opinion or pathologises it. Others may disagree. You decide.

The Government presents multiculturalism as a 'win-win' policy. It suppresses opposition to it through public shaming, the use of anti-discrimination and anti-vilification laws and policies, and proposed media censorship laws (the Finkelstein enquiry), all enforced by quasi-judicial Tribunals which it retains overall control of. Being part of the Executive, not the Judiciary, Governments appoint, influence and can direct Tribunal members. The long-term result of mass immigration and multiculturalism, that the former majority culture becomes much smaller or another cultural minority, or that there is no prevailing majority culture, or that the former majority is displaced by another more dominant culture, is never acknowledged or explored, let alone the costs or dangers, properly assessed. This is despite the fact that it has profound democratic, human rights and national security implications. Again, acknowledgment or exploration of these vital issues is considered racist or politically incorrect – it is deliberately suppressed.

Cultural relativism – the fatal flaw

Readers should consult Wikipedia using the term 'interculturalism' or 'criticism of multiculturalism' and look at the submissions of opponents mentioned above to see the key difference between it and such as 'pluralism' or 'interculturalism'. The fundamental flaw of multiculturalism is that it is informed by 'cultural relativism' which says 'all cultures are equal'. Given the implications of this, this is always vehemently denied by the Government. It says that people who point this out misunderstand multiculturalism or that this is a 'myth'; then pathologises and labels them as racists. It promises that no other legal systems will be allowed and Australian law will be enforced; but then allows this anyway and does not enforce the law.

On the basis of cultural relativism, cultural practices such as stoning adulterers, killing apostates or blasphemers, wife beating, flogging or killing homosexuals, gender segregation, exclusion and discrimination, female genital mutilation, marital rape, underage marriage and consummation and forced or arranged marriages, which, for example, shari'a law authorises or allows; or historic Arabian bedouin culture provides a model for; or some of which, Indian or African culture allows, are equal to laws and cultures, such as Australian law and culture, that criminalise such behaviour.

Stripped of cultural relativism, multiculturalism, a values laden term, becomes merely 'cultural diversity', a demographic fact. Since white settlement, and given past waves of migration, Australia is, and always will always be, culturally and racially diverse. The vast majority of Australians accept even a relatively high degree of diversity and welcome it, so long it is not excessive, and there exists a strong core cultural identity so that the nation does not fracture. There is an argument about degree. The mainstream strongly opposes cultural relativism and multiple legal systems - sometimes called legal pluralism. Instead, the Government, in political terms, sells multiculturalism disguised as cultural diversity. It promises no legal pluralism, but actually allows, and even funds, through mainstream or multicultural programs, such as Centrelink payments to polygamous marriages, its gradual entrenchment.

Because multiculturalism is informed by cultural relativism it is inherently extreme. This is because cultural relativism is, in itself, inherently extreme. An extremist is someone who does not recognize any limits or degrees. Of course, some variations in these views exist, some individual people are more extreme than

others, but most multiculturalists follow a similar pattern in their thinking. Multiculturalism is extreme since it posits the following: all people are equal; all cultures are equal; all cultural practices are equal; nationalism is inherently racist (or more often, Western or Zionist nationalism is racist: such as Palestinian, or Tibetan, nationalism, is legitimate and its denial, racist); ordinary Australians being a product of a white Australia immigration policy which was racist, are 'bogans' and 'red necks' and **expressing their democratic will, 'populism', is therefore racist** (but Muslim populism, and nationalism (Arab Spring) is legitimate and we should enforce their popular will by using military force, even if it produces theocratic regimes that will breach human rights, because failing to do so would be racist); the cultural majority has no right to retain its majority cultural identity since this would be racist; the number, type, or capacity to assimilate immigrants of any race or culture is irrelevant because all people are equal, and all cultures the same, and assimilation is racist; native Australians, or long-term residents and taxpayers have no greater right than the next migrant as soon as s/he enters, any hierarchy would be racist, in fact, immigrants should get special treatment because they are always disadvantaged because of racism.

Australia is a selfish, racist nation, we should take many more immigrants and refugees, preferably black rather than white, to prove we are sophisticated multiculturalists, and not racists. This will enhance our international reputation (many countries think we are racists) and help to solve third world poverty. National borders must be abandoned in favour of a 'One World' system (or 'cosmopolitanism', 'internationalism', 'transnationalism' – recently championed by Senator Bob Brown)³ and anyone who questions this is unsophisticated, unintelligent, a hater, and a racist, and must be prevented from speaking so as to prevent public disorder and the spread of racism. Readers may wish to refer to an article in *The Punch* by Julian Burnside Q.C: 'Lest we forget our values in the asylum seeker debate' to get the flavor of some multiculturalists' views (although he may, or may not, consider himself to be a multiculturalist).⁴

Right wing multiculturalists mainly want more immigrants so as to make more money. Left wing multiculturalists mainly want to appear to solve third world poverty, or address the guilt they feel about it, through Australia's immigration and refugee program. They ignore the fact that this can never happen when one country alone, India, adds more than the total population of Australia, around 25 million, to the world's population almost every year. That is just one country, in one year. Add to that China, Africa, Latin America and Asia - and it becomes clear that Australia can never make any significant difference to global poverty through immigration. But the present immigration numbers and type of intake, are proportionally large enough to damage Australia as a nation, and its economy, significantly, essentially turning parts of Australia into areas that resemble many third world countries today, unless handled properly.

In fact, third world poverty is made worse by multiculturalist immigration policies; poor countries now colonize themselves, by sending their most skilled and youngest to Australia lured by our open border immigration and refugee policies and multicultural welfare policies; making the plight of those left behind harder to bear. Dangerous regimes are only too happy to cleanse their countries of their opponents (ethnic cleansing), when they are lured to Australia by our refugee policies. People die horrific deaths on boats. Multiculturalists deliberately ignore the fact that far more poverty could be eliminated and lives saved by foreign aid (spent properly and administered carefully in countries where costs are low and far more poverty alleviation can be achieved with each dollar spent) and generous support to refugees located in refugee camps overseas, than can ever be solved by offering refugee status then permanent settlement, followed by a lifetime of welfare dependency, to a select few here.

Australia abolishes itself

Sadly, few Australians give sufficient thought to what multiculturalism means for the continued existence of Australia as a nation. If nationalism is racist, and racism is unlawful, then nationalism must be unlawful. If populism, expressing the democratic will of the people is racist, and racism is unlawful, then democracy is unlawful. The logical extension of this is that Australia as a nation is thereby illegitimate and unlawful.⁵ Since Australia's continued existence is racist, it must abolish itself in order to become truly multicultural.⁵ Recent

³ <http://greensmps.org.au/content/news-stories/bob-brown-delivers-3rd-annual-green-oration>

⁴ <http://www.thepunch.com.au/articles/lest-we-forget-our-nations-values-in-asylum-seeker-debate/>

⁵ See Sarrazin, Thilo, *Germany Abolishes Itself*, Auflage 2010. The author posited that under multiculturalism Germany was abolishing itself. German Chancellor Angela Merckel said the book was 'not helpful' and he was allegedly pressured to resign from a senior position on German bank, the book became a best seller and Angela Merckel later gave a speech saying multiculturalism 'has failed...utterly failed'.

controversies, where suggestions have been made that displaying the Australian flag is an indication of racism, and that Gallipoli celebrations or nativity scenes at Christmas are divisive in a multicultural country, have caused many Australians to appreciate, for the first time, what multiculturalism really means.

If all cultures are equal, as multiculturalism says, then legal pluralism and shari'a law must be allowed, as some Muslim groups demanding shari'a law in their submissions (such as the Australian Federation of Islamic Councils (AFIC) – a claim later controversially withdrawn), have pointed out, even if it is contrary to Australian law. This is so even if it places Australia in breach of U.N. human rights conventions it has ratified, which it certainly does. If 'all cultures are equal' there is no obligation to abide by Australian law when in conflict with shari'a or other laws, speak English, integrate or assimilate, live in the broader community rather than separately, or abide by one's citizenship pledge. Over time, the dominance of Anglo/European Judeo-Christian culture would be conceded, as would the position of the monarchy, the flag, and the national anthem. Australia would abolish itself. The new entity, no longer really Australia, would be a loose federation of nations or tribes living in one territory – this is sometimes known as 'balkanisation'. The general public express their constant concern about this, especially through the few channels open to them, such as weblogs and talkback radio, but, of course, this is never acknowledged, discussed or analysed by professional multiculturalists – that would be racist and it would conflict with their vested interest in appearing compassionate and administering multiculturalist programs and policies.

The irony of all this is that the Australian Labour Party (ALP), once the party of the mainstream and working class, essentially a popular democratic party, has, by making multiculturalism a centrepiece policy, committed itself to cultural relativism. Since cultural relativism sees populism as racism, and racism as illegitimate and illegal: the ALP has abolished itself. It has thereby consigned the hopes and dreams of many working class people to political oblivion. Many Australian taxpayers now feel disenfranchised.

The U.K. (see U.K. P.M. David Cameron's Munich speech)⁶, France, the Netherlands, Germany, and many others nations are increasingly abandoning multiculturalism. Even leading intellectuals in Canada (a world leader in multiculturalism) such as Muslim Professor, Salim Mansur, *A Delectable Lie: A Liberal Repudiation of Multiculturalism*, Mantua Books 2011, are warning against it. The Government, which holds a slim majority making the Muslim and multicultural vote, especially in Western Sydney, crucial to its re-election, has actually ramped it up. A number of peak Muslim bodies and community leaders (such as Ikebal Patel from AFIC) have called for legal recognition of sharia law. A recent controversy over a legal case in the A.C.T. (*Omari v Omari*) has highlighted the widespread use of shari'a law to settle family disputes, create and dissolve marriages, and draft wills. This has drawn a range of Islamic lawyers to suggest that shari'a law is compatible with Australian law, therefore shari'a law should be recognised, and Australian law can be followed by Muslims except in cases where it conflicts with Australian law.⁷ Reportedly, Bluestar's Mr Khan (see article in *The Australian* below) said one of the key principles of sharia was to 'abide by the law of the land, so long as that is not inconsistent'.

At first this seems benign. But, when read closely, it could be interpreted as an open invitation for Muslims to break Australian law when it conflicts with shari'a law. Some lawyers may credibly argue that publicly espousing this view constitutes the serious criminal offence of incitement. The former Attorney General (A-G) Robert McClelland, the current A-G Nicola Roxon, the Immigration Minister Chris Bowen, have all expressly promised on the public record that shari'a law, and legal pluralism, will not be recognised in Australia: A-G Roxon: 'There is no place for sharia law in Australian society and the government strongly rejects any proposal for its introduction, including in relation to wills and succession'. Surprisingly, to date, P.M. Gillard has made no such commitment, despite her professed support for feminism and opposition to sexism. But this puts the A-G's Department and others in conflict with the policy of multiculturalism as interpreted and applied.⁸

⁶ <http://www.number10.gov.uk/news/pms-speech-at-munich-security-conference/>

⁷ See Wilson, L., 'Sharia can co-exist with western law', *Australian*, March 22, 2012 <http://www.theaustralian.com.au/business/legal-affairs/sharia-can-coexist-in-australia/story-e6frg97x-1226306649604>. Opposed Namaze M., 'Australia must fight calls for shari'a law', *The Australian*, August 12, 2011 <http://www.theaustralian.com.au/business/legal-affairs/australia-must-fight-calls-for-sharia-law/story-e6frg97x-1226113380272>; Merritt, C., 'No place in legal system for shari'a: Jim Spigelman', *The Australian*, 2 June 2011, <http://www.theaustralian.com.au/business/legal-affairs/no-place-in-legal-system-for-sharia-spigelman/story-e6frg97x-1226067487968>

⁸ <http://www.theaustralian.com.au/national-affairs/roxon-baulks-at-role-for-sharia-by-australian-muslims/story-fn59niix-1226302118960>

Recent news reports and expert research have revealed that the Federal Government, and State and Territory Governments, have been allowing the practise and rapid spread of shari'a law and even generously funding its implementation. Ann Black and Kerrie Sadiq - 'Good and Bad Sharia': [2011] UNSW Law Journal p. 17 (see our detailed analysis of the article later) concluded that, despite express contrary assurances by Minister Bowen, shari'a law is practiced widely in Australia among Muslim communities: 'It seems not to be realized....it happens quietly.' p 398.⁹ Of course, Governments should, and do, know this; they simply allow it so as not to offend the CALD community since this may cost them votes. They also fear Islamist terrorism.

Shari'a law through Constitutional prohibitions on racism – backdoor shari'a

Some Muslims have argued that because there are Koori Courts recognising some limited aspects of Indigenous law, they should be allowed shari'a law and their own Courts. Some they have justified their claim on the basis that a very small number of Muslims landed here long ago and there has been a small continued presence here since then. Even more alarming, the Government's enquiry into Constitutional recognition of Indigenous people may be co-opted to try to implement shari'a law. One enquiry proposal was to include a broad Constitutional prohibition against any legislation that amounts to racial discrimination - see Langton, M., and Davis, M., 'An Answer to the Race Question', *The Australian*, 21 January, 2012.¹⁰ If such a proposal was accepted, Muslims are likely to argue that they should be allowed to practice shari'a law, even when in conflict with Australian law, because otherwise they would be discriminated against. In effect, such a broad anti-discrimination provision may act as a backdoor method of introducing shari'a law and legal pluralism, and may constitutionally entrench multiculturalism. No legislation stopping it could be constitutionally valid.

Most Australians would be concerned to know that half of the ten members of the Government's multiculturalism advisory body (the Australian Multiculturalism Council – a contradiction in terms?) are Muslims.¹¹ This is an extraordinary imbalance which even Dr. Jupp, one of multiculturalism's chief architects, concedes later, although seemingly supporting such an imbalance as a way to avoid radicalisation, terrorism or other problems. Many would see this as a clear indication of bias. Many worry that, as the dominant English speaking European/Anglo-Australian culture becomes further diluted, or no longer the majority, the democratic process will be used to replace Australian culture with Arab Islamic culture as is happening in parts of Europe that have a very high Muslim immigrant population. For that reason, as the submissions attest, Australians do focus closely on signs of rapid demographic change. Many Australians, clearly evidenced through public submissions, are distressed by the considerable attention paid by the Government and media to Islamic issues and concerns, and see them as exerting excessive influence on, and control of, Government policy, and absorbing a disproportionate amount of Government resources.

This is so, even though Muslims represent, according to 2006 Census statistics, 1.7% of the Australian population. Although the truth is that the Federal Government Census (including the 2011 Census) does not make compulsory (not because it cannot do so legally) an answer to the question on religion. As a result, the Government has no accurate idea of how many Muslims there are in Australia. It may be as high as 500,000 – 600,000 (or 3-4%). Many Muslims, concerned to avoid scrutiny, do not answer the Census question deliberately. Not forcing an answer, or collecting statistics or data, allows Governments the scope to deny the rapid growth of the Muslim population, or any population, or to portray their views or behaviours in a more positive light, or as a comparatively minor problem. Not collecting statistics and data, paradoxically, also allows for incorrect and prejudicial assumptions to be made, thus fuelling the growth of racism.

The hearings to date

Many of the witnesses were merely reporting on their activities and how the programs they administer could be made more effective with greater resources. Since they are employed directly or indirectly under multiculturalism policy, programs, or funding, they were unlikely to offer any criticism of the policy itself, nor were they invited to, nor did they. However, some of their testimony was very revealing.

The most important testimony came from the Race Discrimination Commissioner Dr. Szoke, concerning legal pluralism, those in charge of anti-terrorism programs, Dr. Jupp and Dr. Rubenstein, peak Muslim bodies

⁹ <http://www.austlii.edu.au/au/journals/UNSWLJ/2011/17.html>

¹⁰ <http://www.theaustralian.com.au/national-affairs/opinion/an-answer-to-the-race-question/story-e6frgd0x-1226249768982>

¹¹ http://blogs.news.com.au/dailytelegraph/mirandadevine/index.php/dailytelegraph/comments/the_not_very_multicultural_council/

demanding shari'a and some exchanges between the Chair and Committee and witnesses concerning Muslim and African communities. We have extracted some of the most important passages from the hearing transcripts, with our additional comments. We will present them, not strictly chronologically, but in terms of how controversial or revealing they appear to us to be or how issues are best explained. At the end we will discuss one of the most controversial submissions asking for subsidised trips home and to events (possibly even such as the Haj to Mecca), tax deductions to support overseas families, relaxed family reunion, and subsidised housing. We present a paper responding to another produced by Muslim lawyers and academics suggesting that shari'a law and Australian law should be harmonised. We outline briefly what Muslim personal law will mean if accepted.

As a general proposition, what emerged throughout the hearings, was that current waves of immigration and refugee arrivals differ from past waves in important respects. Never before has Australia received such large numbers so quickly from the Middle East and Africa, on top of a very high intake from elsewhere. This intake is different because a potentially large number of Muslims strongly wish to retain their cultural identity and practice shari'a law. Many Africans and other refugees have complex problems that require very expensive personal individual case management and carefully designed multi-dimensional programs that would last, in many cases, at least a decade. This would require a radical departure from the long-standing fractured model of welfare service delivery, or the employment of highly paid professional 'opportunity agents' personally attached to each client so as to carefully co-ordinate access to programs and services, monitor and evaluate results, and redesign and refocus them when needed, possibly with an individual budget 'opportunity account' attached to each client. This would require much more flexibility and co-ordination than has ever been delivered before, and perhaps special legislation, that would empower such agents to exercise discretion, relax barriers, use or remove incentives, and ensure results.

These services would need to cover English language (available up to 10,000 hours in some cases but in any event based on needs not an arbitrary limit), health (especially mental health, and preventative health education), education, driving skills (until competence is attained) employment, cultural competency, career advice and assistance, job placement and counselling services – including counselling about extremism and radicalisation and perhaps with a specially designed and confidential service and hotline run by trusted Imams (similar to a Catholic confessional). Please see our later proposal for an 'Australian citizenship and worker diploma scheme'.

In short, each individually case managed client would be a *very expensive long-term* project. Of course equity issues would arise between the beneficiaries of such treatment, that if not addressed would cause justifiable resentment and cause racism. This could only be overcome by making the same services available on the basis of need, not race or cultural identity, to other similarly disadvantaged people. If implemented, there should be no unfairness, and it must be widely publicised that there is no unfairness, so that resentment does not destroy cohesion.

The question that the Committee dare not consider is this: is it better to slow down the migrant intake? Is it better to make it genuinely selective even if this means drawing from like European countries or countries with similar cultural and religious backgrounds such as parts of Latin America - which multiculturalists, who often deliberately wish to choose non-European non-Christian countries so as to re-engineer society and reverse the 'white Australia policy' into a form of 'non-white Australia policy' - would no doubt call racist? Is it not better and fairer on all concerned to limit the number of refugees, and migrants, with complex problems, and ensure that a smaller number are properly managed and integrated, rather than continue with the current policy, which is essentially a large rapid intake that is very badly managed? Is it not better to address third world poverty through aid rather than immigration? People with common sense, the general public, prefer a smaller better managed immigration and refugee program, and more aid to refugee camps overseas rather than permanent settlement of a self-selected few here; multiculturalists and the political and business elites prefer open borders and a large permanent settlement program, even if badly managed. They intend to privatise the profits and socialise the losses.

The Committee would prefer completely to ignore this issue (as well as the general level of unemployment - see later when discussing why immigrant graduates struggle to find work) but how can it, in the face of the testimony throughout the hearings?

The Hobart MRC testimony was not particularly alarming but was, in some senses, typical: All is not well. As a population, **about 34 per cent of Tasmania's migration intake is actually from a humanitarian and refugee background—it is quite a large proportion of the state intake.** That compares to about between five and 10 per cent on the mainland states. I speak about visibly different migrants here in Tasmania. We have about 10.1 per cent migrant and refugee background as a percentage of our total population, which compares to about 22.5 per cent in some of the mainland states. A lot of the soft support mechanisms that either come from the community or as a result of being multicultural on the mainland do not necessarily come out to play here in Tasmania and it can cause an inordinate number of barriers, including racism inappropriate access to services and some systemic access issues, particularly in the JSA space.

Hearing Wednesday, 15 June 2011¹²

Sharia law and free speech

Chair: What is driving it is Muslim integration and the big question around whether Muslims can integrate—which, in itself, is becoming a myth. It is developing the momentum of a myth in that sense—not that it is not true, because the same would have been said about the Greeks and the Italians in the 60s. I remember the street I lived in and nothing has changed in terms of concerns about whether you can integrate or not. What is happening with Muslim integration is that there is a lot of concern and fear around what Muslim culture is. There are catchwords: there is jihad; there is terrorism; there is sharia law—these are poisonous terms in the public domain. There are ideas of segregation—look at Europe and this, that and the other.

Mr Migliorino: I am working in my personal capacity on a project for the Attorney-General's Department which involves going out and speaking with Muslim communities across Australia.

CHAIR: **Who, incidentally, are not calling for sharia law.**

Mr Migliorino: **Absolutely not.**

CHAIR: **That is truth. I need to say that they have been here for 50 years** Mr Migliorino: I was just about to say that.

CHAIR: **That is the myth.**

Mr Migliorino: **Absolutely; it is the myth.**

Comment: This is false, and later contradicted by the Chair herself. Greeks and Italians immigrants were largely Christian and did not try to establish a State within a State by demanding recognition of their own legal system. This was well known to the Chair from submissions to its own enquiry. Muslim Groups and spokespeople have openly and repeatedly called for shari'a law, as have 'sharia4australia' and 'Hizb ut Tahrir'.

A particularly disquieting example is the *A Current Affair* (ACA) interview with Uthman Badar of Hizb ut Tahrir, entitled, *Islamic State?* (6 July 2010).¹³ Readers should go to the Hizb ut Tahrir website¹⁴ look at the Press Release of 20 March entitled: 'A-G spews same old anti-Islamic rhetoric', and read its mission statement - which is to replace Australia's democracy and law with an Islamic Caliphate and shari'a law. The ACA interview refers to a meeting of over 1,000 delegates where radical groups expressly rejected a moderate or reformed version of shari'a as being unislamic. Some Muslims expressed similar views in a 60 Minutes interview entitled: 'The Great Divide', 20 March 2011.¹⁵ Note: these were broadcast before the hearings commenced and should have been known to the Chair.

In 2009 it was widely reported in the Chair's own State, that the Victorian Government Premier's Department was scheduled to meet with Islamic Council of Victoria board member, Hyder Gulam, a lawyer with Logie-Smith Lanyon about a proposal to establish shari'a courts there (see Barney Zwartz, *The Age*, October 19, 2009).¹⁶ Numerous other reports in the mainstream media attest that such demands have been made repeatedly over at least the last 10 years. A simple Google search would have confirmed for the Chair how incorrect and misleading her statement, that calls for shari'a law are a myth, is and was.

¹² http://parlinfo.aph.gov.au/parlInfo/download/committees/commint/941fa5bc-4747-4d43-ab91-213f8f289094/toc_pdf/Join%20Standing%20Committee%20on%20Migration%2011%2006%2015%20219%20Official.pdf;fileType=application%2Fpdf&search=%22Multiculturalism%22

¹³ <http://aca.ninemsn.com.au/investigations/6913673/hizb-ut-tahrir-spokesman-uthman-badar>

¹⁴ <http://www.hizb-australia.org/>

¹⁵ <http://video.au.msn.com/watch/video/the-great-divide/xh2lhgg>

¹⁶ <http://www.theage.com.au/national/islamic-council-rejects-sharia-law-proposal-20091018-h2x9.html#ixzz1q23H8MFI>

The Chair offered no evidence that Muslim Australians do not want shari'a. The Federal Government has deliberately not comprehensively polled them or collected detailed statistics. Overseas Governments and specialist agencies have. All polls must be approached with a high degree of caution. The questions asked, sample groups, and a range of other factors can affect results. All groups tend to present results that best suit their case. Those polled do not always answer honestly or understand the questions properly. However, clear trends sometimes emerge. A poll done by the Pew Centre in 2010 in a range of Muslim countries showed a high degree of support for shari'a law, and staunch opposition to the separation of mosque and state.¹⁷ There was a high degree of support for policies considered discriminatory and barbaric in Western democracies.

Any apparent Muslim support for democracy in the Pew Poll may be misleading. This is because democracy is both a process (one vote, one value, secret ballot, majority wins) and an outcome (a Western cultural construction - plural liberal secular democracy). This is best illustrated by the following - we call it the 'democratic paradox'. Would a referendum to repeal the Australian Constitution and end democracy forever be a democratic referendum? No. Democracy is not a suicide pact. One cannot have a democratic vote to end democracy forever or establish something that is anti-democratic such as a dictatorship or theocracy. This would merely be an inclusive voting process, not a democratic voting process. As a result, many of the Arab Spring elections are not truly democratic.

There is no reason to believe that the opinions of Australian Muslims are very different from those polled in similar Western countries. In the U.K. for example, when Muslims were polled, a high percentage wanted shari'a. A comprehensive range of polls, set out at Wikiislam or the [thereligionofpeace.com](http://www.thereligionofpeace.com) websites show similar results.¹⁸ U.K. Channel 4 *Dispatches* program 'What Muslims Want' conducted an extensive poll the results from which caused considerable consternation in the U.K. leading to the conclusion that integration in the U.K. had 'come to a standstill'.¹⁹ Even some of the more optimistic results: 85% saying they felt 'a feeling of Britishness' were never explored. Does this mean Muslims feel loyal to Britain, and would abide by its laws in preference to shari'a where they conflict, or remain loyal even if they disagree with U.K. foreign policy or less generous welfare policies: or merely that they feel a sense of entitlement, that they have all the rights and privileges of a British citizen, and know this, and have become accustomed to life there with a higher standard of living than they would be likely to have in a Muslim country, and like it? Essentially, this particular poll result, the only real point of optimism, was meaningless without further exploration. Earlier You Gov polls suggested a high degree of suspicion and a significant minority who were not loyal to, or were hostile to, the U.K.²⁰

Shari'a law zones

Another poll by the U.K. Policy Exchange in their 2007 report *Living Apart Together: British Muslims and the Paradox of Multiculturalism*, showed a disturbing trend of radicalisation among youth, high levels of support for punishment of homosexuality (61% overall) and the death penalty for apostasy (57% overall), and support in the 50% range for polygamy and prohibitions on intermarriage with non-Muslims. Those wanting shari'a ranged from 25% to 50% depending on age; older being less extreme.²¹ A later ICM 2009 poll showed some similarly worrying results.²² Certainly, this radicalisation is reflected on the ground in the U.K., in areas with high Muslim populations. Reportedly, some have even begun declaring and trying to enforce **shari'a law zones** by placing 20,000 stickers on public property warning Muslims and non-Muslims alike that shari'a law applies and shari'a punishments will be administered. Non-Muslim women in Tower Hamlets London have been threatened for not wearing hijab. Fashion posters are vandalised by spray-painting burqas over them. During the French riots of 2005 some Muslims promised to make the riots stop if the French Government agreed to let them rule their communities under shari'a law. The extension of shari'a law has attracted the condemnation of Baroness Cox, a U.K. politician and others; but no prosecution or effective Government action has yet been taken.²³ Their fear of terrorism, or the political correctness of their senior managers, now paralyses even the police force. The police, rendered impotent through allegations of racism and threats of

¹⁷ <http://www.pewglobal.org/2010/12/02/muslims-around-the-world-divided-on-amas-and-hezbollah/#prc-jump>

¹⁸ [http://wikiislam.net/wiki/Muslim_Statistics_\(Shari'ah\)](http://wikiislam.net/wiki/Muslim_Statistics_(Shari'ah)); <http://www.thereligionofpeace.com/Pages/Opinion-Polls.htm>

¹⁹ <http://video.google.com/videoplay?docid=-6024855239894533729>

²⁰ http://cdn.yougov.com/today_uk_import/YG-Archives-pol-dTel-Muslims-050725.pdf

²¹ <http://www.policyexchange.org.uk/publications/category/item/living-apart-together-british-muslims-and-the-paradox-of-multiculturalism>

²² http://www.icmresearch.com/pdfs/2009_jun_bbc_muslims_poll.pdf; <http://www.icmresearch.com/?s=muslims>

²³ <http://www.dailymail.co.uk/news/article-2041244/Polygamy-Investigation-Muslim-men-exploit-UK-benefits-system.html>

terror by Muslims, may make way for policing by Muslims: they now promise 'shari'a law and order' enforced by them, and are gaining popularity on that basis. This is eerily reminiscent of the rise of Hitler.

There is a similar phenomenon at work here in Australia. Former N.S.W. detective, and crime gang expert, Tim Priest, 'Drive by shots a wake-up call', *The Australian*, 19 April 2012,²⁴ laments that U.K. style multicultural 'softly-softly' policing, where Middle Eastern and other immigrant crime gangs were allowed to flourish and apply the 'law of the jungle' was brought to N.S.W, Victoria and elsewhere in the early 1990's, and has remained since, rendering police impotent. He says: '..As in London, senior police discouraged street cops from aggressively policing out-of-control Middle Eastern youth...for fear of 'causing tension' within the greater Muslim community'. This could explain the case here in Australia of some radical Muslims enforcing sharia law prohibitions on drinking by whipping a convert with electrical cord.

If the Committee has any intention of seriously addressing the issues regarding multiculturalism it will watch on You Tube or elsewhere all the following documentaries and learn what can be expected in Australia if immigration policies continue to be mismanaged and multiculturalism implemented. See: U.K. Channel 4 *Dispatches* documentaries 'Radical Islam: Britain Under Attack', 'Undercover Mosque 1&2', 'When Cousins Marry', 'Divorce Sharia Style', 'Britain's Sex Gangs', 'Britain's Gang Rape Epidemic', 'Beneath the Veil', 'Britain's Islamic Republic', 'Britain's Unholy War', 'Lessons in Hate and Violence', 'Women only Jihad', 'What Muslims Want', and Panorama 'British Schools Islamic Rules', 'White Teenage Sex for Sale' and BBC's 'Generation Jihad 1&2'. Watch also U.S. documentaries by the Clarion Fund: 'Obsession: Radical Islam's Against the West', 'Iranium' and 'The Third Jihad'.

Sadly, many believe the Government, and both majority parties, are determined to remain deliberately ignorant so that they need not face the problems created by their policies. Comprehensive polling should be conducted in Australia about Muslim demands for shari'a law and other matters. However, there is now a danger, given the recent escalation in tensions, that any results may be distorted (see later discussion of taqiyya). There was no suggestion, or Committee discussion, about conducting such a poll.

Labelling and pathologising

Labelling those who wish to discuss the serious problems concerning sharia law, terrorism or jihad as 'poisonous' is an obvious, and many may think, irresponsible, attempt to stifle free speech and impose 'political correctness'. This directly contradicts the approach outlined by P.M. Gillard who, before the 2010 election effectively promised the Australian public that such issues could be discussed without labelling or pathologising and said she wished to move her Government away from political correctness.

In an article appearing in the *Daily Telegraph*, on 4 July 2010, Simon Kearney reported that she said: 'There's a temptation for people to use these labels and names to try and close down debate and I'm very opposed to that...People need to be able to have honest discussions....So any sort of political correctness, or niceties that get in the way, I think, need to be swept out of the way.'²⁵ Some might think that the P.M. herself was labelled and pathologised for this, when after Pauline Hanson expressed her support, a flurry of articles appeared suggesting that this was a cynical attempt to elicit the 'red neck' vote at the forthcoming August 2010 election, ironically a term that has racist connotations, being a disparaging reference to anyone who is white and working class.

Perhaps on the basis of this change of approach, many people voted for the A.L.P. in the 2010 election. How far this enabled the A.L.P.'s slim victory is hard to estimate. Many ordinary Australians may feel that, since securing office, P.M. Gillard has broken her promise to abandon political correctness, and actually led the way in the use of labelling, pathologising and political correctness, and encouraging her Government and political colleagues to do so too; others may disagree. Notable are incidents including the 'Australia Day Tent Embassy Incident', labelling Tony Abbott sexist over his apparent agreement with leading feminist Germaine Greer that P.M. Gillard has a large posterior, the 'meow' incident involving Julie Bishop, or when P.M. Gillard herself

²⁴ <http://www.theaustralian.com.au/national-affairs/drive-by-shots-a-wake-up-call/story-fn59niix-1226332059412>

²⁵ <http://www.dailytelegraph.com.au/news/tim-not-pc-says-prime-minister-julia-gillard/story-e6frewt0-1225887495024>; but see such as Doctoral Candidate, Mondon, Auriel, 'Do people really want what politicians are offering', *Sydney Morning Herald*, 8 July 2010. Some Australians may see this as a classical example of political correctness by a member of the inner city cultural elite: others may agree with Mondon. <http://www.smh.com.au/opinion/politics/do-people-really-want-what-politicians-are-offering-20100707-100ff.html>

effectively referred to Christopher Pyne M.P. as a 'mincing poodle', possibly implying that he is weak or effeminate. Rather embarrassingly the P.M. defended herself by employing a technicality: 'I never actually used that terminology', but, reportedly, Hansard proved that she compared the relative merits of Mr. Abbott and Mr. Pyne, described the pair as a doberman and a poodle and noted that choosing between the two for a job was 'a choice between macho and mincing'.²⁶ The authors do not support either side in these exchanges, and expect better of their M.P.s, but simply adduce this as evidence of a promise once made by Government to allow free speech and to move away from political correctness, labelling and pathologising. Readers should go to the section entitled: 'Fetching, plural and forced marriages – demographic jihad?' to see more repudiation of political correctness by P.M. Gillard prior to the 2010 election.

A common method of censorship is 'pathologising' speech: calling it irrational or suggesting those with moderate, reasonable, well-documented and legitimate concerns, are mentally disturbed, haters, fearful, hysterical, Islamophobes, xenophobes, racists or potential terrorists. In combination with State and Federal Government's prosecution of racial vilification cases (readers should be aware of two leading cases such as the Two Dannys case and the Bolt case)²⁷, and its proposal to control the media through the Finkelstein enquiry recommendations, many would think this statement reveals both Government bias, and a strong predilection towards State censorship. Throughout the proceedings numerous such incidents of labelling and pathologising occurred. Many who read the transcripts may think that such a process was actively led and encouraged by the Committee; others, particularly multiculturalists, may disagree. As will be shown later, suggesting that jihad and terrorism cannot, or should not be, discussed, has clear, and very negative, national security implications. It puts the nation in danger. If security experts and analysts, feel constrained or fearful about discussing or analysing jihad, and terrorism, and its prevalence, how far this is being propagated through mosques, and by religious schools and teachers, or its root causes, this must impede their work, thereby putting the nation in greater danger - see the later testimony of the A-G's Department by Ms. Lowe.

Perhaps the most insidious method of stopping free speech, is saying that those who express legitimate views about sensitive issues, are inciting violence or terrorism. Free speech is not absolute: there must be limits. Writers should strive to be truthful, support their views by reasoned argument, put views in a reasonable tone, but should not be censored simply because some readers may be offended or their ideas are challenging or powerful. There are limits: sedition and incitement to violence or law breaking are among the most important. As much civility as possible, should be employed, but without self-censorship of important ideas that could benefit the public. But many who oppose multiculturalism and prefer pluralism are often labelled, pathologised, and told they are responsible for extremist behaviour by those who read and support their views, such as Anders Breivic. As the warning indicates, the authors are most concerned to ensure that violent or extreme people **do not** find support in the views expressed here, and for their own reprehensible conduct. Provided free speech is exercised responsibly (and there should be a very high, but not absolute threshold for free speech) no person should be made responsible for the misdeeds of others who agree with them. Personal responsibility must be expected from readers. Readers who are offended (be they for or against multiculturalism) have a clear personal responsibility to behave legally and responsibly even if angry, fearful or offended.

However, in many cases there is a clear double standard at work. If left wing people and others think opposing multiculturalism causes right wing terrorism; then supporting, or implementing multiculturalism, must cause Muslim or left wing terrorism, which accounts for almost all terrorism in the world today.

The authors posit that multiculturalism is inherently extreme and as such, causes racism. They also posit that repressing free speech about multiculturalism also causes resentment and racism that can sometimes lead indirectly to violence and terrorism. But the authors certainly **do not** think M.P.s and others who support multiculturalism or implement such programs or policies are personally to blame for the very damaging effects it has, or the breaches of human rights and violence it has, and will, cause. The policy itself, and the people who agree with or implement it, must be thought of separately. In each instance, between idea and action is a human being who must be expected to act properly. Those who are violent, breach human rights or commit crime must bear ultimate personal responsibility for their actions.

²⁶ <http://www.theaustralian.com.au/national-affairs/labor-women-feign-indignation-about-sexism/story-fn59niix-1226068258898>

²⁷ <http://www.austlii.edu.au/au/cases/vic/VSCA/2006/284.html>; http://en.wikipedia.org/wiki/Danny_Nalliah;
<http://www.austlii.edu.au/au/cases/cth/FCA/2011/1103.html>

M.P.s and others who support multiculturalism must always remain completely safe and should *not* be personally blamed so as to be held liable for the policies they implement. Whilst they should always remain physically safe, and should not be pathologised or labelled, intimidated or harassed, their own personal conscience should bear the burden of the damage that their foolish policies will cause. Those who oppose multiculturalism should enjoy the same rights: to express their views within the legal limits, and to remain safe, not be labelled or pathologised, and not be held liable for crimes committed by others, with respect to their views. We must all be answerable to our conscience.

Halal slaughter

CHAIR: *It is also a question of a lot of myths. I get the impression that this inquiry, if anything, should start to demystify and clarify things just for the sake of informing public debate. It is very important to inform the public because the word 'sharia' is a red rag to a bull. It is as simple as that.*

Mr Migliorino: And that was the response. It is an interesting if you look at the way it has been portrayed in terms of sharia law, and even in terms of the financial law around that business law, because we engage in many practices—the live export issue is quite hot at the moment politically—...and I know this is true from some of the submissions—who worry that we are all eating halal food.

CHAIR: *Halal meat, yes.*

Mr Migliorino: It is bizarre. I work professionally in a multicultural market and I always encourage producers to produce things in a way that opens up markets. You do not fundamentally change the product; you just create different markets for it.

CHAIR: *But you are not being tainted because you have just eaten a halal sausage.*

Mr Migliorino: That is the point

CHAIR: *At the base level, that is what this is about. It has been linked to religion and it has been linked to those four or five key words that almost demonise an aspect of Australian society; internationally there are issues going on that have nothing necessarily to do with our society, and that is where the real pressure is. I have kosher butter at home because I like it. I do not think I am breaching any Christian protocols by using it, but someone might feel that they had breached their Christian protocol if they have eaten a halal sausage and were not aware of it—I do not know. But that is also the religious aspect of—*

Mr Migliorino: That would be the case if there were a religious tenet about that, but there is nothing.

[**Comment:** on what basis is this statement made? Many Christians do not wish to worship another's God, which eating meat blessed and dedicated to Allah would be to them.]

CHAIR: *There is not; I am just guessing, I do not know. But people feel about it in almost religious terms rather than in cultural terms.*

Mr Migliorino: They have been duped, and this has somehow—

CHAIR: *I do not understand what the concern around halal is, other than it has something to do with Allah.*

Mr Migliorino: I have been promoting it in the marketplace to open up business opportunities. It just makes a lot of sense that if I am producing a product in Australia and have it certified halal that I can open it up for export into the Asia-Pacific area. I am interested also in things which I thought were so positive that they were beyond negative comment. This discussion has now made them negative and I am saying, 'I don't understand. It is illogical. It does not actually make sense to me.' But I can see how it feeds into this sense of the Islamisation of Australia.

CHAIR: *Yes, it does.*

Mr Migliorino: Which is a furphy, an absolute furphy.

CHAIR: *But it is an issue that is out there.*

Comment: Again, some people may see this as an apparent bias from the Chair and an acknowledged vested interest in the witness. Submissions and recent public debate make clear that there are important issues surrounding Halal slaughter. The process of cutting the animal's throat whilst alive, which shari'a is said to demand (inaccurately, and unless contrary authoritative fatwas are issued), and the practices of many halal abattoirs, breach RSPCA guidelines on animal cruelty and have shocked the conscience of the Australian community. Second, the absence of labelling means consumers have no free choice as to whether or not to eat halal slaughtered meat, this has led to proposed French labelling laws. Third, the process of certification allows an easy route for mass immigration from Muslim communities. There is evidence that slaughterhouses and meat vendors rotate vacancies for halal butchers, sellers and processors, so as to facilitate chain migration through the business migration program. Certification royalties may sometimes go to mosques or

organisations, directly or indirectly, that are espousing extremist views or employing violence or terrorism. This immigration route is not closely scrutinised, thus increasing the possibility of terrorists or undesirables migrating. This is a serious national security problem that is not currently addressed properly. Future terrorists may well enter using this route. Fourth, because live slaughter is preferred in many parts of the Muslim world, this encourages live animal export which causes animals a greater level of distress than slaughter at or near the farm gate. Ironically, later testimony, if true, suggests that some peak Muslim groups oppose live animal export and demand greater animal protection than the Government currently enforces, putting the Government in an embarrassing position.

Hearing, 29 March 2011 – Spectrum Migrant Resource Centre; Ethnic Communities Council Victoria; Islamic Women’s Welfare Council of Victoria ²⁸

Special exclusive employment services for migrants

Throughout the hearing process demands were made for a range of ‘culturally specific’, special, or exclusive, housing, educational, employment and aged care services. These would not be available to mainstream non-CALD Australians. There were unsubstantiated allegations of widespread racial discrimination against Muslims and black Africans generally, and in employment, for which the Chair neither demanded, nor received, evidence (see later).

The following is just one example: Following discussion of the disadvantaged position of immigrants and the special African only Pathway to Employment program, Ms Kelada from the Spectrum Migrant Resource Centre, offered the following model as to how multicultural employment services could work.

‘I can go on and talk about the barriers further, but I would like to make quite a strong point..I can use the program that we had funded by DERD, which has changed its name, but it is a state government department. The point I want to make is that we were required to provide employment outcomes for 40 skilled engineers. The investment by the state government was \$240,000 in 12 months. Their salaries ranged from \$50,000 to some having packages of \$120,000. They went in at various levels. I would like that to be used as a way of relaying the importance of having some kind of bridging program for skilled migrants.’ She outlined the benefits through taxation and spending of employing skilled migrants and **subsidising their employment**. There was discussion of a similar model for accountants.

Comment: the Australian Bureau of Statistics (ABS) and the Government have conceded that over 1.3 m Australians are underemployed or underutilised, with high levels of long-term and youth unemployment. The ABS underutilisation and underemployment figures are explained at the weblinks below.²⁹ Roy Morgan says 2.2 million Australians are underutilized.³⁰ In light of this, is it fair or appropriate to fund positive discrimination programs for highly paid CALD professionals to secure lucrative employment, *and have their wages subsidised by the Government*, without at least proving that the funds would not have been better spent securing employment for the long-term unemployed or other more marginalised groups CALD or not? There are *very serious equity issues* here that the panel never discusses, analyses or addresses. There was no suggestion that a proper costs benefit analysis of alternative expenditure between contesting groups would be conducted.

In many ways this initiative illustrates the chief failing of multiculturalism. It promotes CALD identity and rewards CALD identity retention. There are now many professional Muslim or other representatives, essentially professional Muslims or Africans or Italians and so on. The money spent on these programs is necessarily at the expense of more needy people who do not have a CALD identity. Many ordinary Australians deeply resent Government policy that makes them pay so that someone can come from another country and be assisted, by positive discrimination welfare programs, to live here just as if s/he still lives in an overseas country as regards culture, and make a lucrative profession of simply retaining their identity. Why is this fair? They ask: why have migrants left, if their former home and cultural identity is so sacred and important, and

²⁸ http://parlinfo.aph.gov.au/parlInfo/download/committees/commjnt/13707/toc_pdf/80913.pdf;fileType=application%2Fpdf#search=%22multiculturalism%22

²⁹ Explanation of terms at:

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/55425CBCD72D145ECA257810001134AE?opendocument>. Current ABS rate of 8% and 12% underemployment and underutilization are at:

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/6105.0main+features2Jan%202012>.

³⁰ <http://www.roymorgan.com/news/polls/2012/4742/>

they have no intention of ever becoming Australian? In this way multiculturalism causes resentment that causes racism. It promotes identity over need and rewards non-integration. It generously rewards remaining separate and distinct. It works directly against cohesion. It deliberately creates a 'them and us'.

The unemployment figures are a sham; Government has no plans to solve our 'ageing problem' or real unemployment

Like Governments before it, this Government has no plans to solve 'real unemployment', being the sum of unemployment, underemployment and underutilisation, as distinct from the 'headline rate of unemployment'. Instead its policy is to bring in an ever increasing number of immigrants so as to boost Gross Domestic Product (GDP), drive down wages, respond to big business directives to meet skilled immigration demands cheaply and quickly, and to appear to solve an 'ageing problem' largely of its own creation. In fact, the 'ageing problem', which is often the chief justification for mass immigration and multiculturalism, is exaggerated and cannot ever be solved by immigration, especially the immigration programs and welfare programs that the Government has designed. Why?

First, there is a great deal of credible evidence that the ageing problem itself is exaggerated - see for example Doughney and King, *Rhetoric and Reality; Neo-Liberal Ideology and Ageing in Australia 2006*, Journal of Australian Political Economy. The authors posit that the impact of ageing, loss of G.D.P growth and taxes, and increases in health and aged care expenditure, are not so great that they cannot be overcome by relatively minor changes to the retirement age and other relevant policies. Second, there is a consensus among expert demographers, such as the A.B.S and others, that the numbers of young immigrants, and the fertility rate required to address the ageing problem could never be high enough to stop ageing: A.B.S 'to be effective the level of migration would produce an *inordinately large population*' (4102: 'Future population growth and ageing' 25 March 2009: they estimated that over 400,000 immigrants each year would be needed and the population would need to grow to 51 million by 2056). Even then, this would create a population bulge that would produce another ageing crisis further down the track, since all immigrants age too. In fact overall, any net economic benefits, even of skilled immigration, are very small. The Productivity Commission concluded, in *Economic Impacts of Migration and Population Growth 2006*: '... the effect of increased skilled migration on average living standards is projected to be positive, but small. It is also likely that most of the benefits accrue to the immigrants themselves.'³¹ This is especially so because young immigrant families are now so generously rewarded with a vast range of baby bonuses, family payments, tax deductions, free and heavily subsidised health, child-care, maternity benefits, parental leave and other payments that they are extremely expensive; they are far from being a net generator of wealth. Additionally a young immigrant population has all the problems and expenses of youth, including maternity care, early child care, education, health care and increased rates of crime, and drug dependency.

Similar studies worldwide have come to the same conclusion: the U.K. House of Lords Select Committee on *The Economic Impact of Immigration, 2007-8*: Vol 1 p 6: 'Arguments in favour of immigration to defuse the 'pensions time bomb' do not stand up to scrutiny'. Guilemette and Robson, 'No Elixir of Youth: Immigration Cannot Keep Canada Young', C.D. Howe Institute 2006, came to the same conclusion.³² There are many more similar studies. When other non-skilled immigrants are accounted for, any positive impact becomes a negative. In fact, so embarrassing was the Productivity Commission 2006 finding, that the Government and a range of multiculturalist agencies deliberately sought out friendly economists who would contest those findings and a range of generously funded studies were undertaken to produce the opposite results. Third, the ageing problem could only ever be addressed if an extremely large population of exceptionally skilled and productive labour was imported probably from first world countries. Such immigrants are in high demand worldwide and rarely emigrate in mass numbers to another country. Importing them from third world countries would make third world poverty much worse, thus defeating many multiculturalists' utopian dream of ending third world poverty.

Instead, Australia's immigrant intake, has, taken overall, been insufficiently young or skilled to overcome ageing. Australia's intake of refugees and low skilled immigrants, and the chain family migration this sets up through family reunion, has been a high proportion of our overall intake. This cohort, far from being

³¹ http://www.pc.gov.au/data/assets/pdf_file/0006/9438/migrationandpopulation.pdf

³² [http://www.cdhowe.org/pdf/backgroundunder_96.pdf#search="aging"](http://www.cdhowe.org/pdf/backgroundunder_96.pdf#search=)

productive enough to support themselves and their own families and an ageing population, is instead, very welfare dependent, often for a lifetime, as the DIAC report (Australian Survey Research, DIAC settlement outcomes 2011³³) on the long-term employment and other prospects of refugees and their dependants, shows. This is also borne out by evidence before the Committee. When their aged parents are added, and they age, as they will, the problem, such as it exists, will be greatly exacerbated by our current, relatively non-selective, immigration policies, rather than solved.

This has led to a divisive debate regarding 'big Australia' where writers such as famous Australian entrepreneur, Dick Smith, described the Government's population policy as a Ponzi scheme. Essentially, by relying simply on immigration to boost GDP growth and keep demand and house prices high, we have created a 'Ponzi economy'. Mr. Smith's opponents, such as Bernard Salt, or George Megalogenis, eagerly promote big Australia, and apparently see multiculturalism as the key to implementing it and making it politically palatable. Opponents of 'big Australia' are often labelled and pathologised as racists.

Returning to unemployment, the current ABS 5% 'headline rate' is referenced below.³⁴ It is based on a survey asking if people are looking for work and ready to start soon. But it does not cover a vast range of people who want work, or want more work. The 'headline' rate does not cover those on Centrelink payments that are not work tested such as invalid pensioners (600,000), age pensioners, carers or other payments. Importantly, *anyone who works more than one hour* in the relevant period is not counted.³⁵ Thus the Government actually benefits politically from the increasing casualization of the workforce: it makes it appear that it has solved real unemployment when it has not. The 'headline unemployment rate' does not cover part-time or casual workers (not unemployed) or students (not in the workforce or counted as unemployed) or anyone receiving the mentioned Centrelink payments even if they want to work. It does not cover those who have given up looking for work or whose partner works thus disqualifying them from a work tested payment.

The official ABS rates of underemployment (probably about 8% presently) or underutilization (12.5% in Nov 2011), which include many of the abovementioned categories, are almost double the headline rate or more. Youth unemployment is about 20%. There are spikes in all these in geographical areas or particular groups. The ABS underutilisation and underemployment figures are explained below.³⁶ Prime Minister Gillard admitted that 1.3m Australians were 'underutilized'³⁷ or wanted work when she announced her retraining package; but this was quickly masked by the Treasurer who almost always quotes the lower 'headline unemployment rate'.

The Government tries to give the impression that it has solved real unemployment and is moving Australians into Vocational Education and Training (VET) and other retraining at a rate sufficient to address real unemployment, when it is not.³⁸ Government retraining figures are often presented so as to include the very high number of foreign students and workers here undertaking VET courses.

The problem of real unemployment is exacerbated by the ever increasing number of immigrants. Unlike the refugee and humanitarian programs, and permanent migration program (160,000 2010-11) which are 'capped' (fixed upper limit or target),³⁹ the 457 temporary work visa and student visa programs are completely uncapped. The Government proudly boasts that there are no upper limits. The 'temporary' migration and student visa program is now much bigger and more important than the official permanent migration program. Many temporary workers and students will never go home; nor does the Government intend them to. The current temporary migration figures are referenced below.⁴⁰

About 130,000 new student visas were issued in year 2011 and in previous years.⁴¹ Over 282,000 foreign students applied for a visa in 2010. About 25% of all students are now foreign. In 2010 there were 600,000

³³ <http://www.immi.gov.au/media/publications/research/pdf/settlement-outcomes-new-arrivals.pdf>

³⁴ <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6202.0>

³⁵ <http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/6202.0Main%20Features999Feb%202012?opendocument&tabname=Summary&prodno=6202.0&issue=Feb%202012&num=&view=#UNEMP>

³⁶ <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/55425CBCD72D145ECA257810001134AE?opendocument>

³⁷ (<http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/6220.0Media%20Release1Sep%202010?opendocument&tabname=Summary&prodno=6220.0&issue=Sep%202010&num=&view=>)

³⁸ (<http://ministers.deewr.gov.au/evans/more-students-enrol-vet-courses-across-australia>)

³⁹ (<http://www.immi.gov.au/media/publications/statistics/immigration-update/update-2010-11.pdf>)

⁴⁰ <http://www.immi.gov.au/media/statistics/pdf/temp-entrants-newzealand-sept11.pdf>

⁴¹ <http://www.immi.gov.au/media/statistics/study/pdf/student-visa-program-report-2011-12-31.pdf>

foreign students already enrolled in Australia.⁴² The Government has recently extended 457 visas to 6 years and it has allowed employment agencies to sponsor employees, not just businesses.⁴³ Student visas last for the duration of the course (sometimes 4 or more years) and a new visa can be granted when the old one expires, potentially allowing stays of 8 years or more.⁴⁴ Many of these visas give work and study rights to family as well. Whilst here, many qualify for free schooling for their children (some States are trying to wind this back) and can bring in their aged parents as carers and later when permanent under family migration, thus exacerbating our so called ageing problem. A large percentage of students and temporary workers will probably be given a permanent visa, or amnesty to stay permanently if they stay on illegally. There are probably over 1 million foreign students and workers here now.

Real unemployment is simply not a Government priority whilst the headline unemployment rate can be used to manage the political problems through a compliant and uncritical media, or Government censorship using warnings against 'talking down the economy'. Instead many Government economists want Australia to have a permanently high immigration future with increasingly less welfare support for the aged. Many newspaper letters and blog entries attest to the fact that mainstream older Australians are perturbed that they are being labelled as part of an 'ageing problem' (rather than being respected for their past contributions that built the country), then expected to re-enter the workforce to pay for generous welfare provision for large welfare dependent immigrant families. The Government's target is to grow the Australian population to 50-60 million by 2050-6. Their economic policy involves bringing in more and more new temporary workers and students and then letting them stay. Such a policy is cheaper than case managing and retraining Australians, makes G.D.P growth figures look good, keeps house prices and demand high, makes the population look younger (until they age and bring in their aged parents) and fulfils a multicultural policy of racially and culturally re-engineering Australia.

Multiculturalists are internationalists. This makes policies designed to help unemployed, student or working native born Australians, or to house them, second in priority to those for new immigrants, who are considered to have rights and entitlements as great, or through positive discrimination greater, on arrival, or as soon as granted permanency, or citizenship. Multiculturalists see nationality and nationalism as racist and illegitimate, therefore they reject ideas of priority for native born Australians based on birth-right (or the contribution of prior generations of their Australian families) or entitlement based on having been here longer and contributed through their taxes. Those native born Australians or others who object are labelled and pathologised, and risk prosecution under racial vilification laws.

No needy person left behind

Ms Lau Ethnic Communities Council Victoria

Ms Lau: *'Multiculturalism is recognition of and a response to the reality of Australia's culturally diverse population. It defines the nature of the relationship between all Australian people, between communities and between governments and all Australians as one that upholds the principles of social justice by ensuring that real equality can be achieved only by elevating inequality.'*

Comment: The authors posit that multiculturalism is failing because it is a policy designed to operate under demographic conditions that no longer prevail, and will be increasingly less prevalent. When a cultural majority is strong, in large numbers, and much richer or more powerful politically and legally, there is a power imbalance that makes it just to apply positive discrimination or affirmative action to a small weak minority. But, since they offend the core principle of equality under law, such programs must be highly exceptional, kept constantly reviewed and adjusted as the demographic balance changes or as degrees of inequality change – see the judgments in leading cases such as the *Justices in Regents of the University of California v Bakke* and others.⁴⁵ This should be known to any competent constitutional and human rights lawyer. Positive discrimination was not meant simply to allow a minority to exploit its minority status so as to become an oppressive majority; or to use it in an unfair way. Used excessively or improperly, positive discrimination can morph into reverse discrimination: one injustice is replaced by another; racism becomes reverse racism. The

⁴²<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Main+Features20Dec+2011#ENROLMENTS>.

⁴³<http://www.visabureau.com/australia/news/03-11-2011/australia-extends-457-work-visa-to-6-years.aspx>.

⁴⁴<http://www.immi.gov.au/students/pdf/2011-genuine-temporary-entrant.pdf>

⁴⁵http://en.wikipedia.org/wiki/Regents_of_the_University_of_California_v._Bakke

mistake in Ms Lau's formula is that 'elevating inequality' (giving unequal shares or welfare assistance based on CALD identity) is treated as the norm rather than the exception. This is another fundamental flaw in multiculturalist policies.

The theory behind positive discrimination is that the 'victim' group is one that is seriously disadvantaged such that its position of relative inequality (lags far behind the mainstream) means that, if treated equally under laws that apply the same to everyone, say a welfare provision that gives \$100 to everyone no matter how rich or poor, the victim group's position of relative disadvantage would remain entrenched. Equal treatment of unequals is not just. In such a case, those who are more disadvantaged should, within limits, receive more than those who are richer and need welfare less. But laws that simply use race to determine who gets more welfare, assume that all members of the victim group or race are disadvantaged and need help when they may not. If welfare is apportioned on race alone, then some rich blacks would receive welfare they do not need; whilst some poorer blacks or poor whites would miss out. Such issues have given rise to controversy, such as in the Bolt case, *Eatock v Bolt*.⁴⁶ Some Bolt supporters (including even some Indigenous people) have argued that race based positive discrimination programs may be producing injustice by allowing those who are not in need of welfare or assistance to benefit at the expense of Indigenous people who are more in need of help, or those in the mainstream community in need of help.

The authors posit that the levels of diversity in Western countries, the relative strength of the formerly dominant majority, and the legal protections available to all, are such that the power imbalance no longer merits such programs into the future. Instead, benchmarks (in housing, health, education, employment and so on) should be established and the whole community should be brought up to that benchmark based on need not cultural identity or race ('no person in need left behind'). But in some exceptional cases, such as Indigenous Australians, race is a fairly accurate indicator of severe disadvantage. In such exceptional cases, it may be acceptable to design policies that operate having regard to race in the first instance. Even then, any positive discrimination programs, say those for Indigenous people whose unique status as first peoples and relative disadvantage make them a special case still meriting positive discrimination, should also be subject to income and assets testing. This will ensure that welfare and support goes only to those Indigenous people in real need; many would still qualify but some may not. In other words, in those highly exceptional cases, the test should be race *plus* genuine need.

Multiculturalists, often minority members themselves, reject this approach and prefer positive discrimination based on race and culture not proven relative disadvantage. This has led to them being criticised as the 'new racists'. We certainly do not suggest that Ms Lau is a racist, we presume she is not, and strongly reject such pathologising, but her suggested definition of multiculturalism neatly illustrates the rather Orwellian paradox that multiculturalism creates.

African and refugee youth – violence and disorder

Ms Lau then addresses some practical issues as to how multiculturalism (achieving real equality by elevating inequality) sometimes looks in the real world.

*'We think that it is important that government also has a role to play in establishing programs so that young people are not restless and not standing in the streets. I think the reason **why we have a large number of young people at railway stations causing a nuisance, and sometimes a very negative nuisance to the general population, is because they are bored.** The first generation young people nowadays and the second generation young people also want to find their identity. They are living in a very different culture and they are looking at different people. **They are looking at their Australian peers who are much more affluent.** They are wanting to know why they are a different group to them. **They are second class or third class citizens.** Many of them have been brought up from day one as a baby in refugee camps and so on. **They are used to violence, war and fighting for their needs, so they have brought this culture in.** We need to train and modify them, and provide some alternative for them, but we are not doing that.'*

Comment: For many Australians the foregoing would be disturbing. It contains negative stereotypes and generalisations. The legal analysis is incorrect. Immigrants enjoy the same legal status as all Australians and, in

⁴⁶ <http://www.austlii.edu.au/au/cases/cth/FCA/2011/1103.html>

addition, currently benefit from a large range of positive discrimination policies and programs not available to mainstream Australians, making them superior in terms of legal rights, protections and welfare provision. Paradoxically, this causes the resentment and racism that such programs are designed to address. This type of discussion encourages a victim mentality and risks encouraging, or excusing, law breaking. The Chair or panel appeared to make no attempt to correct the record. But it is a truthful account of the real depth and scale of the problem, and the attitudes of some young people, who, as the 2011 London riots attest, deliberately adopt a victim mentality to excuse their own misbehaviour, and are being influenced by gang and rap cultures which are very violent, materialistic and misogynistic. Her account is a brave and accurate assessment of the failure to address adequately these serious issues, issues that lead to future violence and extremism.

*Ms GAMBARO—I know we can talk about the skills aspect and skilling up people. What has been your experience? You spoke about settlement patterns. We had the immigration department come to us the other day. **They have not been collecting data of settlement patterns in certain groups, so I support you for asking for that.***

Comment: This is a damning admission that the Government is failing in its basic functions of collecting data, analysing problems and implementing solutions. It suggests a deliberate policy of not analysing problems in case data suggest certain groups are 'problematic'. Recent Department of Immigration and Citizenship (DIAC) data showing patterns of long-term unemployment amongst refugees was controversial. This explains the 'policy of deliberate ignorance'. But without rigorous data, allowing analysis and solutions, no problem can be addressed. Political correctness is actually preventing the needed solutions and causing racism. Lack of Government data was a constant concern throughout the hearings.

Islamic gender segregation - Witnesses from the Islamic Women's Welfare Council of Victoria

Comment: Many Australians would be concerned to discover that shari'a rules on gender segregation are being enforced at public expense, and public pools are now being set aside for Muslim women only. Even non-Muslim women are being forced to abide by the rules. They would also be concerned at the clear concession that the Government in Victoria, the suggested role model for multiculturalism, apparently for fear of terrorism, offending voters or being labelled racist, does not appear to take effective steps to stop female genital mutilation by collecting appropriate data and by taking a pro-active interventionist approach.

Some may find Ms Gambaro's and the Chair's ignorance about the shari'a rules on segregation innocent and charming; others would see it as a disturbing failure from Government officials charged with administering multiculturalism. They would be more disturbed by the proposition that some Government officials, informed by cultural relativism and political correctness, or through fear of terrorism, may have taken a position of enforcing gender segregation that even peak groups and reformist Muslim women object to and think excessive.

What seemed to get lost in this discussion was the honest, refreshing and meaningful testimony that led up to it, in which Muslim women outlined a few concerns. One was that non-Muslim welfare workers and others often try to be too 'sensitive' to, and focused on, Muslim identities and religious identities and 'respect' them (see important discussion on the 'respect agenda' later), essentially a critical flaw with multiculturalism and cultural relativism which incentivises adopting and retaining cultural identities such that it can, paradoxically, encourage division and racism, and even radicalisation. *'Discrimination and racism towards Muslim women becomes quite complex. Service practitioners who think that they are doing the right thing will often speak to Muslim women's husbands rather than speak to them, because they think that is culturally appropriate.'*

This, they say, encourages some Muslim people to retain their identities and then see all problems through that prism and blame their problems on racism or discrimination: *'People especially the younger people grab very quickly to I'm discriminated against because I am Muslim'*, instead of appreciating that many people in the same class who are not Muslim face the same or similar barriers, or that there could be other causes for their perceived problems.

They also openly acknowledged that some Muslims think domestic violence is religiously authorised, but some are opposed, and how initiatives can backfire, such as when the Government, against their advice, brought in Imams for cultural legal training, which training they used to lobby for changes to Australian law to recognise shari'a law allowing chastisement. They acknowledge that some Muslim men have the same grievance as

some Western men, that allegations of domestic violence may be misused sometimes to achieve custody. Sadly, some Western and Muslim men are turning to Islam because they believe that Western feminists have become too dominant and have too many rights of custody, maintenance, and, through positive gender discrimination, too much power that only shari'a law can address.

They give an honest opinion about how complex the problems of some Muslims are. They say: *Muslim women's lives and status are characterised by economic dependence, lower levels of income than other women in Australia, high rates of unemployment throughout their whole life, lower levels of education and skill levels, and of course English is a significant issue. How much the English language is a barrier for Muslim women depends on not only how long they have been in Australia but what community they come from within the Muslim community.* However, this honest assessment tends to disprove multiculturalists' overly positive assessment of the economic contribution of migrants and refugees. It recognises reality: that many migrants need expensive long-term, sometimes lifetime help, and cannot thereby contribute to the economy so as to be an economic asset. That is unless a radical change in approach and welfare service delivery occurs.

Ms GAMBARO—*You were speaking earlier about the segregation issues. Were you talking about segregation of women within the Muslim community, segregation of living arrangements or whatever, or were you talking about other issues?*

Ms El Matrah—*Community events.*

Ms GAMBARO—*Community events?*

Ms El Matrah—**Yes. Community events, schooling—any sort of public space.** *I put it down as an issue because segregation was not a big practice for Australian Muslims, but we have seen it increase over the last decade, pretty much since September 11, actually. It is a much more pronounced practice. A lot of Muslims hold it to be religiously sanctioned. We are not of that view, and we think it does not help the community.*

Ms GAMBARO—*Are we talking about within the community or are we talking about the wider Australian community? I am still not clear what you mean by that.*

Ms El Matrah—*No, within the community itself. In our community events.*

Ms GAMBARO—*In your community events? Are you talking about—*

Ms El Matrah—*The African Muslim community from Eritrea might hold—although I think Eritreans are better on segregation.*

CHAIR—*Let us talk about segregation.*

Ms El Matrah—*I will just talk about one of my communities, the Lebanese community. If there is a wedding, gender segregation now is the norm. It was not 10 years ago.*

Ms GAMBARO—*Segregation is the norm?*

Ms El Matrah—*Yes.*

Ms GAMBARO—*If you are from a different Muslim background?*

Ms El Matrah—*No, gender.*

Ms GAMBARO—*Oh, you are kidding me?*

Ms El Matrah—*No.*

Ms GAMBARO—*How does that work?*

Ms El Matrah—*Badly, because you cannot actually party with only one group in the room.*

CHAIR—*So, it was not the case in the past? That is what I observed in my observations of the communities, too. Why is that?*

Ms El Matrah—**We think there is a rising social conservatism.** *If you speak to people in an informal way, there is this sort of logic that we as Muslims have been vilified for everything we are. Our response to that is that everything we are is good. What we are is these practices. When people think about their cultural identity, they tend to narrow it down, because it is very hard to describe. Traditionally Muslims did segregate, but then they stopped segregating. I am 42 now, and with the exception of the last decade, I never saw gender segregation, in Lebanon or here. I never saw it. It is quite surprising. We have seen it in other groups now as well.*

Ms Bidal—**It is still not happening in most Muslim countries around the world.**

CHAIR—*It is not happening?*

Ms Bidal—*It is not happening. It is increasing gradually.*

Mrs MARKUS—*It is actually happening in other parts of the world, but they migrate. Is it just unique to Australia or is it happening in other countries?*

Ms El Matrah—*I think it is a practice in the UK. I could not say any more than that.*

Ms Bidal—*I think there is some evidence that there is some in the US as well, wherever*

Muslim communities have been feeling under pressure. I think there is a tendency around our identity. Particularly what also tends to happen, there is a psychological shift that is becoming more and more obvious now. With identity comes, 'Well, we need to somehow be unified.' If there is one particular group within the Muslim community that is not conservative and believes in segregation, for example, and they are more powerful within the community then they sort of tend to influence other smaller communities as well that never practised a lot of these traditions.

Ms GAMBARO—Are you talking about a wedding or a community event? I used to joke about the Greek and Italian mixed marriages; half the room would be Greek. Are we talking about segregation within an event as well?

Ms El Matrah—Yes, based on gender grounds, not cultural grounds.

CHAIR—**This is where the real tension is.** That then feeds into the broader debate about what is right and wrong. As to the council that wants provide an opportunity to Muslim women to use the pool or whatever, and wanted blinds and so on, that is an interesting debate. Are you aware of that?

Ms El Matrah—Yes.

CHAIR—Where do you stand on those issues? I know I should not ask you this, but I actually think it is an obvious sort of question. There are two sides to that argument, are there not?

Ms El Matrah—Yes. **The case that we are aware of is where I think it was Dandenong City Council applied to have—**

CHAIR—**Curtains put in.**

Ms El Matrah—**What I am aware of is that, if other women came to swim with Muslim women, they should be modestly dressed. That is the one that I am aware of.**

CHAIR—I did not know that one. So, there are two.

Ms Bidal—There was another one about timings as well.

CHAIR—**So, even other women had to be modestly dressed?**

Ms El Matrah—Yes. **We came out, as did the Islamic Council of Victoria, saying that we did not think it was necessary. Nor did we think it was going to help Muslim women in the long run. There are some times when you might allow those exemptions, but we thought that that really was excessive and not religiously sanctioned.**

CHAIR—Who was driving that?

Ms El Matrah—**I think what happened was a number of Muslim women just sort of as part of the group thought it was a good idea, and then the council applied on their behalf.**

CHAIR—On the one hand, in trying to accommodate the cultural sensitivities and nuances of, say, Muslim women policy makers, in this case the council, made a decision that was also potentially counterproductive?

Ms El Matrah—Yes, for these women too.

CHAIR—For these women as well as the broader community who saw this and thought, 'We don't segregate in this country'?

Ms El Matrah—Yes. **That event was a once-off, and it could not have been more than an hour and a half event. For that one event, for one hour and a half, the Muslim community was vilified all through the media, and Australians felt rightly that their liberties were being encroached on, because of that one hour and a half. It just should not have been done.**

CHAIR—How would you have prevented that from happening?

Ms El Matrah—**We would have talked to Muslim women around modesty being required between men and women, not between women and women. There are no religious grounds for what the women asked for. They may feel that way as individuals, but it is not a cultural or religious exemption that they are asking for. Then it would have been spoken about as their personal request. There are no grounds to apply for an exemption under the act because somebody dresses in a particular way that makes you uncomfortable. The law does not recognise that as an individual. That is how we would have dealt with it."**

Genital mutilation

Mr RAMSEY—I want to touch on a confrontational part of Muslim interaction with the wider community. Quite recently, Senator Michaelia Cash gave an address on International Women's Day about the advances made around the world, and that largely the advance of women had been made in 20 per cent of the world, and 80 per cent of the world perhaps had not achieved so much. Towards the end of her address, she actually touched on female genital mutilation and **some figures from the Royal Melbourne Women's Hospital which, I think, suggested they saw 600 women a year that had experienced some form of female genital mutilation. They did not say that that happened in Australia, but given your comments about this push back to some kind of**

conservatism in the Muslim community that you highlight by the segregation in the wedding, is that an increasing problem in Australia or is it something that has largely happened before and we are managing to put it behind us?

Ms El Matrah—In terms of the female genital cutting? [Comment: note the euphemism ‘cutting’ now instead of mutilation].

Mr RAMSEY—Yes. I know you have been vehemently opposed.

Ms El Matrah—Yes, we are opposed to it. We do not have figures on that issue, mostly because the Victorian government funds the family reproductive rights program. That part of the community has said that the people who should be doing the work are the affected communities, as they call them.’

Hearing 24 October 2011 – New South Wales Spanish and Latin American Association for Social Assistance⁴⁷

Recognition of overseas qualifications

Comment: for many Australians still acutely aware of the problems caused by numerous cases of doctors and other professionals whose overseas qualifications and references have proved to be substandard or fraudulent, leading to the death and injury of Australians (such as the Dr. Patel case), there is a very delicate balance between an ‘open door’ immigration policy that simply ‘rubber stamps’ overseas qualifications, and one that scrutinises such qualifications, ensuring that they meet appropriate standards so as to ensure public safety. In highly competitive fields, minor quality differences are the basis for fair competition between highly qualified Australians and similarly qualified new entrants. This makes English competency critical. Many refugees or migrants although as, or technically more qualified (qualified on paper), simply do not have equivalent English skills or technical skills of the same standard. Many migrants would be unwilling to concede this, since it is embarrassing. There are clear dangers in allowing uncritical acceptance of overseas qualifications. This was brought out in particular in an exchange between the Chair and witnesses (Mr Al-Saloom and Ms Vico on 11 July 2011) concerning medicine, dentistry and nursing where even the witnesses seemed to admit that a high level of competency was a necessary requirement in such jobs where lives might be at stake.

Mr Al-Saloom: Yes, the OET test. The Australian doctors policy has three steps. To get a registration number here in Australia and work as a dentist you need to do the OET test, which is an English test, and get four Bs in one exam. They have changed their policy actually. Three or four years ago if I got two Bs and two Cs I could do another OET exam at another time to get the other Bs. But now you have to get at least four Bs in one exam.

CHAIR: So you just missed out on being registered. Even though your degree is comparable you were not able to get to the English standard, which had changed.

Mr Al-Saloom: I got two Bs and two Cs. The council said on my paper that I have very good English skills but not at the level required.

CHAIR: But you can extract a tooth, can't you!

Mr Al-Saloom: It is not just about teeth; it is about endontic treatment and everything.

CHAIR: I understand.

Throughout the hearings the Committee expressed a constant concern, some might think exerted excessive pressure to elicit the idea that the employment barriers were racist or unnecessary, rather than legitimate; and that standards should be relaxed. Others may disagree. It has been alleged that some overseas students enrol deliberately in courses in their own language so as to boost the number of points allowing them to qualify for entrance into University: say a Chinese student doing Chinese here; or an Arab doing Arabic studies. A recent controversy about a journalism school highlights the problems. It is alleged that a student may have been pressured into remaining silent about marking abuses whereby some Chinese students may have passed when their English was not of a sufficiently high standard. Many other such cases have arisen. In fact the proposition seemed to be put that immigrant professionals should be exempted from English competency, or have the standard lowered, or other standards lowered, on the basis that their own languages (say Arabic) should be recognised so as to give them extra points. This would allow them to practice in their own community speaking their own language, where their clients would speak the same language. Of course, once admitted to practice, there would be nothing, legally, to stop them practising in the wider community, even

⁴⁷ http://parlinfo.aph.gov.au/parlInfo/download/committees/commjnt/7eeb03a0-9939-4b0d-b82f-f02d0d56866f/toc_pdf/Joint%20Standing%20Committee%20on%20Migration%202011%2010%2024%20602%20Official.pdf;fileType=application%2Fpdf#search=%22Multiculturalism%22

though their English was not good enough or their training was not good enough. In fact any prohibitions would attract legal action. This could be dangerous.

The complaint was made that Australian standards were too high and should be lowered.

CHAIR: *Do you think there is an attitude here—and I think attitudes are very important, because they drive behaviour and policy—that immediately assumes that someone who does not have English as their first language needs to perform at a much higher level?*

Ms Vico: *They need to prove themselves almost.*

CHAIR: *They need to prove themselves, and we do not really value the other language skills that they have anyway. I imagine you did not get any marks for being able to speak Arabic, Mr Al-Saloom. You probably would not have. And we have a large Arabic-speaking community in Australia that uses dentists. Presumably you do not get any points for that.*

Clearly, as middle class professionals, Committee members have a high degree of empathy with such migrants who are, or would be, of the same social class; second, such migrants represent a financial loss if not utilised (but so do skilled migrants without degrees and non-CALD unemployed, with or without degrees); and third, and perhaps more importantly, they are able to articulate their problems and exert more political pressure on their local Parliamentary representatives.

This 'skills recognition problem' has not been solved over many years because of the fact that our economy has been run for the last 30 years on the basis of deliberately maintaining large pools of unemployed, underemployed, and underutilised labour. Economists who dominate Government policy making now accept 5% as the desirable level of official unemployment (which is highly distorted and understated by making casual employment of only one hour in the relevant time scale determinative), and simply ignore underemployment and underutilisation (now very high because of labour casualization) which are much higher, so as to depress wage rates, avoid inflation and appear economically competent.

Additionally, much of the employment that has been created has been in the education sector resulting in 'credentialism'. This has created a large pool of over qualified but underutilised graduates. One witness testified to having a large swag of TAFE certificates but was unable to find work. The current Job Search Allowance streaming categories fails them because they are often classified as not in need, and given no or less help, when in fact they face very tough competition in a highly competitive sphere, making actual barriers as great as for those who lack qualifications.

The solution is to slow the rate of such entrants and return to genuine full employment, a policy that is not popular with big business, who prefer low wages with an open door immigration policy so that they can import highly skilled labour without the costs of skilling locals, and to shift the costs of skills training and other social costs to Government and the public, in short, 'privatise the profits socialise the losses'. This may explain Gina Rinehart's wonderful poem espousing the virtues of multiculturalism; or perhaps it is simply her generous and compassionate nature?⁴⁸ Multiculturalism certainly makes strange bedfellows. Some would say, extreme left and extreme right work together; others may disagree. A full employment policy, that no Australian Government has had the political courage to implement in the last 50 years, that would take up the current unemployed skilled migrants easily, is therefore unlikely ever to be implemented. In short, the genuine need that would make employers easily take what they perceive as riskier decisions, simply never arises; and probably will never arise, given the stranglehold that big business, and multiculturalists, have on immigration and population policy.

For many, the following exchange would be somewhat perturbing. They may perceive this as a thinly disguised accusation of Government racism from the Chair; or perhaps her overenthusiasm to represent her Muslim constituency induces her to oversimplify and make embarrassing (but refreshingly honest) 'on the record' concessions about the failings of her own Government.

'Mr Encina: *We see cases every day. When you are coming from overseas and you are an engineer, or you are a doctor or an accountant or a teacher, you have a social status there, you are a professional. When you*

⁴⁸ <http://www.telegraph.co.uk/news/worldnews/australiaandthepacific/australia/9085842/Gina-Rinehart-pens-universes-worst-poem.html>

come to Australia you are nobody. Once I had a client who came to me—he was from Croatia—and said, 'Carlos, please tell me what I need to do not to be depressed and alcoholic like many people coming from my country?' It was such a question, but what can you do? They have lost social status. They have lost income. Some of them get very depressed. Some of them spend six months or a year getting unemployment benefits. They do not come to Australia for that. It is very difficult, and it is **very disappointing because over and over, for the last 25 or 30 years, we have been talking about this and we are still talking about the same problem.**

CHAIR: What is our problem in terms of recognising people's degrees?

Mr Encina: People do not get the support here that they should have. When I say that I am not only thinking that it is good for the person who is coming to the country, it is also good for the country.

CHAIR: But we are not recognising a lot of people's degrees and yet we have those professions in our skills list. This is what I understand our conversation to be about, so what is the problem? What is our problem? This has come up in other submissions as well. People seem to wonder if our benchmarks are realistic or unrealistic. Do we have an attitude problem towards other education institutions in the world that train doctors and engineers?

Mr Encina: It is a lack of trust: some countries' qualifications are not trusted to be the right ones. Once again, what is stopping the department of immigration from assessing their qualifications before they come to Australia? If they did it overseas and said, 'This is a dodgy qualification,' they would stop them there. Once again I am talking about quality measurement.

CHAIR: I know we are running out of time, but I have some final questions. You have been in the area a long time and this region, especially the Fairfield region, has a significant number of people living here who are from the Middle East, and many obviously are of the Muslim faith. Do you think the challenges facing many Australians of Muslim faith are any different to the challenges that were faced by previous or longer-term communities?

Mr Encina: I think so.

CHAIR: If so, what are those differences? And do you think there is an issue in Australia today of misunderstanding, perhaps, because of world events or the media? Do you think there is a tension developing—that has developed and continues to develop—between Islam and Christianity? This area, Western Sydney, again—in the national narrative that I operate in—seems to have an issue with Christians and Muslims. It interests me because my electorate has the second largest number of Australians of Islamic faith in the country. I am interested in what the tensions are here and why they exist.

Mr Encina: I do not feel that there is a tension between Muslims and Christians in the area. I do not think there is tension between Muslims and Christians.'

Hearing, 17 June 2011 Ms Bartels, Deputy Chair, Settlement Council of Australia

CHAIR: I have a large Iraqi community in my electorate and many of them come here under the humanitarian program, not under skills, but they actually are highly skilled and have lots of degrees. They present to you and they are people with PhDs in all sorts of areas, which virtually account for nothing. They cannot be of use to them here, and the people end up either doing something else or going through a laborious task. That is one group. The other group is one that actually comes here—we were discussing it this morning—having met a skills need. They get here only to find that their degree or qualification is not recognised. That is why I talked about a fault line, because there is something perversely wrong with bringing someone here because they have got a skill that you say you need and then, when they get here, saying: 'By the way, we don't recognise it,' or 'You've got to do all these other things in order to practise.'

Ms Bray: We have noticed that with the Keep Australia Working party, which is a DIAC subgroup looking at employment. I know that has been raised with DIAC, but who is actually responsible for that? I am happy to come back with that information for you.

Ms Bartels: It is a huge issue. It has always been an issue since I have been in the system, for about 30 years.

CHAIR: And it has never been adequately addressed, has it?

Ms Bartels: It has not...

CHAIR: We did raise this with the Department of Education, Employment and Workplace Relations in Canberra. No-one seems to have any data about anything.'

The complexity and costs of refugees

Comment: this exchange gives an honest account of the real cost of many refugees, especially those from war torn Africa. Some of the individual testimony was heart rending, as many non-CALD stories are. It contradicts the rosy picture painted elsewhere of the enormous financial benefits to Australia of refugees and immigrants. It highlights how distorted the enquiry process is, since its terms of reference (ToR) do not address the costs of immigrants or refugees but only the contribution they make and how to improve services to them. In effect the ToR are deliberately designed to skew the debate towards only the positive aspects of immigration and elicit a wish list in order to purchase minority votes for the next election.

Sadly, refugees and immigrants are left with their raised expectations unmet. In a very real sense it is the process of raising false and unrealistic expectations, followed by unmet needs, which creates a sense of abandonment, isolation and resentment. This later breeds victimhood and anger. It is that anger, combined with religious extremism or negative cultures (such as religious or political extremism; or gang or rap culture), that fuels crime, violence, and terrorism. It comes as a shock to many immigrants when they realise that Governments always prioritise the next group of arrivals, or voters in the most important marginal electorates, never the unsolved complex problems of former arrivals.

The system of allocating public or subsidised housing based on family size, as well as overly generous family payments, and lack of family planning advice, encourages immigrants to have large, often permanently welfare dependent, families. The sad truth, both for them, and the mainstream expected to pay through their taxes for this, is that many refugees will never work in Australia or even learn the language properly, unless there is a radical change of approach: one that has never been achieved in over 50 years of immigration policy. Sadly, for many immigrant women, sometimes Islam, sometimes their culture, combined with deliberate Government policy, makes spending their lifetime rearing a large family their best, or only, career option. Given that many such families come from Somalia, Yemen, Eritrea, Iraq and Afghanistan, or other areas where radical Islam is resurgent, the future dangers are obvious.

ACTING CHAIR: For the people you are providing a service for, how difficult is it for them to access the system?

Ms Abdelseed: I will give you a good example of that. I had a mother who had nine kids and could not leave home, because if she has three of four with her alone at home I cannot expect her to come to me at the centre. She has the hardship of a lack of knowledge of the language. She does not have transport. She has to access the bus.

Imagine a mother with three or four children of that age taking the bus to reach services. It is extremely hard. Another thing is that her husband is not there. I appreciate what my previous colleagues have said about hardships facing the general communities.

Imagine people who are illiterate in their own languages. Sometimes they cannot even write in their own languages. Communication is extremely hard. A woman may have lots of kids and be alone with no husband and no family support systems and no language. It is very hard and the options are really limited for her. How can we practically reach out to them and look at their needs and create small packages of care that will be culturally appropriate to their needs.

ACTING CHAIR: How long would you need to provide support for?

Ms Abdelseed: Settlement services are only designed for five years. Five years will never be enough to settle a migrant who is skilled and has few skills to survive in Australia. Imagine a person who needs extensive support. Five years is not enough. We need 10 to 15 years to help a person to know the system better, especially if they are illiterate in their own languages and they have no family support system, no previous education and they know nothing about technology. It is very hard.

Senator GALLACHER: What is your perception of the recognition of the difficulties that, particularly, the African humanitarian refugees are facing from the government departments you deal with?

Ms Abdelseed: There is a lack of understanding of their torture and trauma issues. They need lots of support at this stage in counselling services and in helping them—

Senator GALLACHER: Do the government departments you introduce people to recognise those difficulties, which are different perhaps from those for other humanitarian migrants? I have been told by at least one witness to this committee that they believe the African humanitarian refugees have probably deeper and

stronger needs for services than perhaps other humanitarian refugees, mainly because of the effects of war and those sorts of things?

Ms Abdelseed: The effects of war and the hardships they have seen, the languages and the barriers in the education system. Culturally, there are lots of barriers which require individualised support for many years for Africans.

Senator GALLACHER: But is anybody doing anything about it? Are the services designed to meet those needs?

Ms Abdelseed: This is what I am saying. For example, the settlement services were okay, because we are funded by DIAC. Under DIAC we are only supposed to support these people for five years. If a person came to me dying for help but they are out of the five-year period, what are we going to do ?”

Hearing 8 February 2012 –Prof. Sharma, National Chairman, Australia India Business Council

Indian immigration - the student ‘limbo’

Comment: here the Chair makes admissions about the true nature of temporary migration to Australia that may embarrass the Australian Government, the Immigration Department and the PM. It is diplomatically sensitive. The background is that, to address a perceived ‘ageing’ and ‘skills’ problem, but also artificially to boost GDP and growth figures, especially later to avoid a technical recession caused by the ‘global financial crisis’, the Rudd ALP Government shifted emphasis from a program of offshore formal permanent migration to a ‘open door’ policy of temporary migration through the student visa and 457 temporary worker program followed by onshore visa application. This has given us amongst the highest rates of immigration per head of population in the world. Former PM Kevin Rudd’s ‘Big Australia’ proved electorally unpopular and was replaced by PM Gillard’s ‘Sustainable Population’ policy. A minor decrease in immigration rates followed, but has since been increased – the uncapped temporary worker program has been further relaxed so that employment agencies, instead of individual businesses, can sponsor overseas applicants. Arguably, it is an ‘Even bigger Australia’ policy with ‘even wider doors’ but simply made palatable by adding the word ‘sustainable’. The student visa program (and the 457 visa) was, and is, uncapped and demand driven, leading to about one million temporary students and workers stationed here.

The opposition to this has been managed in part by a propaganda exercise based on misleading figures suggesting foreign students are an \$18bn export benefit. This figure mainly comes from economic analysis (particularly one by Access Economics) paid for by the overseas student industry (AEI). Of course, this figure is highly distorted because it counts, as an export, money spent from wages earned here and takes no proper account of wages sent home. Since when has spending in Australia, wages earned in Australia, been counted as an export? All spending is counted as an export; no costs such as for the full costs of public provision of housing, transport, health, education are taken into account and deducted. A multiplier is then used to count all employment generated from that distorted spending figure as an export as well. No assessment is made of the opportunity costs or benefits of training local unemployed or other people instead. In short, it is a sham. It has been discredited by such as Prof. Bob Birrell. Even accepting that such earnings should properly be considered an export, which they should not, Prof. Birrell discounted the figure by at least half.⁴⁹

The categories of skilled migrants and entry requirements to vocational training were also relaxed, creating a massive influx of migrants, many from India, intending to work temporarily and secure permanency then family reunion, legitimately, or through an amnesty following a long stay, legally or otherwise. They now rely on victimhood, arguing that they were lured here on the basis of an expectation of permanent migration.

To make mass immigration palatable to a hostile public, the Government, through the media, created the impression of running a highly selective skilled migration program. When the ‘rorts’, such as classifying hairdressing, cookery and other low skilled jobs as skilled, and permitting large numbers to enter to study English, were discovered, along with fraudulent practices (such as cheating on English language tests, working full-time instead of 20 hours, and non-attendance at poor quality courses), and eventually followed by violence towards some Indian students that became a diplomatic incident, the Government was forced to react. It purported to break the nexus between offering permanent migration and offering genuine education followed by return. It purported to shift emphasis towards tertiary education rather than vocational education.

⁴⁹ <http://arts.monash.edu.au/cpur/publications/documents/aust-universities-review-52-01-birrell-smith.pdf>

But the issue of raised but disappointed expectations was diplomatically sensitive. This was addressed by extending the visas of those who had paid for cookery and other courses but who would now no longer be given permanent migration almost automatically as before. The Government's carefully disguised strategy is to continue many of the vocational programs with minor tightening, and 'roll over' visas until a long duration of stay makes an amnesty politically more palatable. Here the Committee appears openly to concede the problem and the suspect nature of past practices ('abuses') in an embarrassing (but refreshingly honest) admission on the public record. **The Chair calls the bridging visa a 'de facto amnesty' something which the Government would be reluctant openly to concede; but most ordinary Australians always knew.**

CHAIR: Just to help, from memory—we might want to revisit some of the details of this—changes were made to the overseas students policy. Do you remember that?

Mr RAMSEY: Yes, I do.

CHAIR: That was as a result of the Baird report and others. I am struggling now to work out in my mind the details of what it has meant. The new rules were retrospectively applied, which meant that a lot would not be able then to make application for permanent residency. We might need to have a look at that to get an understanding of it. Many students are on bridging visas awaiting outcomes. The question is: how long are you going to be on a bridging visa and what is the outcome? The expectation was that many would not be able to make application to stay here—they would have to go back.

Mr RAMSEY: This is just anecdotal evidence, but when I talk to these people often they seem unsure on what basis they are here—like, 'We are working'. It can be a language difficulty too, where I am not fully understanding the situation.

*Prof. Sharma: They are on bridging visas. By and large, from what I am aware of, they are legally working here. They are waiting for an outcome on their application. It is also a compassionate issue. **They came under a system which, obviously, had a lot of failings.** There were regulatory issues that we had on our part in terms of how some of those private providers—*

CHAIR: There was a lot of abuse on both sides. It is really that group that have been caught up.

*Prof. Sharma: Caught up, yes. Everyone has to take responsibility for their own actions. Our view is that there is going to be a serious influx of workers in the future, and here is a group that is already living in Australia. Some of them now speak with an Australian accent—they came as young kids from rural Punjab. That is our view. It will go a long way in helping many issues and situations. It is partly compassionate, partly strategic. **Partly it helps make Australia a very multicultural and an exciting place.***

Mrs MARKUS: Do you think there needs to be a specific, targeted program that links this group of students and potentially then looks at students that are coming beyond that group, for them to be linked to employment? Is there an expectation when they come here for them to be then employed or are some wanting to go back home?

Prof. Sharma: I think there are two different groups here. The students who are coming now are coming under a totally new set of rules and regulations and they know what their rights are after graduation. If they can find employment, if they fit in the category, they will stay here.

Mrs MARKUS: If they do not, they go back home.

Prof. Sharma: If not, they go.

Mrs MARKUS: That is clear?

*Prof. Sharma: Yes, that is clear for the new group coming. We have set the rules of the game and they are the rules of the game. **It is just that the group that is in limbo is the group who came under an expectation, when education was linked to migration in some ways. There were abuses on both sides.***

Mrs MARKUS: Yes, absolutely.

*Prof. Sharma: **Now they have been here in the country for several years and they are in limbo.** It is an issue. It is partly humanitarian, **partly opportunistic**, partly a strategic alignment with workforce needs. If we could have some targeted programs—they may not be for everyone—the ones that have the right sorts of skills could be trained, to link into an enterprise migration agreement. I have talked to the Queensland government and they have*

skills in Queensland. And I have talked to some of the companies. They are happy to trial something, but the federal government has to come to the party. Because they cannot—

CHAIR: Federal government policy allows them to stay here. It is almost effectively, I am sorry, a bit of a de facto amnesty. I notice—

Prof. Sharma: Or allowing them to be linked into an employed migration, yes.

CHAIR: For the purpose of permanent residency? Many want that.

Prof. Sharma: Or even getting enough real work experience that allows them to—
 Mrs MARKUS: Do you think, professor, some of them may want to return home?
 Prof. Sharma: Some of them may want to return home because—
 Mrs MARKUS: If that is the best option for them.
 CHAIR: **Many could return home now if they wanted to. They are not going to.**
 Prof. Sharma: **I think some have already gone home.**
 CHAIR: **Many have. So if they wanted to go home, they would have gone by now. That is right.**
 Prof. Sharma: **That is right. I do not want to over-emphasise this matter, but I think in the long term it is a problem.**
 CHAIR: **It is a problem.**
 Prof. Sharma: **We are just ignoring it. It might come back to bite us because everybody—**
 Mrs MARKUS: **That is a group that if they are not employed now and if they have families, it is about them and their generations to come.**
 Prof. Sharma: **They are missing out. If they are going to end up living in Australia, one way or the other, by marriage or this or that, we are not taking advantage of their full potential.**
 CHAIR: **Do you have any questions?**
 Mr ZAPPIA: **My question is: how many students would fit into that category? Do you have a rough figure?**
 Prof. Sharma: **It is in the tens of thousands, but I cannot give you an exact figure...”.**

Cash cows

More admissions were made on 4 October 2011 - some might see this as refreshing honesty; others as embarrassing admissions:

CHAIR: *In your closing remarks when you talked about international students you referred to the latest changes to international students and indicated that they were not enough to assist. **You described the local training colleges, presumably, as cash cows. You are probably not wrong in that assessment of a lot of them.** We talk about a lot of international students becoming victims of **cash cows**, so governments try to rectify that. On the other hand, there is the other view—that a lot of the international students use this process as a way of settling and eventually living in Australia. **In fact there is an expectation that that would happen.** Can you make some comments on that?*

Hearing 23 February 2012 Dr. Szoke Race Discrimination Commissioner

No free speech about the burqa?

Comment: Readers may get the flavour of Dr. Szoke’s views on free speech and political correctness from her intervention in the case of the anti-burqa rally where she appeared to try to prevent future public protests by inferring that such objections offended legislation against discrimination and vilification and could lead to ‘prosecution’ by her office: Szoke, ‘Burqa rally is about stoking fear not security’, *The Age*, 20 July 2011.⁵⁰

*She said: ‘A rally calling on Victorians to support a ban on the wearing of burqas has the potential to light a fuse that we might find very hard to extinguish...Rallies like the one on Monday ...unwittingly send a message that reviling difference is OK....What starts as a genuine expression of a viewpoint by a single person can, when fuelled by hysteria and given oxygen by media coverage, very easily ignite into fear, loathing and in the worst cases, acts of violence. **Just look at what happened in Cronulla in 2005.** The purported rationale for the rally is that the burqa poses a threat to security, and to law and order. That’s a deft, but unconvincing, effort to conceal a more serious issue....**Clearly, this is all about race. It’s about difference, and it’s about fear. To put any other face on the intent behind the rally is disingenuous, at best..** Clearly, racist beliefs persist in pockets of society – and they are, I believe, rooted in fear...And human fear may, in the end, prove impossible to eradicate...**But the hateful words and actions that arise from fear can, and should, be doused...This is not about dampening freedom of expression. It is about not tolerating activities that provoke hatred...Victorian laws prohibit vilification....I would go one step further. I would say that every one of us has a right to go about their daily lives in safety, without fear and without violence. And that is under threat...By not publicly***

⁵⁰ <http://www.theage.com.au/opinion/politics/burqa-rally-is-about-stoking-fear-not-promoting-security-20110720-1ho0v.html>

condemning this rally, we open the door to a very small but very real racist element of our society who think they have the right to hate, abuse and even physically assault people because they express their religion through their clothing....without vigilance, that may be where we're headed.'

Many Australians (see Brendan O'Neill, 'Why bless the burqa and ban bogans?', *The Australian*, 21 July 2011,⁵¹) would find this statement to be an Orwellian exercise in big brother censorship. Clearly *Dr Szoke was fearful: fearful* that a Cronulla style riot could occur on her watch. In the face of this, many people might think that Dr. Szoke tried to delegitimize a legitimate protest, and threatened with being in breach of the law, anyone who wished peacefully to protest the burqa; and labeled and pathologised them as haters, fearful, or racists; others may disagree. Notably, she did not confine her warnings to inciting actual violence against burqa wearers. Her warnings strayed well beyond that. She clearly said that anyone who does not condemn the anti-burqa rally is 'opening the door to racism': in other words it is racist to attend a rally opposing the burqa, or racist to oppose it at all.

And how precisely was Dr. Szoke to know the psychological make-up of each and every protester, and his or her motivation for opposing the burqa and attending a rally? If not, how could Dr. Szoke ascribe a single pathology to a group of individuals who necessarily have a broad range of personal and psychological attributes; and a range of views or motives? This could only be done by generalizing and adopting a negative stereotype. In principle, and of her own motion, she brought a whole crowd before a Tribunal, charged them with racism, and found them guilty, without their having an opportunity to make a defence. Many who oppose multiculturalism are becoming accustomed to being labeled 'bogans': itself a term having negative racial and other connotations. But anti-discrimination law, and administration, is supposedly all about not relying on negative stereotypes.

Dr. Szoke makes much of the fear factor. But what if people fear the burqa for good reason? What if they are aware of the many proven cases where a burqa has been used in devastating terrorist acts such as the Moscow theatre bombing; Beslan school siege; London bombings and many, many others? What if people fear it because they have seen frequent scenes of women wearing the burqa as a powerful symbol of Islamist extremism, rather than peaceful religious expression, at Islamist protests in the Middle East and in the West - where placards such as 'Butcher all blasphemers' or 'Islam will conquer the West', and even worse, are routinely displayed? Is their fear still irrational? Why must they tolerate something they fear, so that people who wear the burqa can live free of fear? Why are burqa wearers' rights and sensibilities superior? Not that they can be all that fearful, since presumably if they were, they would take the burqa off, or remain secluded.

The anti-discrimination police?

Australians have every right to object to, and protest about, the burqa; just as every French person has, or every Dutch person has, provided they do so peacefully and lawfully. The limits of the law are set out in statute not in Dr. Szoke's mind. Many Australians may think that Dr. Szoke strayed improperly into the role of policing. Does this mean Australia now has two police forces? One comprising anti-discrimination Tribunals and Commissioners who pre-emptively police, by issuing warnings of possible future legal action so as to prevent protests occurring where they perceive a possible threat to public order or by using their power so as to encourage complaints so they can apply civil law remedies after events. Plus a second police force, an official police force, that deals only with crime. One suspects that, given that the rally took place without serious incident, Dr. Szoke is now embarrassed about her apparent overreaction and willingness to take away the right of her fellow Australians peacefully to protest what they object to; or perhaps not.

The free speech implications are profound: if expressing opposition to the burqa is inherently racist so that it may necessarily breach anti-vilification legislation as she suggested, then presumably no M.P. could ever carry out his or her duties of publicly debating an anti-burqa bill. On that basis, Senator Cory Bernardi has broken the law, as have other politicians. No one may oppose it. It thereby becomes legally protected and entrenched in a completely undemocratic fashion. France and other countries have anti-burqa laws. Arguably, our own Race Discrimination Commissioner may have put Australia in breach of Article 19 of the UN International Covenant on Civil and Political Rights which guarantees free speech. This could be very damaging to Australia's

⁵¹ <http://www.theaustralian.com.au/national-affairs/opinion/why-bless-burkas-and-ban-bogans/story-e6frgd0x-1226098589468>

international reputation as a free country. Freedom House would be concerned. Arguably, under her prescription, the French nation, and all French M.P.s who supported such a ban, are fearful, haters and racists and could have been prosecuted. It is a wonder that it did not create a diplomatic incident with the French or Dutch Governments.

Dr. Szoke should have issued a clear statement warning that disorder, and threats of violence and intimidation, constitute serious criminal behavior (or better still, let the police do that); and encouraged people to express their opinions peacefully and sensitively, and to address the issues with an open mind, trying to be tolerant of others and see the other person's point of view. Dr. Szoke should have reminded people of their best Australian tradition of a 'fair go' and left it at that. Had violence occurred, no-one could properly, or should have, blamed her.

Shari'a or no shari'a? - squaring the circle

The Government is currently in a very difficult position. On the record it has said that it does not allow the practice of shari'a law. Expert reports, media reports and a range of Muslim people and groups have openly admitted that it does, and shari'a is practised widely. The options open to the Government are: to continue openly to deny its practice but allow it anyway, whilst trying to present it to a hostile public as compatible with Australian law and using the machinery of Government to 'engineer' their opinion so as to accept it; or try to stop it. Stopping it risks terrorism and may lose the Government multicultural votes. Alternatively, stopping it may prove popular with the mainstream and even most ethnic communities, except Muslims. But, it may be perceived as abandoning multiculturalism, which it has made a hallmark policy.

Here the Race Commissioner gives testimony. Many people may interpret her evidence as follows: others might not. The Commissioner would be aware that in the case of *Refah Partisi v Turkey* the European Court of Human Rights (ECHR) has made clear that shari'a law is both undemocratic and breaches a large number of UN Human rights norms and Conventions to which Australia is party, particularly regarding freedom of religion, free speech, women's rights and gay rights. However, Dr. Szoke is aware that the Government thinks it needs scope to try to avoid confrontation with the Muslim community and buy their votes to retain office; and, arguably, she seems receptive, presumably on the basis of positive discrimination and cultural relativism, to aspects of shari'a law being allowed. This suggests that she sees the two systems as partly or wholly compatible, which the E.C.H.R clearly said they were not. However, allowing such accommodation would also be contrary to the Attorney General's recent statement that shari'a family law will not be allowed. This may explain her equivocal testimony. Potentially, by supporting, or being receptive to, shari'a, one arm of Government is opposed to the policy of another arm of the same Government – this is embarrassing.

CHAIR: *We have discussed on a number of occasions that there seems to be confusion around the term multiculturalism. Some people equate it with a type of cultural relativism, basically, whereby Australia has to accept practices that, according to our laws, violate human rights standards and depart from Australian laws. I would like your views on how multiculturalism fits with universal human rights standards, especially on matters of gender equality. I will go to a particular example which has been in the media and constitutes one of the more difficult areas. One submission has suggested that legal pluralism in relation to sharia law be applied. [Comment: a clear contradiction of the Chair's earlier testimony]. We have been through this discussion and we have been given two examples where that kind of legal pluralism could be relevant in relation to sharia law. Those were in the areas of the writing of wills and family law issues and divorce. You would probably be familiar with some of this. Can you give us your views on how the two would fit together or not fit together?*

Dr Szoke: *I would say in the first instance that what should define the legal framework in the context of Australia and how Australia's multiculturalism policy fits into that is very our human rights obligations, which are very clear around issues to do with equality, freedom and dignity. So in that context if there is to be any plurality in our legal framework it would have to be consistent with the human rights obligations and responsibilities that we have signed up for as a nation state...I re-emphasise, in relation to the sharia law issue, that the point of having these conventions and treaties that we sign up to is to guide the development of our own domestic law protections, and that should be our starting point in that regard.."*

Ms GAMBARO: *...another question: does Australia have a cultural identity? In light of the fact that we are going to have a huge number of temporary workers, particularly in the mining industry, cultural awareness training is an issue ...and this is a touchy area...a component of cultural awareness training included when they*

bring over people on, for example, 457 visas? There is a huge group of people here on a temporary basis and that is the area I think has potential to cause some problems in the future. [Comment: racial stereotyping? An apparent double standard? Or an honest appraisal?]

Dr Szoke: *I will answer the Australian identity question first. I think that Australia is unique. It is one of the few countries in the world that has an Indigenous population and a settled immigrant population and is still taking new immigrants, so to that extent we are well and truly a multicultural country. That is the identity we have."*

Comment: Here the Committee struggles to address the concerns expressed in numerous submissions about the loss of Australian culture that is the inevitable result of mass immigration combined with multiculturalism. Australia is not unique. The U.K., U.S., Canada, and many European nations are as diverse. No evidence is offered for this assumption. No assessment is made of the implications, and whether a multicultural identity is feasible, desirable, stable or likely to be harmonious. It would be concerning to many Australians that our politicians, supposed experts in this field, would demonstrate such a shallow depth of knowledge about research in this area.

Publications such as, Reitz, Breton and Dion, *Multiculturalism and Social Cohesion: Potential and Challenges of Diversity*, Springer 2009 take a somewhat rosy view of multiculturalism saying it can be reformed, essentially into 'pluralism' or 'interculturalism' but without being honest enough to abandon a failed policy, but at least contain analysis of alternative views without hysterical charges of racism. Worryingly, the committee seems entirely ignorant of enquiries such as its own, in other like countries, such as the Canadian *Bouchard-Taylor Commission* (whose recommendations are not necessarily fully supported) but whose honest and courageous willingness to address the shortcomings of multiculturalism and offer 'interculturalism' as an alternative, accompanied by a statement of cultural values, were a refreshing antidote to political correctness and cultural blindness. Note: the Commissioners were abused and pathologised.

A simple search of Wikipedia would have provided the Committee with the following about the author of 'Bowling Alone': 'Harvard professor of political science Robert D Putnam conducted a nearly decade long study how multiculturalism affects social trust. He surveyed 26,200 people in 40 American communities, finding that when the data were adjusted for class, income and other factors, the more racially diverse a community is, the greater the loss of trust. People in diverse communities 'don't trust the local mayor, they don't trust the local paper, they don't trust other people and they don't trust institutions', writes Putnam. In the presence of such ethnic diversity, Putnam maintains that: 'We hunker down. We act like turtles. The effect of diversity is worse than had been imagined. And it's not just that we don't trust people who are not like us. In diverse communities, we don't trust people who do look like us'. Of course, when the data suggested the possible fracturing of U.S. society, an exercise in revision was required and undertaken by the author.

The irony is that it was the left wing in politics, correctly in the authors' view, that opposed 'economic Darwinism' ('greed is good', 'survival of the fittest') and former U.K. P.M. Thatcher's 'no such thing as society'. They championed the concept of social capital (read former U.K. P.M. Tony Blair's New Labour 'communitarianism' and former U.S. President Bill Clinton's 'it takes a village to raise a child') and the vital role that social capital plays in community harmony and cohesion. But sadly, it is largely the left, or some argue, now only the tired, corrupted and intellectually lazy members of the left, who champion multiculturalism, which works against human rights, social cohesion and social justice, in the face of much evidence, and widespread community concern that their policies are proving to be flawed and dangerous.

Mr ZAPPIA: *You referred to legislation earlier. Do you believe that the various racial discrimination laws we have throughout the country have had a net positive effect on overcoming racial discrimination in Australia or have they simply created a tolerant but resentful society?*

Dr Szoke: *That is a very good question. There is no doubt in my mind that having racial discrimination laws at both state and federal level has had a net beneficial effect.*

Comment: Dr. Szoke offers no evidence, or compelling evidence, for this critical assertion. Her office has a clear vested interest. Given the enormous public expenditure involved, and the sensitivity of such matters, it is surprising that there was no comprehensive body of peer reviewed, publically disseminated, comprehensive, expert, cost benefit analysis, readily available to her at the hearing. It is at least arguable that prosecution of

racist speech, through Tribunal processes, or arguably improper warnings such as that given over the burqa rally, does as much, or more, harm than good.

Mr ZAPPIA: This will be an easier question. Do you know if there have been any recent studies or surveys done throughout a broad cross-section of the Australian community to gauge their views on the issue of multiculturalism?

Dr Szoke: There has been research done. I thought you said it would be an easier question.

Mr ZAPPIA: I guess what I am looking for is a yes or no, as opposed to—

Dr Szoke: Yes. There has been a lot of research done. I think the most useful is the social cohesion study, which now has a trend over four years—the Scanlon Foundation research looks broadly at the issue of immigration and multiculturalism. We cite other research, including the Challenging Racism project. They tend to be the source documents we use. They are the two I would cite at this stage...”.

Comment: the RDC office has a vested interest. All the work it commissions or cites is designed to support further expansion of its programs. There is a vast body of literature that is highly critical of multiculturalism, such as *Reflections on the Revolution in Europe* by Christopher Caldwell, Allen Lane 2009; *Whilst Europe Slept*, by Bruce Bawer, Anchor Books 2006, *Londonistan*, Melanie Phillips, Encounter Books 2006. These and many other books and reports, that are not Government funded, from both left and right of the political spectrum, posit that multiculturalism is failing and suggest its continued application may be dangerous. The Committee quickly moved forward apparently unwilling to address this in detail in case it raised difficult problems.

Hearing 28 July 2011 - Christian Minister Rev. Slucki

Tension between Muslims and Christians?

This testimony suggests that the Christian community is clearly more aware than the Government about the rise of radical Islam but, understandably, is hesitant to appear racist or partisan.

Rev. Slucki: ‘... it is heartening to see that there are a number of people within the Islamic community who distance themselves from calls for the implementing of sharia. That is great to see and certainly the church welcomes that...There have always been tendencies since multiculturalism has been launched as a program amongst people who want to proclaim within the first generation of settlement within Australia their own distinctiveness. I know that. But the difficulties with Islam have to be acknowledged, not just because of the acknowledged 9/11 problems but also because of those security issues that have been uncovered within Australia since. Whilst the church’s task is not to stray into areas of security policy and discussion, one cannot help but notice not only those matters but the stated views of a disturbing number of leaning clergy or clerics within a number of mosques within Australia. When you have that level of evidence plus what our own Arabic-speaking people are telling us is promoted within sections of the various Arabic-speaking communities—not by everybody, certainly, but by some—then we certainly take notice. That is within Australia, to say nothing of what happens in other countries overseas within the Western world. So, yes, Islam certainly is the touchstone for a lot of what we are saying.

CHAIR: Finally—and I appreciate the concern that is being expressed in relation to some of the issues we are discussing—do you think that in dealing with some areas that some people have concerns about it is prudent to deal with them as isolated incidences and not necessarily state them to be the general belief and expression of the majority of the people within that community. About 18 per cent of the constituents I represent are of the Muslim faith. I have been the member for Calwell for 10 years. I have never been lobbied as a member of parliament for the establishment of sharia law—ever. This latest push for sharia law was news to me. ...’.

Comment: many would find the Chair’s admission implausible. ‘Latest push’ acknowledges earlier pushes. There have been repeated calls for shari’a over at least 10 years. The lack of Government data, that has left the Government without information as to how widespread the desire for shari’a is, results from deliberate Government policy. The Chair’s Muslim constituents would be entitled to ask how well she has represented them if she was caught so unaware; the broader community would be entitled to ask the same question.

Too many children?

Ms Caniglia: *By and large our own stronger tenancies research illustrated that African families can be larger families. I think the average number of children in the sample we studied was 3.7 children per household as opposed to 1.9 for the broader community. A few households in the case studies had five or seven children and one household had 10 children. If you are starting to think about how to house a family with 10 children it can be a real challenge. There are two things. One is that we could be looking at some housing products well located in terms of transport and schools that perhaps have a large number of bedrooms.....*

CHAIR: *This is probably a sensitive question, but sometimes it is important to discuss these things. Do you find in the course of your involvement with these communities that there is always a bit of tension in the conversation between new and emerging migrant communities and their needs, in particular their housing needs—and there is a shortage of housing, certainly public housing and low-rent housing across the country—and the existing people in the community who have similar socioeconomic circumstances, but who perhaps do not have a similar family structure, such as the size of family. Do you find that that tension is on the ground and, if so, is it an inhibitor in trying to address this issue?*

Ms Caniglia: *I hope I have understood your question. One of the things that ECCQ is careful to do is recognise the original inhabitants of Australia, Aboriginal people. We know that Indigenous people face really serious problems—*

CHAIR: *I am also talking about people who are genuinely unemployed—not just Indigenous Australians but others. I make the distinction simply because some communities are emerging with similar needs to ones who are already here, and often there is a tension. It is not a justifiable one; it is just that part of the narrative in this discussion is to also deal with sensitive issues that need to be aired and corrected.*

[Comment: Why is the tension not justifiable? Is this because it is politically inconvenient to acknowledge those losing out in the mass immigration and refugee entry process?].

Ms Caniglia: *We acknowledge that there are other populations of people, including Indigenous people, with really significant need. I do not think it is helpful to be progressing the debate by casting the debate in terms of one group having higher needs than others. We need to understand the full scale of the problem if we are going to be able to craft solutions that go anywhere close to getting to the answer. Part of the problem is that certain migrant communities, particularly new and emerging communities, are seriously at risk of homelessness, if not homeless, and they certainly are in housing stress. It is a very, very significant barrier to settlement, because, when people have to move more often, which our study shows they do—and it is supported in other studies—settlement is really tough...*

The Chair then moved forward to another subject.....

Comment: The contradiction in the witness statement is obvious. This risks giving the impression of a strong preoccupation with advocating exclusively for her client group. It would, or should be, well known to the Chair that over 100,000 Australians, many native born, are homeless, that in all States and Territories there is a very long, sometimes 20 year wait for public housing, that private housing is amongst the most expensive in the world, and that native born Australians or long-term residents are being displaced by refugees and new migrants who, because they often have very large families or a refugee or migrant background, are automatically categorised as being in higher need, especially for the purposes of public housing allocation. This creates a very strong incentive to have a large welfare dependant family to secure bigger, newer, housing and progress in the queue quicker. In some States, housing commissions have started to tell native born Australians that they will no longer be housed even after a 10-20 year wait. Of course this is exacerbating racial tensions. No data is collected, no solutions discussed, and the issue is swept aside as the Committee moves forward. Those who object are pathologised and labelled racist.

⁵² http://parlinfo.aph.gov.au/parlInfo/download/committees/commint/48c0b219-5bb5-4b57-8e36-195766e3b026/toc_pdf/Joint%20Standing%20Committee%20on%20Migration%2011%2007%2011%20286%20Official.pdf;fileType=application%2Fpdf#search=%22Multiculturalism%22

Whither multiculturalism?

Dr. Jupp is one of the chief architects of multiculturalism (see Wikipedia). However, according to his c.v. he has no legal qualifications, nor any expertise in the area of Islam or shari'a law. He has no expertise in terrorism, policing or matters of national security, something he acknowledges, when testifying about such issues. He is a Doctor of Philosophy. His evidence is among the most forthright in the hearing process, and, on the whole, welcome, except his support for retaining multiculturalism and some serious legal errors. Obviously when multiculturalism was being developed, no-one could have envisaged the rise of Islamism and terrorism, or mass immigration to the West from Africa or the Middle East, and the problems this would have created 30 years later. There is a sense that he is beginning to appreciate the enormity of the problems ahead and the need to reassess.

But given that his intellectual and professional reputation is tied so closely with multiculturalism, such a clear concession would be very difficult, since it would suggest error on his part. Perhaps he will express his support for change in future? One only hopes he does. Another of its chief architects, Prof. Zuberzyki after the Fitzgerald report in 1988 had emphasised the need for national identity to be retained, allegedly showed a willingness to be flexible and abandon it in favour of the formula: 'Many cultures. One Australia'. Not that this definition is suitable, but at least this showed that flexibility is possible - see 'Australian Multiculturalism its rise and demise', by Galligan and Roberts 2003.⁵³ Prof. Jacobowicz (sub. 420), another chief architect, seems open to some change but adding 'new', as he suggests, to the same term, is hardly likely to mark the needed shift in thinking and gives the appearance of intellectual laziness. One can only imagine the headlines. The Committee should think very carefully about accepting the advice of someone who can, seemingly without second thought, champion recommitment to the UN Bill of Rights and then posit that the Government should '**withdraw the reservation to Article 4 of the CERD to criminalise racial vilification**'.⁵⁴ If one were to write a single line prescription on how to guarantee loss of office at the next election, it would be that.

Note: Dr.Jupp forthrightly rejects cultural relativism and legal pluralism, but fails to address the fact that this would amount to abandonment of multiculturalism in favour of 'interculturalism' or 'pluralism'. Note also the easy acceptance by the committee, from Dr. Jupp, someone who is 'on side', statements about cultural traits and mores, which may be accurate, but that, from opponents of multiculturalism, would probably be labelled racist and pathologised. This is particularly ironic given that in his submission (number 100) he calls for public shaming and quasi-judicial punishments for racism, points to the racism demonstrated by 'shock' jocks and the media, and calls for close monitoring but not, it seems, press restrictions in line with the Finkelstein Commission. It is at least arguable that his own testimony, if not privileged, may have landed him before Dr. Szoke's Commission or a Tribunal as a clear case of negative stereotyping. Not that the authors supports such pathologising.

The Chair is essentially keen to illicit from him whether he perceives any serious problems with multiculturalism that should require its abandonment (difficult given that he is one if its chief architects) with integration of Muslim communities, or shari'a law. They elicit his assessment of the security implications. This seems to influence them, even later when addressing testimony given by security experts.

Dr Jupp: The Turks do not necessarily come under the same banner as the Arabic Muslims in Sydney.

CHAIR: No, but the fact is that we are talking about the community. Referring to them as Muslim is just as limiting as saying, 'Here are the Christians,' because within the Christian community there are all sorts of languages and ethnicities, and the same exists; people identify as well beyond their faith. I think that lack of research and follow-up that has existed—that gap—has actually let us down a bit. Then the Sharia law and Halal become terms that set off alarm bells, when in actual fact—

Dr Jupp: You have all sorts of problems with Muslims, some of which they create for themselves.

CHAIR: True, just like other communities do.

⁵³<http://pegsnet.pegs.vic.edu.au/studentdownloads/History/Students/VCE%20Australian/AOS%204/Australian%20Multiculturalism.pdf>

⁵⁴ http://www2.ohchr.org/english/bodies/cerd/docs/ngos/NACLCHRLRC_Australia77.pdf p 47.

Dr Jupp: Yes; they are not the only ones to do that. I think one problem with Muslims—and this applies, as far as I can understand, all over the world—is that there is no consolidated, recognisable leadership. You do not have a Pope; you do not have an archbishop...

If you want to influence the Muslim community, you have to talk to the imams, who are religious leaders. But what I do know about, in Melbourne at least, is that people like Hass Dellal—I think one of his relatives is one of your Muslim imams, isn't he?

CHAIR: Ibrahim?

Dr Jupp: Yes.

CHAIR: No, he is the chair of the Selimiye Foundation.

Dr Jupp: .. If you are dealing with religions, it is up to the Christians, the Muslims and the Jews to deal with each other...If you look at the Multicultural Council which has just been appointed, there are more Muslims on that than they deserve. But that is good—and it has been criticised for that already. But it means that you are bringing significant Muslims—and I think most of them are well known—into a cooperative relationship with other people; you are not isolating them. In Britain, with the imam of the Finsbury Park mosque, for example, you had extremely radical people. The only one we had here was Benbrika, who is in jail for 20 years. I have met him. He has a very good sense of humour. Personally, I think he was rather unjustly treated because he was not organising terrorism; he was talking about terrorism. Anyway, the courts decided that that was against the law. So what do you do about them? You have to try to get the Muslims themselves to isolate them within their own community. It is no good for us to come along and shout and carry on about terrorism. The other thing with Sharia law—and nobody understands it—is that Sharia law can be expanded or contracted as you think fit. It can cover the whole world and every issue or it can be boiled down, as it is in most non-Muslim countries, to marriage laws, family laws and so on. The issue that they want to resolve here is divorce laws. In Britain, there are about 150 Sharia courts, but they are not actually courts; they conciliate family disputes within the Islamic law. It is very hard to explain that to people who do not know about it and who think that it is an alternative system of law. In Malaysia and Sri Lanka, for example, you do have alternative systems of law. So Muslims who come from those countries expect it to be here, and it is not. It is difficult, I agree; but the amount of actual organised terrorism in Australia is very small. I think it is exaggerated by ASIO, quite frankly, but that is my own opinion, which you need not record if you do not want to.

CHAIR: A \$9 million budget for community building might be very tempting.

Dr Jupp: They have just built a huge, great palace in Canberra, which is going to be the largest public building in town....

Shari'a law is harmless and misunderstood

Comment: Readers should read Wikipedia's report concerning Benbrika.⁵⁵ It says that on 3 February 2009, Supreme Court Justice Bernard Bongiorno, sentenced Benbrika to 15 years jail with a non-parole period of 12 years for his involvement in a terrorist plot involving stockpiling chemicals and weapons to make a bomb described allegedly as the 'mother of satan', and planning an attack on the scale of the London bombings. It was alleged, according to Wikipedia, that the group led by Benbrika was 'bent on violent jihad' and 'planned terrorist attacks on football games or train stations to maximise deaths' and that Benbrika said that in some cases it was theologically permissible to 'kill women, children and the elderly'. The court was told how Benbrika allegedly used at least 10 different mobile phones that were registered under false names and addresses. He is also famous for reportedly saying in an ABC 7.30 Report interview on 8 November 2005: 'ABU BAKR (as he was also known): 'I am telling you that my religion doesn't tolerate other religion. It doesn't tolerate. The only one law which needs to spread, it can be here or anywhere else, has to be Islam.'

Islam has no single leader but nor does the West or Christianity – there is the Pope, leader of the Copts, leader of the Eastern Orthodox community, and leader of the Anglicans, to name just a few. It also ignores the huge influence of the Office of Islamic Cooperation representing 57 Muslim nations and its Fiqh academy, the al-Azhar University in Egypt, Muslim leaders such as Al Qaradawi, and the prime position occupied by Wahhabi institutions and spokespeople in Mecca, often considered the gold standard in Islam. The general position of the Muslim ummah can be discerned from these, even if no single position can be established. This analysis is seriously flawed.

⁵⁵ http://en.wikipedia.org/wiki/Abdul_Nacer_Benbrika

Shari'a law has four major Sunni schools and at least two major shia schools or madh'habs. All legal systems are complex and all nations have different laws. But the proposition that there is no consensus as to key aspects of shari'a law is incorrect. Ijma is the correct term for such consensus. Hudud is the correct term for criminal offences that are very specifically set out in the Qur'an and Hadith and which do not allow variation in penalty. Two primary sources of shari'a law, the Qur'an and Hadith (plus Madh'hab, Tafsir, Sira, and Ijma) and especially the Hanbali Fiqh school, all attest that blasphemy (Q 4:048; Q5:033 - see CMJE.org) and apostasy (Bukhari (BK) 4:52:260), are punishable by death; insurrection by crucifixion or amputation of hands and legs on opposite sides (Q 5:033); theft by amputation (Q 5:038); drinking, gambling and drug taking by flogging (Q 5:090-91; Q 2:219; BK 8:81:766); and adultery (Q 7:084; Q 24:002; BK: 2:23:413;) or homosexuality (Q 4:015), by flogging, stoning or death. Even in 'moderate' Malaysia, Indonesia and Turkey, apostasy is punishable by death and flogging is practised.

In fact the best way to get an idea of what shari'a means in practice is to read experts human rights reports such as those compiled by the U.S. State Department, the U.N Special agencies and rapporteurs, Amnesty International, Freedom House and so on. They make sobering reading and give the lie to those who think shari'a law is not highly problematic. Compare some of the most extreme say Afghanistan (truly horrific especially the child abuse, rape, stoning, acid attacks, and girl self-immolation rate),⁵⁶ Northern Nigeria, Yemen, Somalia, Iraq, Iran, with the most liberal, say Malaysia. Even in Malaysia there are serious problems with sharia law - whipping, restrictions on freedom of religion, sodomy trials, discrimination against non-Muslims and so on - see expert reports on religious freedom.⁵⁷

The proposition that shari'a law is infinitely elastic, and therefore poses no threat, is dangerous and preposterous. The danger is that the principle of legal pluralism is accepted, thus allowing shari'a law on the basis that it is elastic and can be consistent with Australian law, or will not be applied if inconsistent. This would allow it to become entrenched and shift the onus to Australian authorities to police it, which they would be very reluctant to do in a multicultural context, given the threat to their own careers and the terror implications. This is precisely the failed model used in the U.K., which is now trying to wind back its acceptance of its 85 shari'a courts through Lady Cox's Bill, given their rulings have been found to conflict with U.K. law routinely.

Dr. Jupp is incorrect to categorise the U.K. shari'a courts the way he has, (*..not actually courts, they conciliate... It is very hard to explain that to people who do not know about it and who think that it is an alternative system of law*). The Civitas report 'Sharia law or one law for all?'⁵⁸ makes clear that the judgments of these U.K. shari'a courts are being enforced as arbitrated decisions (not mediated settlements) in a way that mirrors how Court judgments are enforced, using the same enforcement machinery. Arbitration, involves acceptance of a code of law to decide a dispute prior to the arbitration process and a 'judge'. Even when arbitration does not apply, as in some custody and criminal cases (although 'creeping' is likely and has already been identified), any competent lawyer would know that, in the real world, in the streets of the cultural ghettos that multiculturalism creates, outside academia and Canberra, law is effectively rules backed by sanctions. Austin's 'gunman theory' of jurisprudence seems particularly apt when it comes to Islamism, Middle Eastern crime gangs, and shari'a law. The current reflexive response of Western Governments to terrorism makes crime gangs and Islamists legal sovereigns.⁵⁹ As crime expert Tim Priest says: the 'law of the jungle' now applies in many high immigrant areas. The rules of shari'a may operate informally outside our system, but they are backed by the sanction of community shaming, isolation, threat, fear, violence and honour killings. They are effectively law. **This is an important error which may have seriously misled the Committee.**

Further, a close reading of the Civitas report 'Sharia law or one law for all?', (see p 70, although we doubt the Committee will ever read and understand it, but hope to be proved wrong) and similar reports by onelawforall.org.uk,⁶⁰ reveals that the likely content of shari'a law is knowable to a reasonable degree, even though these Courts, when applying shari'a rules that would be publicly condemned, try to operate as secretly as they can. The authors looked at what rules had been put into practice, or were likely to be, through the

⁵⁶ <http://www.state.gov/j/drl/rls/hrrpt/2010/index.htm>

⁵⁷ <http://www.state.gov/j/drl/rls/rpt/>

⁵⁸ <http://www.civitas.org.uk/pdf/ShariaLawOrOneLawForAll.pdf>

⁵⁹ [http://en.wikipedia.org/wiki/John_Austin_\(legal_philosopher\)](http://en.wikipedia.org/wiki/John_Austin_(legal_philosopher))

⁶⁰ <http://www.onelawforall.org.uk/resources/>

online Fatwa sites that these courts draw from. This is set out in detail at the back of the *Civitas* report and may come as a shock to many who have persuaded themselves that shari'a law is benign.

The press reports arranged and linked at Website onelawforall.org.uk, show what is happening in the real world – see below. Again, as the Australian case of the Muslim convert flogged 40 times with an electrical cord for drinking shows, many shari'a rules breach Australian law – see Ackland, R., 'Why good shari'a is championed in some surprising quarters', *Sydney Morning Herald*, 22 July, 2011.⁶¹ Ackland rather pithily reported: 'Federal Attorney-General Robert McClelland has pronounced that the government 'is not considering and will not consider the introduction of any part of sharia into the Australian legal system'...NSW police commissioner Andrew Scipione has also made himself crystal clear: 'I've said it before and I'll say it again. There is no place in Australia for sharia law, full stop'. Maybe he should have said 'semi-colon', because in the middle of 2009 the then assistant treasurer, Nick Sherry, announced that Australia 'should be open to the potential for Islamic finance to operate in Australia'. At least Scipione is aware of creeping sharia, and the dangers of allowing shari'a finance as a precedent for shari'a law in general.

Dr Jupp: It is very easy for a man to divorce his wife under Islam. Then the question of property comes up, as it often does, with divorce and children. I am not a Muslim, by the way; I am not even culturally and linguistically distinct—

CHAIR: I understand that, yes.

Dr Jupp: But I am certainly not a Muslim. The Muslim religion is very conservative, as are the imams, generally speaking—the texts they use and so on, although there are liberal texts and liberal movements as well. But, generally speaking, they are very conservative and they come from very conservative countries. Even with the Turkish Muslims, despite having been secular for 50 years, the Turks themselves in the rural areas are very conservative. So in a divorce the children belong to the man, and this is very difficult if the man changes country, for example. If he takes the children away, the mother has no rights to them. So it is a long, slow process of trying to assimilate—

CHAIR: But living in Australia, everyone is subjected to the same law in relation to custody.

Dr Jupp: They are; but that might not be the way they see it within the community, because they would regard the Islamic law as superior to the Australian law.

Mrs MARKUS: Are you suggesting—and I want to be careful when I say this—that there could be some challenges and possible disadvantages for women—and that is something that would have to be examined—if there was to be a real possibility of what they are asking for, just based on some of your comments?

Dr Jupp: ...I suspect—but you are up against the more reactionary versions of it. That leads to things like cutting your daughter's throat if she gets involved with a non-Muslim, for example. That happens in Britain quite regularly. The Sikhs do it too; it is not strictly a Muslim activity. Of course, it is totally illegal; nevertheless it is done.

CHAIR: But it does not happen here.

Dr Jupp: No, as far as I know we have not had any honour killings in Australia...

Comment: there have been a number of incidents of honour based violence and honour killings in Australia, or with an Australian connection. There is often an element of pride and control in all crimes against women. What sets honour based violence apart is that the learned behaviours arise from a religious conception of honour, based on such as Qur'an Ayat 4:34, and the Sunnah. Once again, a simple Google search would have revealed many alleged incidents.⁶² Many would be left wondering if this is just another example of the policy of deliberate ignorance. Most are not labelled as honour killings because that would be politically incorrect, even though doing so, and using public shaming, is probably the best way to induce behavioural change. This is another mistake in Dr. Jupp's testimony.

For example, many may think the Muslim Iranian man, who stabbed his wife to death at the Adelaide Convention Centre claiming she had dishonoured him, was a clear example of honour killing. Only overseas news agencies labelled it as an honour killing; S.A. journalists imbued with cultural relativism and political

⁶¹ <http://www.smh.com.au/opinion/society-and-culture/why-good-sharia-is-championed-in-some-surprising-quarters-20110721-1hqy0.html>

⁶² <http://www.stophonourkillings.com/?q=taxonomy/term/79>; <http://www.dailytelegraph.com.au/news/sydney-nsw/sydney-student-andrew-iskandar-guilty-of-murder-after-honour-killing/story-e6freuzi-1226208651698>

correctness refused to do so.⁶³ The Iskandar case in Sydney where a man killed his mother's alleged lover is another example. The notorious Shafia case in Canada had an Australian connection. The former Afghan family used to live here.⁶⁴ On 11 January 2006 Greg Stoltz of the *Brisbane Courier Mail* under the heading 'Muslim religion blamed for fatal stabbing', reported the stabbing death of a mother when defending her 17 year old daughter who apparently wished to become an apostate.⁶⁵ There are others. Australia will probably take its place in Wikiislam's honour killing index when it is next updated; and see Pamela Geller's website to see the extent, and horrific nature of, honour killing and the personal stories. Committee members should all visit Pamela Geller's site and look hard at the women's faces there and keep them in the front of their minds when compiling their report.

If they have any conscience, the Committee, in its final report, will not only recommend against accommodating any aspect of shari'a, but will also recommend strong laws to stop shari'a laws already practiced here that offend Australian law, as well as proper enforcement mechanisms, and mechanisms to monitor and report on how Australian laws against shari'a are being enforced.⁶⁶

Of course, multiculturalists would simply dismiss the numbers as small; or suggest honour is not involved; or point to violence in other communities, as if two wrongs now make something right. But if Australia acts now and draws the line, if we take the initiative and put in place anti-shari'a laws and enforcement mechanisms, if we show our abhorrence and demand and support cultural change by Muslims, we may avoid the problems that are evident now in many parts of the Islamic world, and parts of Europe, and thereby save much suffering for Muslims and non-Muslims, women and men.

Those nasty shock jocks

Mrs MARKUS: *Certainly I do not think any of us on the committee would want to see—I cannot speak for everybody but I would think that none of us would want to see any erosion of any equality or rights for women.*

CHAIR: *No.*

Dr Jupp: *I do not think you should. My view is that not all cultures are equal. That is a big argument in the whole multicultural area. Not all cultures are equal. [Comment: opponents of multiculturalism are pathologised, labelled as racists and prosecuted for saying that all cultures are not equal. But a multiculturalist can say it with impunity?] We have decided to adapt our Western culture in a liberal direction in the last 50 years and that has opened up a gap with people who come from very conservative countries. As best we can, we can try to explain the differences....*

Dr Jupp: *In the paper, when I talk about racism and prejudice, I do say that a continuing source of anxiety here and elsewhere has been the role of sections of the media, and especially talkback radio, where the claim of freedom of expression is always made. ... I never listen to talkback radio so I am not an expert on it, but I think what Alan Jones did during the Cronulla riot actually encouraged that riot—and because he is Alan Jones nothing happens, because they have tremendous influence in Sydney. They do not have much influence in Melbourne; that is very interesting and it is a totally different situation. [Comment: Alan Jones was found guilty by ACMA. Andrew Bolt and Steve Price are from Melbourne and have been labelled shock jocks by multiculturalists. How can he assess what does not listen to?].*

Senator SINGH: *And we do not have any shock jocks in Tasmania.*

Dr Jupp: *You do not have any; none at all, no. It is particularly a Sydney phenomenon, which is particularly dangerous because that is where the largest number of Muslims are, essentially, and it is particularly influential in the western suburbs, which is why this whole political concern with the western suburbs is there all the time. But it is not in Melbourne at all.*

Senator GALLACHER: *I have done studies previously and they are not reading to any great level; everything is ears and eyes. These people are going unchallenged with their racist, wrong views. What do you think we should do about it?*

⁶³ <http://www.adelaidenow.com.au/husband-swore-on-koran-to-kill-wife/story-e6frea6u-1226278145408> and http://atlasshrugs2000.typepad.com/atlas_shrugs/honor_killings_islam_misogyny/.

⁶⁴ <http://www.theaustralian.com.au/news/world/afghan-family-guilty-of-murder/story-e6frg6so-1226256892670>; <http://au.news.yahoo.com/video/sa/watch/28075806/cold-blooded-honour-killings/>

⁶⁵ <http://www.news.com.au/national/muslim-religion-blamed-for-fatal-stabbing/story-e6frfkwr-111112342302>

⁶⁶ http://wikiislam.net/wiki/Honor_Killing_Index.

Dr Jupp: *You cannot legalise it because you get into all sorts of trouble with freedom of speech and all the rest of it. [Comment: But in his submission he supported using tribunals to address this. These apply to shock jocks as he calls them, as the Andrew Bolt case (Eatock v Bolt) shows.⁶⁷ The written and spoken word is both covered by vilification law. This is not well thought through but the sentiment of not moving to the Finkelstein approach is supported.] You can tighten up the monitoring of it and put more resources into monitoring. You can get members of parliament, trade union leaders or religious leaders to complain to the station. That sometimes has an effect, if they are important enough people who are complaining to the station and it happens enough. Unfortunately, the big shock jocks would bring tonnes and tonnes of money into the station through advertising.*

Senator GALLACHER: *I have had the misfortune of hearing talkback radio in America... Does it really have a long-term effect or is this something that we should be—*

Dr Jupp: *It is hard to tell. Once again, there has not been much research on the long-term impact. Most of the listeners are elderly people, in fact, and they are not going to go out and start riots. But in the Cronulla case it was already on the go and it was encouraged.*

CHAIR: *Do you think Cronulla would have happened if September 11 had not been an overarching theme?*

Dr Jupp: *September 11 did not help. The main enemies of Muslim populations in Australia and in Britain are the militant Islamists because they are just so destructive.*

CHAIR: *Is it fair to say that in Australia—*

Dr Jupp: *They have declared war on us and we have basically declared war on them. Yes, that had an enormous impact, and the London bombings had an equal influence in Australia because—*

CHAIR: *We were not aware of Islamic militants prior to September 11; we became aware of them after that. Have we contributed to an extent to the creation of some form of militantism here in Australia—that is what I want to know—or was it there and September 11 just made it evident to us? I am trying to understand what our actions as government, as shock jocks, as media—what kind of contribution we have made to actually creating a situation in Australia that may not have existed or it might have been there and nobody knew about it. We always go back to research because we do not know, but it is an area that we need to look at because it is about who determines the Australian multiculturalism and community building. If it is now the Federal Police and ASIO and not communities, migrant resource centres or everybody else, where are we heading and what is the end result of that course?*

Dr Jupp: *I think the whole business about integration, cohesion ...Now it is at the centre of the multiculturalism debate, that multiculturalism is really about fighting Islamic terrorism when that was never what it was about. Maintaining cohesion, Christian values and all the rest of it have all been the result of those two events—and I suppose the Bali bombing, but I do not know. That was the largest loss of Australian life, but it seems not to have had the same impact as the others did. The Muslim community as a community does not exist. There are Muslim organisations, imams, leaders, newspapers and all the rest of it. We need to do quite a lot of research into the Arabic press, for example, and see what they are saying. Nobody is doing that. I suppose ASIO does it, but they cannot read Arabic anyway, according to themselves. Somebody there can, I am sure. But there is now a very substantial Arabic media; you would have to be familiar with that. It can only really be done by other Muslims. It is no good sending some bright young PhD Anglo-Australian in to research things like that; they just do not get any response. [Comment: he appears completely unaware of MEMRI (MEMRI.org), a translated news service and its many equivalents doing this work. The U.S. Government does it. Why would we duplicate?]*

CHAIR: *But in the absence of an institution of research relating to this and that can garner that research and be a bit of a pathway for people, it is going to be absent, isn't it?*

Dr Jupp: *That is right.*

CHAIR: *That expertise is not going to develop.*

Dr Jupp: *That kind of research is being encouraged a bit because there are now antiterrorists; there is money for antiterrorism.*

CHAIR: *But they are called antiterrorism centres.*

Dr Jupp: *Those guys are bogus.*

CHAIR: *That is what they are. Monash University and other universities have received a lot of money from the feds to create antiterrorism centres. They are very clear terms, those terms.*

Dr Jupp: *Coming back to your question regarding to what extent it is our fault, I think we were—and this not only applies in Australia; it applies in all the English-speaking countries and most of the European countries—defining Muslims as a problem before this and we were regarding them as different, which they are in some*

⁶⁷ <http://abalinx.com/wordpress/wp-content/uploads/2011/09/Eatock-v-Bolt-Judgement.pdf>

way. Certainly, Arabs have been very unpopular in Britain, going right back to the days of the Suez Canal. Egyptians particularly are unpopular in Britain. We were already, I think, starting to make them feel like they were not wanted. But I do not think that is a cause of terror. Firstly, terrorist activity and even a discussion of terrorism involve a very small number of people. It may be Benbrika and 10 young men who went to his house, and that would be it. So you are looking for a needle in a haystack, and that is the job of the Federal Police and ASIO; they have the skills and the resources to do that.

What has to be done is what I was just talking about regarding Hass Dellal and his work—bringing people into the ethnic organisations. Putting them on the council is very good, and getting them into local councils or into parliament. We only have one, I think, in all Australian parliaments. We used to have a couple of Turks in Victoria.

CHAIR: *We still do.*

Dr Jupp: *They are still there. They are the only ones that I know of. It is a very tiny number. It is about bringing them into ethnic organisations. There are people writing and organising against terrorism—plenty of them—although they do not get much publicity and, of course, they are talking within the community in Arabic or whatever it is. But it is certainly not about ostracising them, because they are here; they are legally here.*

Did we cause terrorism against us?

Comment: This passage is somewhat alarming. Labelling anti-terrorism centres as bogus, on the public record, seems problematic. The Committee constantly returns to the theme that we, (Australia, the U.S., the West, our response to 9/11) may be to blame for radicalising Muslims, that the monitoring of terrorists or potential terrorists or research into terrorism is illegitimate or causing radicalisation, and that anyone who opposes multiculturalism is racist or dangerous and should be silenced. No account is given as to how far racist gang rapes of women in Sydney, and harassment of women on the beaches there by Middle Eastern gangs, caused the Cronulla riots.

What the Committee seem ignorant of, or to ignore, is that Al-Qaeda formally declared war on the West long before 9/11. There were a series of bombings: the 1992 Israeli embassy in Argentina, 29 killed; the 1993 Mumbai bombings, the deadliest in Indian history, a series of 13 explosions on the same day killing 257 people; the 1993 World Trade Centre bombing killing 7 people; the 1994 bombing of the Israeli Mutual Association building in Argentina, 85 killed; the 1996 Khobar Towers bombing in Saudi Arabia (near the ARAMCO US/Saudi oil company building), killing 19 US personnel; the truck bombings of the US embassies in Dar es Salaam, Tanzania and Nairobi, Kenya in 1996, 233, killed 4,000 wounded; and in 2000, the bombing of the USS Cole whilst moored at the harbour in Aden, Yemen - 17 killed.

Osama bin Laden openly declared Jihad war in his fatwas of 1996 and 1998 and expressly made civilians a legitimate target. We suspect the Committee has never read them. The Committee gives the appearance of lacking even basic knowledge about Islamic terrorism, a pre-requisite to apportioning blame.

Dr. Jupp is neither an international relations expert, an expert in Islamic history, or politics, nor a security expert. But as one of the chief architects of multiculturalism (even one who ironically purports to reject cultural relativism which sets multiculturalism apart from pluralism) his evidence is given serious weight; perhaps explaining the Committee's invitation for him to stray beyond his areas of expertise. However, his blunt assessment that radical Islamists may be causing severe problems, that some Muslims think their law superior and have no intention of abiding by Australian law, that custody laws conflict with ours, that brutal honour based violence happens not uncommonly, that radical curbs on a free press are best avoided, and that there may be a distinctive nature to the problem of Muslim integration that sets it apart from earlier waves of immigration, could be called inconvenient truths, certainly not what the Chair would have preferred to hear one suspects. This honesty was very welcome.

Senator GALLACHER: *But is there any evidence that the Muslim immigration will be any different from the Italian, Greek or Serbian? Religions are religions; [Comment: secular educated cultural relativists often mistakenly think all people, religions, cultures etc. are the same] it is the same as Italians being Catholics, and then there are the Greek Orthodox. That seems to have just carried through. Is there really any evidence that they are going to go down the line that the member for Grey was alluding to, and that they are going to want a different society from what—*

CHAIR: *That is a good question.*

Dr Jupp: *I do not know. We do not have enough information to say. It just takes a very small number of idealists, or people who think they are idealists—we think they are fanatics—and they have to be watched, and they are being watched. But we must not allow a whole segment—that is what happened with the Vietnamese to some extent—or hundreds of thousands of people to be blamed because among them there is a tiny number. But they are a world religion. There are a billion Muslims in the world and some of them are more fanatical than others. I guess the immigration department's task is not to let them in. They do not necessarily have the knowledge to do that, but they certainly have a security check on immigrants. But some of them are born here, of course, and the immigration department cannot do anything about that. They pass it over to the Federal Police, I guess. I am sorry to go on, but you did ask me.*

CHAIR: *No; it has been good.*

Dr Jupp: *I have just been reading a very heavy book on Islam. They have a whole theory about how Muslims should behave in countries which are not Muslim, like Australia.*

CHAIR: *Yes; that would be interesting, I am sure.*

Dr Jupp: *There is a whole legal theory, going back to the late middle ages.*

CHAIR: *We want to tease this out. I do not want to pre-empt the committee's recommendations but it has become pretty obvious that we need to clarify what it is that we understand multiculturalism to be and not to be. There is no suggestion that members of this committee are entertaining facilitating some form of Sharia law. On the contrary, my personal view would be no, because we have one law. There are variations for people. I come from a background that has certain cultural nuances in relation to my movement as a woman, but that did not stop me ending up here. These things happen. With the passage of time, in a society like Australia, it has proved itself to be able to absorb people. It is when you start focusing on how you can accommodate differences that then change behaviour through laws or customs in a way that is different from everybody else that you run into a different type of scenario. So we will probably have some discussions about that.*

Comment: for some people who do not understand Government this is a refreshing expression of a rejection of shari'a by the Chair. But how can this be done whilst retaining multiculturalism which is based on cultural relativism? Second, how does this sit with the Chair's denial that shari'a has ever been asked for? And does this mean complete rejection of all aspects? If so what does: **There are variations for people**, mean? If this is a genuine commitment to onelawforall, then Centrelink payments for polygamy must be stopped, shari'a triple talaq divorces stopped, Halal slaughter of live unstunned animals stopped, gender segregation stopped, no more drafting shari'a compliant wills, and so on. The Government would need to take positive action, not just continue to deny that there is a problem, and risk conflict and loss of Muslim votes. We doubt it has the courage, even though it may win office by doing so. Lacking courage and conviction, it will probably continue with its 'plausible deniability' strategy. Whether the next Government has the courage is the big question.

Rorts in multicultural funding?

Dr Jupp: *It is competitive tendering—*

Mr GEORGANAS: *Which was not the case with MRCs—*

Dr Jupp: *which is supposed to be a good thing, but of course it is not in that particular situation. ..It is no good having tiny little associations for this, this and this; you have to have some sort of Pan-African or at least East African or West African—because they are not the same. You really have to form a federation or something of that sort. One of the problems is that many of the refugees coming in have been in conflict with other people from the country they come from, which is why they are refugees. That is so for the East Africans, the Somalis, particularly. They find it very hard to get on with each other. It is really a question of the fund giver, which is the immigration department in this case, making the decisions on the basis of need. Competitive tendering, an economist would tell you, is a good idea; but it is not a good idea when it fragments the communities. The sums of money, as I say, are pretty small and, unless you consolidate them, you do get that.*

I think you need to look at the whole funding situation—the funding of welfare services through ethnic groups, which was the Galbally policy. The fund giver should be encouraging organisations to form federations and to just try to share the money around, which some do but a lot do not. .. now you have hundreds upon hundreds of fragmented, small, often incompetent—

CHAIR: *Yes, who are not necessarily capable of actually providing the infrastructure, as they do not have it.*

Dr Jupp: *Yes. One solution is to fund through the MRCs.*

Mr GEORGANAS: *That is where the conflict is. The MRCs were set up to do this and now they are competing against a whole range of other groups—*

Dr Jupp: That is right, yes.

Mr GEORGANAS: not necessarily community-based ethnic groups but a whole range of refugee associations and church groups, Anglicare, a whole—

Dr Jupp: Yes; and, of course, many of those organisations really do not exist, as you find out when you send out letters to them. You never get an answer because they are not actually there. But they are set up often specifically to get grants. In fact, the immigration department has in the past encouraged groups to be set up to get grants, particularly women's groups. You really have to look at the whole situation, which is very unsatisfactory. Also, the MRCs are cut off at five years, which does not help the elderly, for example. It does not help them. The elderly are very often in need of grants more than the youth, because many of them never learnt English.

Comment: Dr. Jupp has done a great public service here by being honest. Many agencies are set up simply to exploit multicultural funding. There is no oversight or cost benefits analysis. There is no proper co-ordination between government agencies. But many opponents of multiculturalism have been called racists for making such observations and expressing concerns about how corrupt, lacking in transparency, inefficient, and over-generous multicultural funding is. DIAC would no doubt be embarrassed at the proposition that they have encouraged such behaviour. But to get an idea of the multiplicity and generosity of services see their submission at 450.

Hearing 26 October 2011 - Australian Israel Jewish Affairs Council

Comment: The testimony and submission from the AIJAC (sub. 357) (and ECAJ sub. 46) were the best from groups that have a vested interest in multiculturalism. Given that they are threatened worldwide by the rise of Islamic extremism and anti-Semitism (such as the recent Toulouse shootings) and are now one third the size of the Muslim community here, they need a strong champion in the Australian Government. This may explain their ostensible support of multiculturalism. But perhaps they would support just as strongly, or even more strongly, another conception that makes clearer the values which they support, such as interculturalism or pluralism?

It would appear to the authors that their conception of multiculturalism differs markedly from the Government's. They clearly reject cultural relativism and place the emphasis on both responsibilities and rights. They make clear that immigrants are expected to abide by Australian law not demand their own legal code, show a degree of loyalty (not once mentioned elsewhere in evidence or submissions) and ask what they can give the broader community and what the needs of others who are similarly disadvantaged but not CALD might be, in effect not behave selfishly, again something not mentioned elsewhere. They clearly understand that religion is a driver of terrorism, not necessarily disadvantage, or oppression, something the politically correct Committee seem unwilling to concede or explore. They call for groups like Hizb ut Tahrir, who specifically work against integration, to be monitored very closely, if not stopped.

They say with respect to multiculturalism: *'We believe the emphatic focus on a shared communal commitment to core Australian values - including acceptance of the rule of law, tolerance, equality of opportunity, parliamentary democracy, freedom of speech and religion, English as the national language, and racial and gender equality - has played a vital role in underpinning this overwhelmingly positive record.'*

ECAJ say: 'Multiculturalism that entails an enlarged variety, choice and pluralism in everyday life is seen as a welcome benefit by most Australians. Multiculturalism as a government policy that places demands on public funds and resources is seen by many Australians as a form of favouritism and top-down social engineering, which they instinctively distrust, especially if the policy is perceived to encourage ethnic separatism.'

Comment: pluralists, interculturalists and others who oppose multiculturalism, would strongly support these values. The unaddressed problem is that multiculturalism, which is underpinned by cultural relativism, and incentivises separation and separate legal systems, does not support all these values.

AIJAC: Unfortunately, many critics of multiculturalism (as well as many supporters who aren't sufficiently versed in the issue) tend to focus on migrant and minority rights, and leave under-addressed their responsibilities, a key precondition of Australian Multiculturalism since its inception in the 1970s.

Comment: most opponents of multiculturalism oppose excessive minority rights. This seems a little confused. The emphasis on responsibilities as well as rights is very welcome. It strikes the correct balance.

*AIJAC: The committed, loyal behaviour of the overwhelming majority of migrants to this country is the most persuasive demonstration of this proposition. Indeed, the **bedrock on which the Australian multicultural compact rests is the need to accept both the rights and responsibilities of citizenship, and to find the appropriate balance between them.***

Comment: what no-one dare concede, and the Government would never dare to explore or admit, is that many immigrants are *not* loyal to the values mentioned above, at all. Those who want to practice shari'a law, which may, on the basis of polls similar to those conducted overseas, be a large group or the vast majority, have a totally different set of values which they consider superior, wish to live by, and see multiculturalism as a licence for. That is why multiculturalism must be abandoned in favour of pluralism or interculturalism urgently. The Australian community should stand its ground (instead of reflexively accommodating demands for shari'a for fear of terrorism or loss of votes) thereby offering a clear identity which they are more likely to respect and want to be loyal to. It must confidently articulate those values, deliberately and clearly, identify areas of core difference, and call, as a matter of loyalty to Australia, selflessness and responsibility, for Muslims who want shari'a law to renounce their request and ascribe to those values. If the Government has the courage to put to them what it has put to others (thus treating them as real equals): 'ask not what you can do for yourself, ask what you can do for your country' it may win over even the most radical. In any event it will know more clearly the scope of the problem. This could be done through an exercise in outreach to the whole Australian Muslim community where every Muslim is sent a values statement (see Bouchard-Taylor) that outlines areas of difference and what is expected, and at the same time polled, strictly anonymously, to determine what values are in conflict.

AIJAC: It should certainly continue to be part of immigration and citizenship policy to encourage an understanding of, and commitment to, these rights and responsibilities as a pre-requisite for citizenship. If new migrants are not sufficiently educated about their responsibilities – including rule of law, gender and racial equality, due process, respect for others and an understanding of English – the risk that they will fall into the trap of social exclusion is heightened... Europe has large populations of socially excluded immigrants, most of them from Muslim majority states, an outcome we have tried to avoid in Australia. This is largely because European multiculturalism tends to stress migrant rights, but not their responsibilities. Australian Multiculturalism is the success it is because it emphasises both. It is important, particularly in light of the Australian Government's Social Inclusion Agenda, to maintain an emphasis on both the rights and responsibilities of migrant and ethnic individuals and communities (together, of course, with all other Australians from all ethnic backgrounds).

The Australian citizen and worker diploma scheme - a proposal

Comment: To date, the Committee has deliberately avoided the idea that Australia has, or could have, problems similar to Europe. It is in denial. Building on the AIJAC submission, one way for the Government to address this would be to use the process of civics education to solve unemployment problems and make people work ready. It should make available to all CALD members, and every other disadvantaged person in the Australian community – **fairness is very important**, or even make compulsory through a work for the dole scheme) the opportunity to complete a civics diploma – the Australian citizen and worker diploma. This free diploma, if successfully completed, would establish, and prove, English competency to a reasonably high level, a proper understanding of Australian values, rights and responsibilities, pluralism and diversity (and how they differ from multiculturalism and why it was abandoned for reasons of social cohesion in favour of one of these), democracy and Australian citizenship, Australian history and political system, citizenship rights and duties, responsible exercise of the right to free speech, occupational health and safety, first aid, basic dietary advice and preventative health, family planning, driving skills, computer skills and career planning. There should be a unit on community service where those normally considered disadvantaged assume a responsible leadership role helping people who are also disadvantaged, or who have a different form of disadvantage (selflessness being encouraged). Other units may be desirable.

Employers would be encouraged to partner and offer scholarships tied to job placements with identified future employees. There should be a unit on terrorism and avoiding radicalisation of any kind, religious, right or left. The goal would be to encourage personal development into well rounded, healthy, work ready citizens who

are willing to act as change agents to build social cohesion. Habits of time keeping and personal discipline would be instilled. The aim must not be further to credentialise already highly qualified people, but to aim the program on a non-racial basis primarily to all disadvantaged Australians. There should be a double unit in terrorism and de-radicalisation. Those who complete it should, if interested, be linked with ADF reserves, the ADF and Police offering them placements and employment pathways. Less disadvantaged people would be encouraged to complete it too, but financed or part-financed, through a loans scheme.

AIJAC: *Furthermore, some organisations, such as Hezb ut-Tahrir, deliberately encourage adherents to seek social exclusion, so as not to be tainted by Australian society. For example, the Hezb ut-Tahrir Australia website attempts to dissuade Muslims from voting in Australian elections as democracy is, according to Hezb ut-Tahrir, against Islam. This example demonstrates a community group deliberately seeking social exclusion, as opposed to social exclusion occurring passively, which is how most would understand the concept. Australian immigration and multiculturalism policies must address this issue of self-imposed social exclusion in order to minimise the emergence of the predicament some countries in Europe now face in this regard.*

Comment: The right to free speech is not absolute. Hizb ut Tahir and 'sharia4australia' have program of replacing our democracy with a Caliphate based on shari'a law. This would appear to constitute the criminal offence of sedition. The Government should give serious consideration to charging them with sedition, or having their organisation listed as a terrorist organisation and/or their websites closed down and their rallies stopped. If they reformulate and espouse similar ideas the new party should be treated the same way. AIJAC identify issues of cross fertilisation between extreme Muslim groups and extreme right groups. Extreme right (or extreme left) groups should be treated equally harshly if they engage in incitement or sedition.

AIJAC: *At the same time, it is important not to allow political correctness to prevent the identification of genuine threats to Australian Multiculturalism and therefore to our society as a whole. For example, if a group engages in criminal behaviour in the name of their extreme interpretation of their religion, or in the name of their ethnicity, multiculturalism should not be advanced as a pretext for authorities refraining from revealing this motivation. Apart from the fact that failing to identify a problem only makes it harder to combat, this type of political correctness only undermines the credibility of multiculturalism, as it allows it to be portrayed by misguided critics as an impediment to law enforcement or in combating extremism threatening the fabric of our society. It also fails to conform to the principles of Australian Multiculturalism itself, as outlined above, as it emphasises the rights of those from the culture in question at the expense of their responsibilities to the broader society. It is also important to record and respond to the promotion of hatred and contempt regardless of sources.*

Comment: Sadly, Committee transcripts would give many people the impression (rightly or wrongly) that the Committee, to date, appears to hold the view that Western imperialism, oppression, and Muslim disadvantage is the prime cause of Muslim radicalisation, and Muslim imperialism or religion plays little or no part. If so, short of a giving the Committee a proper education in terrorism and Islamic history and law, it is unlikely that they will change their view. If they adopt the current approach, they are unlikely ever to read or understand the Qur'an, Hadith, Sira or Fiqh properly, since this would challenge their world view. If the Government continues to pursue multiculturalism, sadly it appears stubbornly to have locked itself in, it is likely to maintain its views, whether right or not, until it loses office.

Hearing 17 June 2011 - Australian Federation of Islamic Councils

Multiculturalism means shari'a law

Background: AFIC submission 341 (8 April 2011), as it now appears on the APH website, does *not* specifically call for shari'a law to be incorporated into Australian law (the word shari'a now appears only once). It calls instead for aspects of shari'a law, being Halal slaughter, some divorces, some Islamic wills, and freedom to wear the niqab or hijab, to be recognised.

But in *The Australian* newspaper, 17 June 2011, Chris Meritt, under the heading: 'It was a mistake to mention sharia law admits Australian Islamic leader' reported as follows: '...in an interview this week with the Australian, Mr. Patel described himself as a supporter of secular law. He said it had been a mistake to even mention sharia law and legal pluralism...He had raised the issue of sharia law in a submission to a

parliamentary inquiry on multiculturalism. He wrote that AFIC - as the peak body for all Islamic councils - strongly believed that multiculturalism should lead to legal pluralism. 'Islamic law is part of a Muslim's culture,' he wrote. **Therefore denying recognition of this law 'goes directly against any profession of multiculturalism'...** 'I would have changed some words, in retrospect, and the use of the word 'sharia' would have been taken out.' It would appear that it has been - the authors recall reading a statement that 'denying shari'a would go against multiculturalism' in submissions.⁶⁸

Further evidence of the content of the original submission was given in an interview with Mr. Patel on Radio Adelaide Breakfast, 19 May 2011, before the Committee hearings commenced. In this interview, he clearly called for legal pluralism and recognition of shari'a law.⁶⁹ The contrary argument was given by Professor Zifcack who, sadly, rejected legal pluralism but then contradicted himself by admitting the possibility of reception of some aspects in family law, and gave an alarming assessment of shari'a, suggesting he has 'enormous respect' for it, and criticism of it is based on ignorance and prejudice - more pathologising - and certainly not consistent with the ECHR Court decision in *Refah Partisi v Turkey*. Readers should note that he is a Director in the Australia Institute a renowned left wing think tank that strongly supports multiculturalism. To get an idea of their inherent bias read their publication: Fear, J.; *Under the Radar, Dog Whistle Politics in Australia*, 27 August 2011⁷⁰

After enormous controversy, and criticism from other peak Muslim organisations, and a rally in Melbourne by the Australian Defence League in May 2011 (later there was a visit by Ms Namazie of the U.K. group 'Onelawforall' - see Merritt, R., 'British campaigner battles media's cone of silence on sharia law', *The Australian*, 23 August 2011)⁷¹ the then, A-G Robert McClelland, was forced to make a specific express statement denying that shari'a law would be allowed in Australia. It would appear that following the controversy, the original submission has been substituted by a new submission of the same date, which makes no statement that multiculturalism requires shari'a. This incident was particularly embarrassing for the Government since Mr. Patel was an Australian Day Ambassador.

If this substitution has occurred, there is no explanation of this important change on the APH Website. If so this is very misleading, some might think it an Orwellian exercise in censorship, especially in the context of the suggestion from the Chair that the demand for shari'a law was a myth. If changes have occurred (perhaps there is another explanation), failing to make an explanatory statement on the A.P.H. Website suggests the article by the Australian's Chris Merritt is erroneous and calls into question the veracity of his report. It tends to call into question (wrongly it would seem, again there may be another explanation) the accuracy and professionalism of the Australian newspaper for those who view only the varied submission and take the Chair at her word that no such request for shari'a law has been made and the allegations are a myth. We hope there is another explanation.

Mr Patel: ...We just wanted to explore aspects of halal and the sharia law requirements for halal certification. Of course, when we bring out the word 'sharia' that becomes one of the taboo subjects in a lot of Western countries, including Australia. That was possibly one of the areas where our submission might have been a little better if the word 'sharia' was not mentioned at all. Having said that, we felt that it was important to explore that, and to bring out some aspects that we think could be considered. The Australian government put out a paper last year on Islamic finance—sharia finance—and there was an ATO document that went out for consultation and public comment in December last year—again, on another aspect of sharia. In this submission, we wanted to also explore certain aspects of family law that we felt could assist certain members of the community—in this case Muslim members of the community. All along, we have said that Australian legislation takes precedence; nothing at all will override Australian legislation.. Our submission sets out some aspects of family law that we felt could be brought into Australian legislation and sit alongside Australian legislation. No Muslim will be bound by that. They can choose to go down this path if they want,

⁶⁸ <http://www.theaustralian.com.au/business/legal-affairs/it-was-a-mistake-to-mention-sharia-law-admits-australian-islamic-leader/story-e6frg97x-1226076664279>

⁶⁹ <https://radioadelaidebreakfast.wordpress.com/tag/ikebal-patel/>.

⁷⁰ <https://www.tai.org.au/index.php?search=dog&act=search&q=node%2F19>.

⁷¹ <http://www.theaustralian.com.au/national-affairs/british-campaigner-battles-medias-cone-of-silence-on-sharia-law/story-fn59niix-1226119994024>

but we say that if they do chose to go down an Islamic pathway that might ever be adopted in Australia then the force of legislation would bind them to the outcomes of that Islamic hearing.

No shari'a legislation

Comment: The problem here is one of taqiyya, religiously authorised deception. Is this a genuine concession that shari'a law gives way in cases of inconsistency with Australian law, or not? If so, AFIC could have no objection to specific 'anti-shari'a' legislation that criminalises all shari'a law practices, judgments, or legal opinions, or any conduct that amounts to practising, imposing, enforcing, or disseminating such rules, judgments, or opinions, where to do so would be contrary to Australian law. Would AFIC support that? Would it support niqab or hijab anti-compulsion legislation that makes criminal any conduct that amounts to coercion of a woman or girl to wear the burqa or hijab, as is the case in France?

Such legislation would criminalise most shari'a rules and practices such as penalties for blasphemy and apostasy. It would prevent triple talaq divorce, custody automatically to males after a certain age, allow no community of marital property and presumption of equal shares, allow no smaller shares for women in wills, light beating of wives, underage marriage, polygamy, marital rape and so on. It would effectively empty out the content of shari'a law. For that, and other reasons, no shari'a law should be recognised or allowed in Australia at all. None at all. In short, the number of areas of inconsistency, and the costs and dangers, are so great, that the creation of plural legal systems is not worthwhile and certainly not desirable.

Perhaps AFIC are gambling that if shari'a is recognised in principle, even in combination with anti-sharia legislation that purports to make it invalid in cases of inconsistency, the Government will never enforce such rules. They will effectively be allowed shari'a law, even in cases of inconsistency, as in the U.K. and elsewhere, because the shari'a rules will be imposed in private, or unscrutinised, and will be enforced through community pressure and the threat of violence and terror.

The strategy overseas has been to rely on shari'a finance (always tempting to Governments) or the most innocuous examples, the old lady inheriting in a will, or a woman being granted a compulsory shari'a divorce under Western laws that recognise shari'a divorce, 'limping marriage' - both cases where Western law is not actually needed. They use these as a kind of Trojan horse to try to gradually entrench the principle of accepting legal plurality. Once accepted, each precedent further extends shari'a to other areas. This is called 'creeping shari'a'. In fact AFIC specifically ask for both these things, old lady in a will and Australian repair to a limping shari'a marriage, as well as the same or similar enforcement procedures for shari'a judgments, as in the U.K. shari'a Courts. That is, they appear to ask for enforcement of sharia judgments under legislation providing for arbitrated settlements binding the parties using Australian court enforcement procedures. It appears AFIC may be consciously, or unconsciously, employing the successful shari'a 'Trojan horse' model used by Muslims in the U.K. and elsewhere.

Muslim prayer rooms in all schools, universities and workplaces and time off

Heba Ibrahim commences with a graphic case of racial discrimination and vilification against Muslims, alleges persecution of women wearing the burqa, and police apathy - essentially racism. All these allegations are offered without proof as to their authenticity. No proof is offered, asked for, or examined. Evidence can easily be fabricated as the Shaima Alawadi (the million Hijab march case), which has become a cause celebre in the U.S. recently, suggests.⁷² In that case, which is still under investigation, it presently appears that an honour killing may have been masked by pinning a note the victim's chest blaming 'Islamophobes' saying: 'go back to your country you terrorist'. The case has been linked to the Trayvon Martin case in which a black teenager was shot by a mixed heritage Hispanic neighbourhood watch patrolman, Mr Zimmerman. Initially, when no charges were laid, President Obama intervened and allegations of police racism and racial profiling led to nationwide protests. Zimmerman has since been charged. Reportedly, the New Black Panther movement (Mikhail

⁷² http://en.wikipedia.org/wiki/Murder_of_Shaima_Alawadi; <http://www.dailymail.co.uk/news/article-2125039/Shaima-Alawadi-murder-1-MILLION-women-post-pictures-wearing-hijabs-support-racist-Muslim-killing.html>

Muhammad) responded by placing a bounty on the capture of the patrolman, but no charges have been laid to date for this vigilante activity.⁷³

The witness's allegations are apparently taken as true by the Committee on the basis that the Chair herself has received hate mail for appearing receptive to the establishment of shari'a law, which could explain her defensiveness and saying calls for sharia are a myth, when they clearly are not. Ibrahim's allegations may be true or false. Assuming that she is true to her oath as a witness, one assumes she is credible and the allegations are truthful. Racism is always abhorrent; threats against anyone, especially members of Parliament, utterly appalling. The Chair later accepts the allegations as true and apologises. Ms Ibrahim then discusses some integration initiatives and makes an important demand.

'Policies like the National Action Plan to Build on Social Cohesion, Harmony and Security basically make a racist assumption that Muslims and other people from diverse ethnic backgrounds do not know what Australian values are and need projects in order to be taught what Australian values are, that they do not already have values within their faith systems or cultures that recognise equal rights for women, for example, or that recognise freedom, fairness and equality. That is like saying: 'This is the culture that you need to be included in. You don't have that in your culture so we'll teach you how to do it.' That is a situation which will marginalise communities; it will not include them in any kind of civic or social environment. This has also left the Muslim community in a very defensive state whereby they have had to apologise for crimes that they did not commit and that their faith actually finds incredibly abhorrent. Over and over and over again, they feel the need to prove how Australian they are..,

Comment: this rejection of the Government's Plan clearly overlooks the difference between cultures evident in some of the earlier mentioned Islamic practices and shari'a law rules regarding women, and punishments such as the death penalty for apostasy, blasphemy, homosexuality and so on, which are clearly not based on human rights or equality. However, it does evidence a clear rejection of Government initiatives designed to draw out differences, discuss them honestly, and induce a change in cultural values. Basically, Ms. Ibrahim is using victimhood to reject the right of the Government to identify where Australian values differ, place them above some Islamic values and have that hierarchy embraced by Muslims. She does this on the basis that such a process is racist and demeaning because Muslims have their own cultural rules that are equal to, or superior to, those in Australia, essentially using multiculturalism, which is based on cultural relativism, all cultures are equal, as a useful tool. This does not augur well for the future of such initiatives, given that AFIC appear to be at the moderate end of the spectrum of Islamic opinion.

There was a brief exchange where the Committee tried to convey how offensive they found incidents where extreme Muslims refused to acknowledge them as women and non-Muslims. They were essentially asked to tolerate that insult with no sense of appreciation of the clear double standard involved. One suspects that this may have registered with some Committee members, but in their enthusiasm to be seen as culturally sensitive they seemed completely to overlook it, thus reinforcing that there is no need for behavioural change for Muslims.

With the Chair and Committee now on the back foot after the shocking example of racism, Ms Ibrahim then asks for important Government concessions for time off to pray in workplaces and adaptations to workplaces. *'...no prayer rooms in the workplace, which is a hindrance for a Moslem person wanting to work there and can often make them feel like they are not included and they want to leave, and employers not knowing that Friday prayer is actually essential and that a little more time for lunchtime needs to be catered for for that. (sic)'*

This mirrors the AFIC submission itself which adds educational institutions and housing. It mentions: *'..concessions: ... catering for their worship practices such as prayer spaces in the workplace and educational institutions as well as making arrangements for extending lunch hour on Fridays for Friday prayer.*

Comment: What appears as a reasonable minor concession, presented following a case of wicked racism, actually has enormous implications for all workplaces and education institutions Australia wide. It is profound cultural concession. It is a concession that Australian culture, which generally sees religion as a private matter

⁷³ http://articles.orlandosentinel.com/2012-03-24/news/os-trayvon-martin-new-black-panthers-protest-20120324_1_sanford-vigilante-justice-black-men; http://en.wikipedia.org/wiki/Shooting_of_Trayvon_Martin

and does not generally force workplaces, institutions or public and private facilities to be adapted to religion, should now do so. It is a marked shift away from a largely secular public culture, Australian culture, to a largely religious one, Islamic culture. It would theoretically require modification of all workplaces (and eventually all institutions and places) where Muslims work, may work, learn or may learn, (or go, or may go, such as shopping centres, entertainment centres, airports, bus stations and so on).

The modifications to buildings would involve enormous costs economy wide. Were such practices legislated or extensively enforced through Courts or Tribunals, then the cost to employers of time lost, and disruption to workplaces, would be very costly. Who would pay? How much time? What similar concessions would need to be made to other groups so as to avoid allegations of favouritism or racism? Controversial litigation has occurred in the U.S. and elsewhere where concessions for time off to pray were followed by allegations of racism by other groups demanding similar concessions. Such demands can escalate until small businesses become uneconomic and unmanageable. Sadly, such demands are already being made here in Australia as universities and other places consider setting aside separate prayer rooms for Muslims only. Some concessions have already been made.⁷⁴

AFIC on Halal slaughter

Comment: One of the most surprising concessions made during the whole hearings process is that AFIC allegedly do not support cruel Halal slaughter and the live export trade. Apparently they warned the Government some years ago of problems with such trade with Indonesia. This leaves the Government in a difficult position since it has been warned, but has reflexively accommodated, the live trade, even despite controversial documentaries showing terrible cruelty. Clearly, AFIC prefer to establish a Halal slaughter process onshore, which would provide lucrative opportunities for Muslim employment and immigration here, and they would receive a direct financial benefit since they receive payments for Halal certification if the process is done here. However, this provides a chance for a win-win, since many groups here would like to see an end to the live cattle trade, but with a proper readjustment process and fair compensation. In any event, it leaves the Government in a position where it cannot credibly argue that it is allowing the trade on the basis of Islamic law or practices. Muslims have a justifiable grievance if they did in fact make warnings that were ignored, and so long as they are willing to issue fatwas allowing stunning and use of bolt guns, but keeping the ceremonial aspects such as the blessing and humane animal rearing and management practices, thus leaving them a role.

Patel: *...Similarly we all know what is happening in Indonesia recently with the live animal trade. We put out a submission some three years ago. It was a decision that was taken in our animal congress. We wrote to the government then and said that the leadership of Australian Muslims do not want Australia to engage in live trade...What we saw on TV and what happens is not at all Islamic. Halal does not just mean that you say, 'In the name of God,' and you do the slaughter and that is halal, everybody can eat the meat and be happy about it. Halal means all the way from when the animal is reared, what they are fed on, how they are transported from the farms to the abattoirs or in fact to overseas countries, how the slaughter process happens. One animal should not even see another animal being slaughtered, not only see but they should not even smell the blood of another animal being slaughtered. Knives should be sharp, et cetera. But we as the Muslim community have had no consultation whatsoever on this matter..*

Comment: the problem here is that the dhabihah (halal) method of slaughter which involves making sure the head of the animal faces Mecca, invoking Allah's name at the time of slaughter, and cutting the jugular veins and carotid arteries with a swift deep cut without cutting the spine, is still inherently more cruel than Australian methods. The Australian method is to stun the animal or use a bolt gun, then cut. This is confirmed by many expert studies. It is obviously less cruel if done strictly according to halal with a very sharp knife and so on. But best practice is not always followed, nor can it be ensured by careful monitoring without a great deal of difficulty and expense, especially overseas.

⁷⁴ <http://www.dailytelegraph.com.au/business/breaking-news/students-want-special-prayer-rooms/story-e6freuz0-1225698279987>

Only stunning or use of a bolt gun, which ensures, with a much higher degree of certainty, that killing is humane, can be guaranteed to minimise suffering. It has been credibly argued by some Islamic scholars that Halal slaughter is not a religious compulsion at all, that Australian slaughter techniques are allowable, and that stunning and bolt guns could be the subject of a permissive fatwas.

The primary passages of the Qura'n providing for halal simply require blessing of food before eating. Qur'an 5:005: 'YUSUFALI: This day are (all) things good and pure made lawful unto you. The food of the People of the Book is lawful unto you and yours is lawful unto them'; Q 6: 121 'YUSUFALI: Eat not of (meats) on which Allah's name hath not been pronounced: That would be impiety. But the evil ones ever inspire their friends to contend with you if ye were to obey them, ye would indeed be Pagans.'; Q 2:173: 'YUSUFALI: He hath only forbidden you dead meat, and blood, and the flesh of swine, and that on which any other name hath been invoked besides that of Allah. But if one is forced by necessity, without wilful disobedience, nor transgressing due limits - then is he guiltless. For Allah is Oft-forgiving Most Merciful.'

Later in the same meeting representatives from the Human Rights Council gave testimony:

Australians support diversity: maybe they are not racist after all?

Comment: a constant concern throughout the hearings is the degree to which the broad Australian community, and Government agencies and employers, are racist. A 2009 study, by ANU Professor Andrew Leigh and others, where 4,000 job applications constructed using non-Anglo/European names and Anglo names, compared as to rejection rates, was mentioned by the Committee and discussed.⁷⁵ The results suggested racial discrimination. The authors posit that racism does exist to a degree in the job selection process, as do a range of other forms of discrimination such as against less attractive or intelligent people, those who have been, or are presently, unemployed, or those whom the interviewers feel may not fit into the prevailing workplace culture even when not based on gender, race, nationality and so on. In fact, any selection process is, by its very nature, a form of discrimination; it is simply that some forms of discrimination and unfairness are legal, others not. But the Committee seemed to have no regard to the obvious limitations and retorts. Was the discrimination against the applicants in the ANU study because of their race, or was it based on an assumption (nonetheless improper) about their likely ability to speak or write English? **Or was it something that the Committee would never dare consider: fear that once employed, anti-discrimination protections may make discipline or removal of such employees who prove unsuitable or who underperform, difficult, expensive or impossible?** These are related but slightly different issues.

Such racial discrimination works both ways. It is common knowledge that in CALD communities, jobs are allocated only to other CALD people (for example, Sydney Chinese restaurant employers often prefer, or employ only, other Chinese workers) and that discrimination against mainstream applicants is widespread and open. Often such discrimination is treated as legal since speaking a foreign language is considered a legitimate criterion for exclusion of mainstream Australians who speak only English. Rarely, if ever, are such cases litigated and prosecuted as cases of improper racial discrimination.

Some might suggest the Committee tasked itself with finding evidence of racism even when none exists; others would support them. The following exchange illustrates. The authors posit that the broad Australian community is no more racist than any other community, and that it strongly supports cultural diversity but strongly opposes multiculturalism on the basis that it strongly opposes cultural relativism and legal pluralism. But when immigrants who come from a very different cultural background are brought in large numbers quickly, as they presently are, then problems arise. Therefore care must be taken to ensure the number and rate does not exceed the level of cultural absorbency which is presently too high and should be scaled back considerably (not stopped altogether) at least until the present numbers are properly absorbed and better models developed. This is an important argument about degree, which cultural relativists, being extremists, cannot enter into, or allow.

⁷⁵ <http://www.theage.com.au/national/australian-bosses-are-racist-when-its-time-to-hire-20090617-chvu.html>; Does Racial and Ethnic Discrimination Vary Across Minority Groups? Evidence From Three Experiments: <http://econrsss.anu.edu.au/~aleigh/>; see http://andrewleigh.org/pdf/AuditDiscrimination_MR1.pdf

The following evidence attests to this but presents an awkward dilemma for those looking for an easy answer as to why problems such as skills recognition, long-term unemployment and high rates of crime and welfare dependency amongst refugee and immigrants, persist. Unless the Government is willing to concede that its models are failing because they have incentivised the wrong behaviours, such as having large welfare dependent families, not learning and speaking English, retaining cultural habits and identities, such as extreme forms of dress and extreme religious practices, and not mixing in the broader community, then blaming racism is the easiest solution. Inconveniently, the Government's own research showed high levels of support for diversity suggesting the community is not racist. Better move forward, or use multicultural funding to pay for a study showing the opposite results.

Mr Hettiarachi: *The commission was involved in some research led by Professor Kevin Dunn and it was released in February or March this year under the title, Challenging racism. One of the things it found, apart from Indigenous groups who either reported or others considered as groups who experience significant disadvantage and racism, was that some of the Muslim and Jewish community groups also identified themselves in that way. There are then some isolated incidents. Occasionally Indian students, when there are particular episodes that might be played out in the media, report peaks of instances of racism.*

Mr ZAPPIA: *Is that report available?*

Mr Hettiarachi: *Yes, it is publicly available. It is a national study done over some 10 years.*

Ms Raman: *We can make it available.*

CHAIR: *It was released about three or four months ago, was it not?*

Ms Raman: *Yes, it got a bit of publicity.*

CHAIR: *Yes, it did because the statistics were a surprise given the current atmosphere. These impressive statistics on tolerance came out on one hand and yet—*

Ms Raman: *And yet there was a racist undercurrent. Our work with African-Australians also shows that new and emerging communities have particular difficulties and face particular sets of disadvantage.*

Mr Hettiarachi: *The report did have a positive, which is to say that most Australians recognise that diversity is a positive thing. There were very high statistics on that. I cannot remember the number, but it was somewhere around the 80 or 90 per cent mark. Equally, about 80 per cent of Australians considered that racial prejudice is still a problem in Australia. [Comment: is this because the Government constantly tells them racial prejudice is a problem and they are simply reflecting back what they are told?]*

Hearing 14 March 2012 - Ms Lowe AS National Security and Policy Division Attorney General's Department

We must stop monitoring terrorists because it makes them do it?

Comment: the background to this hearing is that the Chair represents a very unusual electorate - Calwell. Calwell in Victoria has the highest proportion of Muslim occupants, more than twice the proportion of neighbouring electorates, and the third highest proportion in Australia. Arthur Calwell, once Immigration Minister, was famous for promoting mass immigration to Australia. He is also famous for the slogan 'populate or perish', ran against Menzies, opposed the Vietnam War, mentored Whitlam and, arguably, is Australia's most famous victim of political correctness when his remark, 'Two Wongs don't make a White' (White was in fact an opponent politician; Wong a Chinese person wrongly threatened with deportation whom he allegedly supported) was taken out of context and made to appear racist, associating him with the White Australia policy, which he administered but which was then commonplace in like countries such as the U.S., although certainly based on racial preference.

Many Australian Muslims, moderate and radical, feel hostile to Australia's involvement in the war on terror, oppose Australian policy on Israel and Palestine thinking it biased towards Jews, oppose the wars in Iraq and Afghanistan, and feel targeted by surveillance and anti-terrorism strategies and policies. They would have made these views known to their Local Member, the Chair, who appears keen to represent their interests so as to secure their votes. But this puts the Chair potentially in an apparent conflict with the security needs of the broader Australian community. Some may see it as a severe conflict of interest and that she should have absented herself from such discussions, or never accepted a role on the Committee in the first place. Others may disagree.

For many readers, although others may disagree, the following exchanges would evidence a possible agenda by the Chair (possibly also evidenced in her press release for the hearing): to stop close surveillance of her

electorate by having the emphasis of the Government's anti-terrorism program moved from the Attorney General's Department, a Government Department with close working links with agencies involved with national security, policing, and terrorism such as the Australian Federal Police (AFP) and Australian Security Intelligence Organisation (ASIO), and instead have it 'softened' (made less offensive to her electorate but possibly, thereby, less effective), by shifting it to mainstream Departments, and with the emphasis of anti-terrorism strategies changed from surveillance and programs demanding and supporting cultural change, to 'feel good' programs like sport, arts, community celebration, that emphasise only the positive side of multiculturalism, celebrate difference, show only positive images of community relations and demand no real cultural changes or concessions from Muslim people. Others may disagree.

Her argument may be that monitoring Muslims makes them feel oppressed, radicalises them and makes them extreme. The alternative view is that not keeping a close eye on them or demanding changes, radicalises them, because it allows extremists in their community free reign to propagate extreme views, influence young people and prepare terrorist plots, and blurs boundaries so people do not know clearly what is expected of them. Some may think the Chair subscribes to the former view, although no conclusive evidence exists that this approach would produce better security outcomes. Others may disagree.

The Chair also makes some worrying asides that may give the impression that terrorism is caused by Western foreign policy (such as failure of the Middle East peace process and U.S. foreign policy) and even that 9/11 caused radicalisation (blaming the victim?), a position eerily close, in many Australian people's mind, to the arguments employed by al-Qaeda, but obviously one not shared by the Chair who is an MP. However, in one aside she says the following: **Chair: ... they will do it [terrorism or radicalisation? – my words] anyway because technology and the internet allows it, as do the foreign policy agendas of other countries that we do not control but which we become affected by [Israel, U.S and U.K; or Afghanistan or Pakistan?].** This seems to be a clear concession on behalf of the Government that internet sites such as that of Hizb ut Tahir (which is allowed in Australia but banned elsewhere) is radicalising Australians. If so, it puts the Government in the awkward position of allowing or authorising something it concedes on the public record is a security risk.

Ms Lowe: The evidence at the moment tells us that the main source of international terrorism—the primary threat to Australia and its interests—is from the small number of individuals who follow a distorted, militant interpretation of Islam that espouses violence as the answer to perceived grievances. A number of communities have been identified as being the most vulnerable to the threat of radicalisation...

CHAIR: ... There has been a very strong message about the role of the media and how the media is portraying the Muslim community in particular but also migrant communities more generally. So there is a sense of discrimination and alienation from their community. Some of the grievances have related to foreign policy decision making. I think it was at our first community engagement forum that it was suggested that, if we could solve the Arab-Israeli conflict, we would get rid of the violent extremism problem. It was presented to us tongue in cheek, but I think the message is important. The role of law enforcement and intelligence agencies and the operation of counterterrorism laws has led to quite a lot of discussion about those laws being anti-Muslim or disproportionately impacting upon the Muslim community....later

Chair: .. I have a community which was very much under surveillance for a specific purpose and I know the impact the surveillance had on that community, in particular on second generation Australians, young people. A whole set of new grievances emerged, not as a result of social isolation but as a result of surveillance and being presumed to be capable of—a whole new attitude towards these young people. The programs you fund are aimed effectively at a lot of these young people to prevent something happening. Do you assess the programs and are you satisfied that it is something that is constructive, or are you concerned that inadvertently you are being counterproductive with the presumption, 'We are going to put you into this great program and the reason we are putting you into it is that we think you are more vulnerable and might do something to the Australian community'? A lot of these young people would never have had a thought in their head but they are having thoughts put in their heads. How do you perceive that type of engineering of behaviour and thinking, which is coming directly from A-G and the program?

Later the questioning from the Chair is increased:

Chair:Multiculturalism, by virtue of it being official policy for some 40 years, has worked in exactly the areas that you are now working in... So, yes, we have a relatively successful society not because it just accidentally happened. [Comment: in other words, anti-terrorism programs should be replaced by

multicultural programs designed to address disadvantage because that is the root cause of terrorism not religious extremism?] I am asking you whether what you are doing is really something that in many ways has been happening in this country for a long period of time. It just has not had the specific prism of a national security or a terrorist threat. I think that is the issue the question is what happens if we proceed down this path of viewing people in a particular way which becomes pre-emptive and presupposes behaviour, and what might that actually do to multicultural society in itself?

Ms Lowe: Multiculturalism has obviously been successful in a range of ways, but we cannot deny the fact that we have seen examples here in Australia of people convicted of terrorist offences.

CHAIR: Yes, that is true. There were issues in the seventies as well. That did not give rise to massive programs.

Ms Lowe: That is true, but I think the potential consequences of what the few individuals can achieve is something that government needs to take into account. There is a problem that exists because we are seeing evidence of that through our courts. The extent to which multiculturalism has supported people not to go down that path is probably—

CHAIR: It has dealt with those issues. You have identified social exclusion and all those issues. It has dealt with them, yes.

Ms Lowe: We also do a lot of social inclusion types of activities, but our objective is national security. There are agencies, there are policies and there are programs in place dealing with social inclusion and migrants in new and emerging communities feeling that they are part of Australia and engaging fully. But our program is not confined to community engagements—certainly not confined to dealing with migrant communities or emerging communities. The program is broader than that, and I think that is what distinguishes us from programs run by the Department of Immigration and Citizenship, for example. **We do work in prisons; we are interested in prisons and we are interested in online radicalisation**, which of course brings into play engagement with other countries where some of these websites are hosted. **We are very sure about what our role is and what our focus is, and it is squarely terrorism.**

CHAIR: You are doing intelligence work, which is understandable.

Ms Lowe: We are not doing an intelligence role.

CHAIR: The program is attached to an organisation that largely does intelligence work, civil disobedience work and national security. That is absolutely understandable. The reason I am persisting with this is because I actually think that there comes a point where all of this program that is attached could create problems rather than resolve them. You only have a four-year period, and you said it was generational in a world where people plug into the internet and follow whatever person they want to follow. **No matter how many programs you put people through, they will do it anyway because technology and the internet allows it, as do the foreign policy agendas of other countries that we do not control but which we become affected by. These are big issues, that is why I am persisting with them.**

Ms Lowe: ... We had a very competitive process and had quite large numbers applying comparative to the size of the program. It is quite a small grants program. We consistently had quite large numbers applying, so people have been self-selecting—we have not been approaching them to apply. **Another piece of work we did quite early on in this program was some market research to test the attitudes of people, and I gather that attitudes and perceptions are a very important area of interest for this committee.** We did some targeted work in the geographical areas where we were particularly interested. We did some targeted qualitative assessment and market research, or had it conducted on our behalf. We broke the groups up into parents and young people and we cut it a couple of different ways. We also did some broader quantitative work with the Australian community more generally. The kind of perceptions and attitudes that we were trying to test were whether there was an appetite even to talk about some of these issues and whether there was an appetite to engage with us on some of these issues. **The response we got was overwhelmingly supportive. People indicated that they felt that they had not had space to talk about some of these issues in an open and transparent way, and that we were creating a mechanism and some spaces for them to be able to do so at an intellectual level—to debate some of these issues and to address some of the narratives.**So the feedback we have been getting has been consistently that it is a difficult issue and that the Muslim community is disproportionately affected by this phenomena, not simply because the offenders have been claimed to be committing acts of terrorism in the name of Islam but because in their day-to-day experience they are experiencing discrimination and racism because of that environment. **They are particularly conscious that if we were to have an incident here in Australia their lives would be very difficult. The kind of experiences that they are having already would be exacerbated to beyond what any of us could really imagine, so they are very keen to take control of this situation and to influence it—to build up the resilience of their own community but also to create some understanding amongst the broader Australian community, to counter**

some of the negative portrayals in the media and to present strong spokespeople on behalf of their communities.

CHAIR: *They were reacting to circumstances that were created as a result of an event that took place 10 years ago.*

Ms Lowe: *Yes.*

CHAIR: *I do not want to get too convoluted, but most Muslims woke up on September 12 and became Muslims. Prior to that they were migrants. [Comment: what does this mean? Is she suggesting that the West is to blame for the 9/11 attacks having caused radicalisation? But it was radicals who made the attack, and radicals who celebrated the attack, and radicals who made further attacks.]*

Ms Lowe: *Yes.*

CHAIR: *So, who has put the cart before the horse here? This is where I want to go with some of this. The programs could be done anywhere by any department that is associated with education, work or social policy, and yet they are coming from Attorney-General's. That gives them a very specific purpose. It is very easy to create a rationale for why they should be there because there are facts out there, but the consequences of that are really what interest me as a member who has a very large Muslim community, and who knows it very well.*

We are going to have to send you our questions on notice as we indicated.

Ms Lowe: *That is fine.*

CHAIR: *I am sorry for the fact that it was spoilt today. Thank you for attending the hearing and giving evidence today. Your participation has been a valuable contribution to the inquiry.....*

The Chair on monitoring terrorists again 3 February 2012 - witnesses from the Vic. Foundation for Survivors of Torture

Comment: neither of these witnesses are experts in security issues of terrorism. Is the Chair leading the witnesses or simply helping draw out the issues? You decide.

CHAIR: *I have another question. It goes to the \$9 million budget that the Attorney-General's Department has. For some time there has been a shift of quite a lot of money into national security which goes directly to the issues that we have discussed about settlement, multiculturalism, migrants and asylum seekers. We would probably know why that may have been the case. On reflection, do you think that that was an unnecessary shift and not an appropriate shift of significant dollars to an area that probably has a specific focus on new migrants and communities which has to do with national security? How divisive and how difficult has that been for the last few years of debate on multiculturalism?*

Mr Aristotle: *It is hard to comment on how divisive it has been. It is entirely appropriate for a government to conduct research into that framework for particular purposes.*

CHAIR: *But it is also funding communities within that prism, and that is really what I want to get some comment on. I realise that it is a difficult issue.*

Mr Aristotle: *The issue for me on that front would be that blending these broader questions about multiculturalism, productive diversity and the capability of the wider Australian community to be as harmonious, supportive, inclusive and so forth as possible – whatever language you want to attach to that – cannot really be conducted purely through a security lens. That is a very small lens, which can become quite distorted once that is the overall paradigm for how these other pieces of work are done. Our position is not that it is not important to do some of those pieces of work, but it is certainly important not to allow that to be the paradigm for an area of social policy which is much more complex and encompassing than just that one particular aspect. If there is a requirement for money to do some work in that area that is fine, but it should not be the pull or the paradigm that we conduct the rest of this sort of research and development.*

CHAIR: *Thank you.*

Mr Szwarc: *I think that badging a lot of that money under the A-G's counter terrorism makes people wary. There is a sort of social harmony budget which has a broader frame of reference that people identify with. If you badge the money for deradicalisation or to prevent radicalisation then you will get a wariness. Again, that issue of countering threats to Australian society and security are absolutely a key priority, but that caution around how you then frame particular programs and describe them is critical or you end up achieving the reverse.*

CHAIR: *You do, and that should not be the paradigm.*

Mr Szwarc: *If we have to play football with you to deradicalise you is—*

The Chair on monitoring terrorists again - witness from the Muslim Women's Centre for Human Rights on 29 February 2012

Perhaps the tone is set with this exchange:

*Ms El Matrah - The last comment that I wanted to make is that, in reading some of the submissions to the inquiry—and I have not read all of them—it was very clear to me that a lot of people who have issues with multiculturalism really had have issues with Muslims. **That is their problem; it is not about multiculturalism per se.** Or they felt that multiculturalism was a good thing and that it worked really well until Muslims arrived, and that made it an unworkable policy. I was really concerned by this and the degree to which there seemed to be almost no entry point to speak to people about some of the issues that they feel would make Muslims unsuitable to be in Australia. I felt there was a quite extreme misunderstanding of who Muslims are and what Islam is.*

CHAIR: That is probably a good note to finish on. I am going to start with what you have just finished saying. We have looked at a lot of the submissions as well. I agree with the way in which you have described the concern in a large number of submissions. It is a concern about multiculturalism, but essentially it is about Muslim migration. [Comment: The authors posit that at least as much concern would be expressed regarding any group that wanted their own legal system, effectively a State within and State, or where the terrorism threat was as high – this is not evidence of racism. But alleging racism allows the issues to be avoided.]

*Ms El Martrah: The more the discourse about Muslims being problematic dominates the public space, the less able we are to work on issues within the Muslim community. **It is like people are under occupation and they will not speak about anything, because they feel that this is just further vilification.** As a Muslim women's organisation, this is how we perceive it.*

CHAIR: It is an interesting term, 'under occupation'. Within that period [post 9/11], a lot of the young people in the Muslim community, especially young boys or young men who are Australian born, came under scrutiny. Can you tell us a little bit about their experience? It was not just kids at school; it was a particular group. It was male and it was Australian born. What impact has that had? What effect would it have had on families, and especially women, as you deal with the women—the mothers, the sisters and the grandmothers?

*Ms El-Matrah: I think the focus on young men and the surveillance of young men has been profound. Having said that, after September 11, all community organisations understood that they were under surveillance. Some of those organisations, like us, welcomed it, because we thought: 'At least it will get settled. If they listen to our day-to-day calls, it's done.' None of us were sure we were under surveillance. One can only assume it. The surveillance of community organisations stopped within a couple of years, but the surveillance of young men did not. **Young men were very aware of that. What that did to them is that it separated them out, not only from Australian society, which they felt they were already isolated from; it actually separated them out from their families.** So it no longer became possible, as it had been possible, to work with women to raise the status of the family in general, because women are always good inoculators of values. So the experience of young men became far more difficult to access and it became far more difficult to actually support them, because they felt quite unique and alone. **Even trying to have the conversation with them about the surveillance—basically they felt there was further vilification and that it was coming from the Muslim community instead.** My understanding is that, at least in Victoria, the initial group of boys who were picked up were actually reported to the police by Muslims. I think Muslims have played a really big part in the surveillance of other Muslims. That has been done because people have felt that this would be the best thing, that really another attack would just be devastating for everybody. That has further ruptured the community. **Nobody trusts anybody anymore.** While it is not spoken about so much in the community anymore, everybody knows it and the wounds are there. I do not think that they are healed. We are still not very good at supporting young men.*

Comment: 'Under occupation' is a very politically loaded term for anyone who understands Middle Eastern politics as Ms El Matrah would, and, we hope, the Chair would. It is the term commonly used to describe the Jewish settlements in the West Bank. It is a term which is heavily contested. The Jews believe they are returning to their ancient homelands of Judea and Samaria; and have a rightful place there because they took it by force in a defensive war in 1967. They say they hold it, despite U.N. resolutions, in order to create defensible borders. Palestinians contest this and say that the 1967 war was pre-emptive, it was forever theirs, they were always a distinct nation, and they have been wrongly displaced. They overlook the fact that

'Palestine' comes from the word Philistine, a distinct people that predates Islam, and that the Jordanians, largely fellow Muslims, who held the West Bank between 1948 and 1967 did not recognise them as an independent State. The authors support a just two State solution with defensible borders and a fair settlement for both sides. But accepting the loaded word 'occupation' would be seen by many as taking the Muslim side, and showing bias; multiculturalists may disagree.

More worrying, is the proposition that surveillance stigmatises communities and creates terrorism. The solution? Stop surveillance. But how could the security of the nation be assured? This may enable terrorism. And what about the expressed view of the Muslim community, that they did not want there to be another attack which would marginalise them further, and that is why they reported potential terrorists? Surely, as a nation, we must encourage and reward those in the Muslim community who at the risk of being called disloyal, report terrorism. It would perhaps have been preferable if the expressed motive of those who made reports, had been to protect Australia (and perhaps it was), but the result, at least, is very welcome. It would appear that this approach is not well thought through. There is a real danger that the unproven proposition that surveillance creates terrorism will, if acted upon, enable terrorism. This is dangerous. Obviously, there needs to be some balance and sensitivity (which many would think Ms Lowe clearly demonstrated), but whatever surveillance is needed should be undertaken, in the national interest despite sensitivities.

Again there seems to be a very clear double standard at work here: one wonders if the Chair would apply the same reasoning (monitoring causes terrorism) to right wing terrorism? Perhaps she would. Would she support the proposition that those opposing multiculturalism should not be monitored? Or would she prefer that they be closely monitored to protect her from the death threats against her that she mentions in her evidence? The authors think that Government monitoring is necessary only in clear cases where the risk is real and grave, but that the machinery of the State should be used very carefully and *never* simply to repress legitimate protest or opposition.

Hearing Friday 29 July - Ms Moore: TAFE SA Mount Gambier

500 hours of English is not enough

*I have been involved in the AMEP program from the beginning of the settlement program—for 3½ years. I will give an example to illustrate the difficulties we now have that we did not have at the beginning. **The first group of Burmese refugees who came here were educated. They were trained in the camps in fields such as teaching, medicine and midwifery. When they arrived they had some basic language ability and were very responsive to the language program. A number of that group are now at TAFE doing further study under the Language, Literacy and Numeracy Program. Over the 3½ years of the settlement program in Mount Gambier, the groups we are now trying to teach in the AMEP come with no education and low literacy in their native language. They have had no schooling in the villages or in the camp. They come to Australia and they are given 500 hours to become functional in English. That is not an achievable outcome. We deliver three days a week of English under the AMEP at TAFE. That 500 hours is not even a full year of tuition. They are then told they must stop AMEP and either get a job or do further study. But they cannot meet the minimum entry requirements for further study at TAFE. We offer the English programs through the IVEC 1, but again they will be going into classes with Australian English-speaking clients when they have no language, and that is not a viable option for them. They want more language. They want more time to develop their English language skills—mainly spoken but also written. The 500 hours under the current AMEP contract is not sufficient to provide them with functional English.***

Mrs MARKUS: So what would be sufficient?

Ms Moore: I am not an expert in language in that context, but I believe people require in the vicinity of 10,000 hours tuition to become functional in a second language. That is not even comparable to the hours that are currently funded. The other issue for the refugee community is the financial burden that they then have to bear to go into other courses to develop their skills.

Comment: anyone reading through the many pages of evidence will occasionally be struck by emerging themes: problems identified by different witnesses again and again. One abiding theme was the serious disadvantage that lack of English language skills creates. One shared language is possibly the only cultural cement that may be left, that could bind a highly diverse nation multicultural country, when all else has been abandoned. Elderly Indians, Greeks and Italians were mentioned, some of whom had been here 50 years and

still had very poor English skills. Other witnesses referred to the costs of translation services which they wanted expanded. An Indian witness testified emotionally as to how many older Indians are seriously isolated here because of their lack of English competency (11 July 2011, Mr. Prasad Federation of Indian Communities of Qld.) Many witnesses testified to the poor quality English training and the fact that 500 hours was insufficient.

Of course the major problem the Committee will not address is that multiculturalism encourages communities to live separately and retain cultures, including speaking their native tongue, thereby actively discouraging English competency. Any form of compulsion or pressure to become proficient in English, and speak it in public, is seen as culturally insensitive. The question that the committee would never dare ask is: are we, by our cultural relativism and multiculturalism actively preventing people from assimilating or integrating? Are we, by spending so much on translation services, encouraging immigrants to continue to speak their own languages at the expense of change? What if we spent less on translation services and encouraged, through 'tough love' policies, greater self-sufficiency in translation, and put the money saved into more English competency programs? Are we in fact, through multiculturalism, cultural relativism, and political correctness, causing serious problems such as social isolation and unemployment leading to poor health, security and other outcomes that our expensive programs are designed to cure, but fail to? Better move forward.

Hearing - 17 August 2011 - Skills Australia

Are we racist for not giving all migrant graduates a job?

CHAIR: Yes. We can mentor people to decrease their expectation about the kind of job they should be involved in. If you are an engineer, maybe you should flip burgers for a while to gain experience, although it will never get you into engineering. Has there been a serious look at whether there is an attitudinal problem out there that will render any attempt to make progress here impossible because we have not addressed it, we have not named it, referred to it or called it and then addressed it? Maybe employers need some mentoring and understanding about how to open their minds up a little bit. [Comment: is the Chair trying to get the witness to allege racism? Does she want to re-engineer their psyche to eliminate racism or is she simply identifying issues to be addressed by suitable programs?]

Ms Beitz: The priorities on employer demand mean that it is requiring employers to—

CHAIR: Necessity will drive it.

Ms Beitz: Yes.

CHAIR: Doing it effectively.

Ms Beitz: Yes, perhaps that will change the attitude once the behaviour starts to change.

Senator CASH: Mr Shreeve, are you able to table your opening statement for the committee?

Hearing 12 October 2011 - Canberra Multicultural Community Forum - Mr Wong

The multicultural and Muslim respect agenda

Comment: The proposition that there are many experts in the field who have been administering multiculturalism for many years, but who are unsure what the official Federal definition is, and call for Government clarification, would be surprising to some. To others it would merely be acknowledgment of the truth: that multiculturalism is a deliberately vague term, which vagueness Governments have systematically exploited to political advantage.

Of course there are always those who boast that they have carefully defined multiculturalism, such as the S.A. Government. In its legislation it defines multiculturalism as, in the relevant part: '*policies and practices that recognise and respond to...ethnic diversity...and create conditions under which people can maintain and give expression to their distinctive cultural heritages*' - transcripts 28 July 2011 p 1. Since this is essentially meaningless, it is not a definition. It simply defines one thing as another: multiculturalism, a values laden term, is a policy about diversity ('noun' 1. 'being diverse' .. 'of different kind' - in context, a demographic fact), a value neutral term. This is the equivalent of defining a 'dog' as a policy about cats. It says, in effect, multiculturalism is diversity, when it is clearly not.

That any competent lawyer drafted such a definition is rather remarkable, unless his or her client's instructions were to be deliberately vague. It says nothing as to the hierarchy of laws and cultural practices, which is the crucial point, and the contested issue. Muslims may argue in future that they have a right to shari'a law as an expression of their culture as per the definition. What if the S.A. Government's diversity policy manual said the shari'a law rule about killing apostates was a legitimate expression of diversity, would it thereby meet the definition and become legal? Arguably, it would. Presumably the Federal Government would be wise enough to avoid making such a foolish drafting error: or would it? If it defines interculturalism or pluralism legally, as it should, it must make clear that Australian law is supreme so as to avoid any definition being used as a back door method to entrench legal pluralism, as the above definition might. This would be a clear renunciation of both cultural relativism and multiple legal systems. It could leave intact whatever accommodations (provided they are consistent with our human rights obligations) have been made to Indigenous law by making an express exemption clause for them, since their 40,000 year history and first people status, enjoyed by no-one else in Australia, makes them a special case.

The following exchange proves that the tension between multiculturalism, cultural relativism and legal pluralism, concerns experts, as well as the general public. Readers should note that Mr. Wong's testimony neatly outlines the confusion and tension between letting people practice their religion unimpeded by Government, and even supported, which he approves of, and his statement 'the parties have to follow Australian rules'. But what happens when Muslims, or others, demand the right to practice unimpeded their religious law that conflicts with Australian rules? That is the issue. Who gives way?

Second, readers should be aware of what the 'respect agenda' is, what the words mean, and where it may have come from. At first, the idea of showing respect for another's culture and law seems a civilised and reasonable demand. Of course people should try to appreciate the ways of others, even if they differ from their own. People should not automatically assume their own ways are right or the best. People should learn from others. But there is nothing inherently racist or wrong about saying that people have a right in their own nation to put their own law and culture above others and demand that those who want to enjoy the status of being a national or citizen comply. If not, then our citizenship pledge is racist.

People should always be willing to examine ideas and cultural practices and change if proved wrong. But what if some people come to Australia and want to bring their law with them? What if they want an Islamic or other State within a State? What happens when someone sincerely believes as a matter of deep religious conviction that their practices are correct and the best, but is wrong? Then says any other view is blasphemy resulting in death? What if one person sincerely believes leaving Islam is a grave and heinous sin punishable by death (apostasy) but another believes in freedom of religion and that such punishments are absolutely abhorrent? Should the latter 'respect' the former?

In essence the 'respect agenda' is extreme cultural relativism by another name. Readers should be aware of the common meaning of the word 'respect'. 'Respect' is defined in the Australian Concise Oxford Dictionary (2nd Edition 1996) to mean: 'deferential esteem felt or shown towards a person or quality'. Deference, in turn, is defined among other things to mean respect, or 'compliance with the advice or wishes of another'. But what if a person thinks it abhorrent to comply with another's rules on apostasy? Whose rules win out? Why should someone show deference to such a rule? Surely one should express strong disapproval?

Deference is a term which sets up a hierarchy and asks for something similar to submission. For that reason there is an old saying in Australia, and elsewhere, 'respect is earned not demanded'. In short, the Western tradition is to follow, and show approval for, only those cultural practices considered appropriate and in line with the Western tradition of universal human rights set out in international law and the U.N. 'Bill of Rights'.

Readers should also be aware of where this multicultural 'respect agenda' may have had its origins. Former U.K. Prime, Minister Tony Blair, once tried to make it a part of his multicultural policy response to rising ethnic tensions resulting from the Iraq war, but then abandoned it. The same agenda was espoused by George Monbiot, and some would say hijacked by the extreme left wing and radical Muslims in the U.K. who formed the 'Respect Party'. Mr Galloway, a colourful U.K. identity, stood as a member for that party in Bradford recently and won. The respect party is notorious in the U.K. for following an extremist Muslim agenda at the expense of the human rights of women, gays, free speech and so on (see Wikipedia under the 'Respect party')

and 'George Galloway').⁷⁶ According to Wikipedia and a range of media reports, Galloway supports shari'a law for Britain, has a reputation amongst some in the U.K. as being a vehement cultural relativist, and is a staunch supporter of multiculturalism. Readers are urged to read the Daily Mail article below.

That this respect agenda has been brought to Australia, and is being used to indoctrinate children at Australian schools to respect Arab Islamic culture, has been the subject of harsh and legitimate criticism by such as Vicki Janson, *Lets Get Real! Learning from one another: Bringing Muslim perspectives into Australian Schools*.⁷⁷ One suspects that there is an equivalent level of ignorance about toleration. Readers should explore the noble Enlightenment tradition of toleration by looking up Wikipedia under 'toleration'.⁷⁸ It is sad to see such a hard won foundational Western principle, established by great thinkers such as More, Bodin, Milton, Locke, Spinoza, so easily forgotten, misunderstood or denigrated. One suspects the Committee has not even taken the time to understand the meaning of a word they appear to reject so contemptuously. The Australian Concise Oxford above, defines toleration as follows: 'toleration: the process or practice of tolerating esp. the allowing of differences in religious opinion without discrimination'. One would have expected the Committee to approve of this. In fact, in some respects, some definitions, 'tolerate: allow the existence or occurrence of without authoritative interference', would be going too far when it comes to allowing the death penalty or punishment of apostasy or blasphemy in Australia: That should neither be respected, nor tolerated.

Mr Wong: The second issue is the definition of multiculturalism. This is a point that a lot of politicians always debate—what is meant by 'multiculturalism'? I am not here to give you a couple of hundred definitions but, since I am here, I encourage the parliament to spend a few resources on coming up with an official definition and use it thereafter. There should no longer be debate—if multiculturalism is part of Australia, let us make a good definition of it with a group of people like the AMC, who I was just talking about. Let them work out what would be the best way to do this, then agree on it and stop arguing about interpretations. Let us make it bipartisan support for this. After all, this is visionary and should be developed for future generations.

Mr ZAPPIA: Mr Wong, in your submission you made reference to the meaning of multiculturalism and suggested that perhaps there ought to be wider debate about what it means. What do you think it means?

Mr Wong: In our submission, we are suggesting that—I cannot phrase this in proper English—it is basically that Australian residents should welcome people practising their multicultural heritage with no interference or coercion. Basically, we should allow them to practice their religion, eat their food and, more importantly, their lifestyle, and so on, and provide it. The parties have to follow Australian rules of law and so on. It is along those lines. Generally people would accept all of that. It is difficult because our country was founded through the British system, so we follow Christian traditions and so on, such as opening parliament and where we pray. Those things have been improved. Maybe holistically we can modify it and so on. I do not want to get into a word war or something like that. I think basically we need to be able to appreciate it. Probably the word is 'respect'. Since you asked me that question, I hate people saying to me, 'Australia is a tolerant society.' That is a terrible word. Mr Zappia, if you tolerate somebody, what does that mean?

Mr ZAPPIA: You don't like it, but you put up with it.

Mr Wong: That is right. Therefore, I encourage members of the committee to recommend to the parliament and the government never to use the word 'tolerant'. We are all equal. Do not say we are 'tolerant'. It is an awful thing to say, especially to your family and friends. We are all friends.'

Hearing 22 June 2011 - Prime Minister and Cabinet Social Inclusion Unit

Social cohesion or multiculturalism – who swallows whom?

Comment: the background is that the Government's social inclusion agenda has been under pressure in the media. A series of articles in *The Australian*, Furedi, F., 'Social inclusion, leave me out', 14 January, 2012,⁷⁹ have questioned whether it is well thought out. Some see it as part of a process of bureaucratic expansion, 'pork barrelling' to buy the votes of those in the lower socioeconomic areas (usually ALP electorates) and welfare dependency. The right wing of politics say that poor people should become more self-reliant, which the authors support, always provided there are appropriate and effective support and enough available jobs; as

⁷⁶ <http://www.dailymail.co.uk/debate/article-2123654/George-Galloways-victory-thing-Britain-needs.html>

⁷⁷ <http://www.ideologicaljihad.com/downloads/LGRTX.pdf>

⁷⁸ <http://en.wikipedia.org/wiki/Toleration>.

⁷⁹ <http://www.theaustralian.com.au/national-affairs/opinion/social-inclusion-unit-leave-me-out/story-e6frgd0x-1226243909243>

should richer people. Of course, the right wing ignore the generous tax concessions, industry assistance, health care rebates, superannuation tax benefits, family payments, proposed paid maternity leave based on wages (allowing payments of up to \$75,000) and now even Government assistance for nanny's, that the Liberal party electorate enjoys, or will enjoy if elected, from the public purse or with Government subsidies. Their welfare is often hidden, whereas poorer people must openly apply for theirs. Self-reliance for the poor: welfare for the rich?

Aware that the social inclusion agenda is under pressure, many would see the following exchanges as evidence that some members of the Committee wish to have it closed down and the funding subsumed into multicultural programs, or its agenda changed so that funding is directed in greater proportion to its own client group – the CALD community. This would effectively render the social inclusion agenda meaningless. It was designed to recognise demographic reality: that years of mass immigration, positive discrimination and generous race and minority based funding, has left many people who are not CALD (mainstream) in a position of relative disadvantage - increasingly left behind and in poverty. It is this disparity that has caused widespread community resentment, fuelled racism, and damaged social cohesion. There are many heart rending examples of poverty among non-CALD communities, but multiculturalists are generally blind to their sufferings and see only the suffering of exotic new arrivals. We hesitate to predict, but it is possible that this blindness may cost the Government the next election and years in opposition, unless multiculturalism is abandoned and swift action taken.

Some may see the following as a clear exercise in discrediting the social inclusion agenda and pressuring it to shift funding to the CALD community; others may disagree. You decide.

*Mr Ronalds: Perhaps then by way of introduction and to give a little bit of background on the social inclusion agenda. The social inclusion agenda is clearly a **very broad agenda** and covers a very large array of issues. One of the challenges with the agenda, of course, is its sheer breadth. **It is by definition an inclusive policy agenda which applies to all Australians, regardless of their ethnicity, cultural or linguistic background, gender, age or a range of other factors.** The role of the Social Inclusion Unit sitting within the Department of the Prime Minister and Cabinet is to coordinate a **whole-of-government response** to social inclusion agenda.*

*CHAIR: I might start off with a couple questions relating to that, because one of the reasons we asked to see the unit [Comment: brought to heel? Or asked to contribute?] is that, you would probably be aware, **in a number of submissions that have come before the committee it has been noted that words such as multiculturalism, cultural issues and language issues were absent from the original narrative of the social inclusion agenda.** My understanding of it has always been that it was very much focussed on jobs, the creation of jobs as a vehicle for inclusion and also looking at categories of people that would be considered vulnerable. **It did not necessarily identify cultural diversity or lack of English language skills as a prominent area of exclusion. Do you want to comment on that?***

*Mr Ronalds: It is a very good place to start. **I guess we would probably challenge the underlying contention.** The social inclusion agenda has sought to focus on outcomes as to how, if you like, the Australian government can make tangible improvements to the lives, particularly of people facing multiple forms of disadvantage. **Clearly, people with a different cultural and linguistic background are likely to be potentially at higher risk of being disadvantaged. But I guess that the disadvantage has not been the lens through which the social inclusion agenda has looked at these issues...**[Comment: then after perceiving a degree of displeasure?]. That said, I would also point to a range of evidence where the Social Inclusion Unit, the Australian Social Inclusion Board and the government's social inclusion agenda more broadly **have certainly taken a focus on the issues of multiculturalism, discrimination, non-English speaking backgrounds and those sorts of things....** It goes through to identify some priority areas, for example, identifying children at risk of long-term disadvantage is one of the groups in the social inclusion agenda that have been identified....**Again, within that broad descriptor of a broad cohort that is identified as being at risk of social inclusion, there is specific reference for example to young people who have come to Australia as humanitarian refugees.***

*Comment: Many Australians would find this exchange to be an amusing example of 'bureaucratic flexibility' - 'our program is specifically designed *not* to be CALD specific, but if you object, let me show you how CALD specific it is'. Of course others may see this differently. The questioning becomes more focussed, and there is discussion of a toolkit designed to identify who gets helped.*

CHAIR: *If you were asked to explain to someone on a very practical level [Comment: is the allegation here that the whole social inclusion agenda is academic or too abstract as opposed to the practical well defined multicultural agenda?] what that toolkit was about, what would you say? What exactly does it mean? What are the requirements? I am thinking about my electorate in Broadmeadows, who are a target group. They may not necessarily fit the cultural diversity, although they do. The reason I am asking this question is that I think social inclusion is very narrow in its approach. We are investigating multiculturalism, which has been 40 years of policy that has done 100 times over a lot of the stuff that this agenda is now doing but it is doing it without that part of the agenda. That is where I am coming from.*

Comment: many would think the opening statements are somewhat circular. Diverse but not diverse? The Chair's criticism seems to start out being that the social inclusion agenda is too broad and therefore flawed because it does not focus enough on the CALD community, essentially the Chair's electorate and constant concern; it then pivots to become a criticism of being too narrow for not being focused on the CALD community, a narrow group, such as her electorate. Of course others may disagree.

The allegation seems to be one of a duplication of functions. Those familiar with Government would know that if one can identify a duplication of function and allege waste, then one program must give way and be subsumed by another. But which one will win? What will be the policy approach of the future? Whose empire will reign supreme?

The authors strongly support the social inclusion approach which builds cohesion by focusing on need not race or culture. Perhaps this explains the later exchange. Readers should be aware that a rich body of work exists, criticising race based affirmative action, a policy that unpins multiculturalism. The danger is that its misuse, and failure to adjust for demographic change, results in injustice and giving a disproportionate amount of resources to middle class CALD people at the expense of poorer CALD and non-CALD people. Readers may wish to start their research at Wikipedia and look at the criticism of affirmative action, such as Thomas Sowell: 'Affirmative Action Around the World: An Empirical Study'.⁸⁰

Ms GAMBARO: *How was the Social Inclusion Board chosen and does it have an adequate number of people from culturally and linguistically diverse backgrounds?*

Ms GAMBARO: *So it has a greater emphasis on human rights issues. I think Maria touched on it earlier when she was talking about multiculturalism and how much of an emphasis it was given in your deliberations. From that perspective, I am just trying to work out where multiculturalism ranks in importance.*

Comment: another method of securing a change in focus from broad mainstream to CALD would be to secure CALD representation on the social inclusion board or have the focus of its human rights considerations refocused from broad mainstream to CALD communities. Is this the point here? Many might think so.

Mr Ronalds: *I will add one more point about that. This goes back to the point about how this hits the ground in a practical sense. If we look at the pilots that the Social Inclusion Unit has been focusing on in the first term, it is interesting how many of them are in locations that have high levels of non-English speakers. I have mentioned the Broadmeadows work. The Social Inclusion Unit has been working very closely with DIAC in Hume in Victoria in conjunction with a philanthropist, Scanlon.*

CHAIR: *That's my electorate.*

Mr Ronalds: *Yes. That has been a real focus.*

Comment: Sensing pressure, or perhaps for other legitimate reasons, it appears that a CALD focus can be achieved, through the scheme's practical implementation, conveniently also addressing the concerns of the Chair's electorate. But if many of the pilots and eventual schemes are in CALD communities, what of the professed broad non-CALD social inclusion focus? Is it non-CALD in theory, CALD in practice? It seems perhaps so.

There was discussion of Migrant Resource Centres, their long duration, expertise and experience and the wonderful examples is the Chair's electorate (but see Dr. Jupp's testimony), and discussion of the new

⁸⁰ http://en.wikipedia.org/wiki/Affirmative_action. See for example, Michaels, W.B., *The Trouble with Diversity; How we Learned to Love Diversity and Ignore Inequality*, New York 2006.

machinery of the Social Inclusion Unit, and whether there would be duplication, and questions as to how it would work. The Chair then said this:

CHAIR: *On Friday in Sydney it was made very clear, even by the Human Rights Commission, that multiculturalism and social inclusion are intrinsically linked, with multiculturalism from where I stand as being almost the over layer rather than the other way around.*

Comment: Is this a veiled assertion that there is duplication here, that the social inclusion agenda, an agenda coming from the PM's own office, is unnecessary or ill considered, and that multiculturalism, the more experienced, well-designed and dominant program should subsume social inclusion? Or would that be reading too much into the exchange? Which program will swallow the other? If so, there appears to be rivalry and a lack of coordination between important arms of Government policy. It could be somewhat embarrassing to the P.M.'s office if there was perceived to be a conflict between agencies; or criticism, by other Government members, of a program coming out of her office.

Hearing 21 March 2012 – Bluestar Intercultural Centre

Comment: *The Concise Oxford, Australian Edition, 1996, defines a 'bigot' as someone with 'an obstinate...belief in a political theory'. An obstinate belief is defined as one that is not susceptible to persuasion. That is, not susceptible to persuasion by fact, argument or contrary opinion. In short, a bigot is someone with a closed mind. Those who oppose multiculturalism are routinely labelled and pathologised; they are commonly called bigots. Ironically, many believe that the 'bigotgate' fiasco in the U.K. helped to lose the Labour Government, led by PM Gordon Brown, political office. Clearly, the British public felt that Gordon Brown had closed his mind.*⁸¹

Many Australians would read the following transcript and think the Committee has closed its mind. Many will think it is captive to the ideas of cultural relativism and is predisposed to think that the current migrant intake is the same as others, multiculturalism poses no problems, and shari'a law is essentially harmless and manageable. It seems that no amount of contrary evidence, even the current turmoil in Europe, will persuade some people otherwise. But those with an eye for detail may detect in the subtle nuances of the evidence presented through the hearings, a nagging doubt. Even when people are determined to ignore evidence, and truth, there is something about the truth that is compelling: the truth will out. Even despite possible attempts to direct witnesses to give testimony that supports multiculturalism and the idea that legal pluralism and shari'a law pose no problems, the following extracts may leave some people feeling that nagging doubt is working away, relentlessly, in the background.

Stoning adulterers in shari'a – yes or no?

CHAIR: *During the inquiry, one of the areas that has emerged as a problem is the area of some who have called for sharia law or parts of sharia law to be accommodated in Australia. It has been in the media on a few occasions. It is an area that the committee needs to understand....Some members of the community are calling for legal pluralism around the areas of wills, finances, marriage and divorce. Just enlighten us on where sharia law, for example, is not consistent with the law of this country. That is the kind of conversation we want to have with you.*

Mr Sahu Khan: *...People unfortunately look at the practices of particular countries and they interpret that and they feel that that is sharia law. For example, if it is in a country where there is death by stoning for adultery, one has to be careful to quite understand whether that is in fact sharia or showing the way. When we as Muslims talk about showing the way, we look at the Holy Koran as the guidance.*

CHAIR: *You talked about stoning women in some strict Muslim countries for the purposes of punishment for adultery or something else. Is there a component of prescribed penalties for behaviour that is not acceptable?*

Mr Sahu Khan: *What I said is that, when you are talking about sharia, you look at the guidance itself, which is the Holy Koran and, of course, as you know, the practices of the Prophet Mohammed. The word 'sharia'—means 'giving or showing the way'—so, with legislation, it would simply mean providing guidance and determining how it would benefit humanity. That is the basic concept.*

⁸¹ http://news.bbc.co.uk/2/hi/uk_news/politics/election_2010/8649841.stm

Senator CASH: Can I just confirm something, Mr Sahu Khan? **You are not saying that in certain instances death by stoning for the commission of a crime would be acceptable and you would be being shown the way? You are not saying that, are you?**

Mr Sahu Khan: No.

Senator CASH: Are there any circumstances where death by stoning would be acceptable?

Mr Sahu Khan: No.

Senator CASH: I just wanted to confirm that.

CHAIR: It is good that we are clarifying.

Comment: This is verifiably false. The witness admits that the primary sources, Qur'an and Hadith, define shari'a law – the 'path' or 'way'. Even though other interpretive tools are used, there is no other concept of shari'a outside the Qur'an and Hadith, to say otherwise would be blasphemy. The Qur'an and Hadith describe certain penalties as well as the punishments, this is known as Hadd or Hudud. Those punishments are mandatory in most, if not all, madhab, especially the conservative Hanbali Fiqh school. Any authoritative text, such as the *Reliance of the Traveller*, approved by Al-Azhar University in Egypt, sets out the penalties which are Hudud.

For adultery the punishment of flogging is set out in Q 24:002 (see Qur'an at Centre for Muslim and Jewish Engagement at cjme.org): **'YUSUFALI:** The woman and the man guilty of adultery or fornication - flog each of them with a hundred stripes: **Let not compassion move you in their case**, in a matter prescribed by Allah, if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment.' The punishment of stoning is set out in such as Q 7:084: **'YUSUFALI:** And we rained down on them a shower (of brimstone): Then see what was the end of those who indulged in sin and crime!'

Hadith: Bukhari: Volume 2, Book 23, Number 413: Narrated 'Abdullah bin 'Umar: 'The Jew brought to the Prophet a man and a woman from amongst them who have committed (adultery) illegal sexual intercourse. He ordered both of them to be stoned (to death), near the place of offering the funeral prayers beside the mosque.'

Many more Hadith showing the way of the Prophet, his way, Allah's way, specifically describe stoning as a punishment for adultery. Clearly, the witness is either practising taqiyya, or is saying that he personally disapproves of stoning. Whilst there is some dispute in shari'a law between schools as to the precise punishment for adultery, some think flogging is the penalty, some death, and some death by stoning, all agree that adultery is a grave sin and is punishable. Stoning is certainly practiced in some Muslim countries such as Afghanistan. Even a simple visit to Wikipedia under 'sharia law' or 'stoning' would confirm this. This exchange is somewhat troubling. It risks the appearance of a worrying lack of knowledge, research and preparation by the Committee, as well as a high degree of gullibility, a willingness to believe the untested evidence of some witnesses in the face of clear evidence and example. Of course, in Australian law, the idea of any punishment for adultery is abhorrent.

Hudud penalties, amputation for theft, honour killings and honour based violence

Mr GEORGANAS: If I could just add honour killings to that example of stoning—none of that would be—

Ms Rahman: No.

Senator CASH: Absolutely.

Mr GEORGANAS: Yes. Just clarifying.

Mr Sahu Khan: The other good example would be where, in a lot of countries, you have cutting of hands for hands for stealing.

CHAIR: Yes. I know from my—

Mr Sahu Khan: That is not Islamic law. It is the interpretations, or the misinterpretations, of the verses of the Holy Koran, that gives rise to all these misconceptions. [Comment: there is no room in the Qur'an for misinterpretation, see later extracts. The crime and penalty are clear. If so, is this false testimony? Or a mistake?]

Mr GEORGANAS: And they are the ones that get published in the newspapers.

CHAIR: So that we can narrow it down to what it is important for us to understand, the whole concept of the discussion around sharia law in Australia and the Muslim community, can you perhaps guide us through the thinking of the community especially in relation to calls for some accommodation of sharia law?

Senator CASH: *I think this is a very good conversation that we are having about what is actually meant by Sharia law. One of the things that I would find very useful would be if you were able to take on notice to provide to the committee a list of those punishments which are condoned by Sharia law and those punishments—for example, the cutting off of the hand or the death by stoning—which may be practised in a Muslim country but which are not actually part of Sharia law, in particular, the honour killings. The recent example in Canada of the husband and wife who killed the first wife and the three girls has again incited a lot of people to say: 'Honour killings equals Sharia law. That is what people want here. We are suddenly going to have women having their throats slit.' I would personally find it very beneficial to properly understand what punishments are condoned by Sharia and what punishments are not. [Comment: why seek this information from a witness who may misunderstand or give misleading testimony? Why not simply confirm it by looking at any authoritative shari'a law text such as the *Reliance of the Traveller*? A simple Wikipedia search under the term 'sharia law' would even show clearly which crimes are Hudud. Why not go to primary sources so as to get an accurate picture? Unless, of course, one does not wish to discover the truth].*

Mr Sahu Khan: *When we talk about punishment we obviously talk about offences, as in, you get punished for the offence. In terms of that there is clearly a provision in the Holy Koran where it says that one has to follow the law of the land.*

Senator CASH: *Does that translate to, in Australia's case, Australia's law?*

Ms Rahman: *Absolutely.*

Mr Sahu Khan: *That is it. The thing is this: so long as the particular legislation does not in any way contradict our religious beliefs we are obliged to follow it.*

Senator CASH: *That would be a point of tension, I would have thought.*

CHAIR: *Where would the contradiction be, do you think, in the law of Australia and Islamic belief? Is there an area where the community generally sees a contradiction? It may be not at all*

Ms Rahman: *There is none.*

Mr Sahu Khan: *There is none that we can see. This is where the misconceptions will arise.*

Mr GEORGANAS: *Murders happening in every community; here in Australia, in the US, the UK and Canada. Regardless of what race or religion, they take place. When we follow the court cases we see a scorned lover has murdered his ex-wife and a third party—it happens regularly in every community. How much do you think, when it happens in a Muslim community, that this so-called Sharia law is brought in as an excuse by the perpetrator of the crime, even though it is not—and from what I have heard today it is definitely not—part of Sharia law? The perpetrator's reason for committing that crime could be no different than in any other community, but when they front the court cases or the authorities they are grasping at straws to try to give themselves justification for doing it.*

Mr Sahu Khan: *It explains the conduct; it does not exonerate it.*

Mr GEORGANAS: *No. I am just wondering if you think that is one of the issues or the problems with the perception that people are getting?*

CHAIR: *These sorts of honour killings are not particular only to the Muslim world. In 1958 in Greece one of my uncles killed his sister as an honour killing. That was in 1958, so not long ago we had communities that came from backgrounds with similar sorts of attitudes. That kind of clarification is very important.*

[Comment: this is a classic example of cultural relativism. All cultures are equal. It completely ignores the possibility the advances that have been made in Greek culture in the last half century that may not be evident in the cultures of places such as Afghanistan or Iraq from whence many Muslim refugees are arriving.]

Mr Sahu Khan: *I think it is important that when we talk about Sharia we look at the sources for Sharia... There are legal and ethical boundaries... Every crime is also a sin in Islam. I cannot think of any offence which would not be a sin as well in the religion of Islam. But not every sin is necessarily a crime. Adultery is a sin but it is not a crime. That would be a crime in some Muslim countries, where that is how they look at it, and that is why they have this punishment, and they stone people to death or whatever. [Comment: This clearly contradicts early testimony]. But not every sin is a crime. That is so important to understand... What Muslims want in Australia is a fair go that they would get in sharia. The issue that comes to my mind straight away is, for example, a person who dies intestate without a will. The distribution under the Australian law would be that all children would get equal shares, whereas under sharia law there is a certain proportion which is quite different from equal.*

Ms GAMBARO: *How do we reconcile that within Australia under our laws? This is where I think there is some confusion.*

Mr Sahu Khan: *The claim for sharia law is not to replace the Australian law.*

Mr ZAPPIA: *...My question is: for a Muslim, what takes precedence—sharia law or the law of the land, regardless of which country you are in?*

Mr Sahu Kahn: The law of the land as long as that is not inconsistent—

Mr ZAPPIA: Hang on: you qualify it by saying, 'As long as it is not inconsistent.' I am asking the question, without qualifications: what takes precedence in the mind and life of a Muslim person—sharia law or the law of the land?

Mr Sahu Kahn: I do not think that question can be answered by yes or no. The answer to that question is this: the law of the land prevails, and we are out of lineage under the Koran to follow the law of the land..

Mrs Rahman: I can give you a very quick example: I was asked to take this hijab off by law. That would contradict—that is a clear example of where I would say, 'No, I'll break the law.'

Mr ZAPPIA: That is an example. The question still comes down to: ultimately, what takes precedence in your mind and your life?

Mr Yousef: Sharia law. This is a divine law. When it comes to contradiction, I have to consider which land I am in—that is all. But sharia law is a divine law. It is a code of conduct and behaviour....[Comment: this appears to be a clear concession that even where serious crime is involved, shari'a law is supreme over Australian law. The implications are profound and disturbing].

CHAIR: I want to help you a little with that because, effectively, sharia law also is a religious practice in the same way that Christianity has, which then decreases certain sorts of behaviour. A truly pious Christian or Jew would want not to be subjected to breaking the *fasting rules* and all sorts of other things that are integral to their belief system. Do you mean it in that context? Sharia law prevails in the mind of your faith but, in your case, if we legislated against wearing a hijab, you would choose to break the law of the land because you choose to wear one. I do not want any misconception that all the Muslims in this country see sharia law above everything else when it is about religious practice. You are not allowed to break the 40-day fast. If I am a good Christian, I should not break it but if I am forced to eat something—just to get that clear.

Whose law is supreme – shari'a or ours?

Comment: To some degree, one can appreciate the situation of the witnesses; they are in a difficult position. Our law, and the oath they have taken under our law, demands their honest testimony. But their loyalty to Islam demands a greater loyalty: to Allah and his Messenger; to the faith of Islam and to the Muslim ummah. Many Muslims wish to secure not only the freedom to practice their law here, they already do so anyway, quite extensively it would seem, because the Government effectively ignores it, then lies, but the right to have their law recognised in Australian law so that can become entrenched. They may wish to make way for Muslim immigration and the spread of Islam in Australia as any dutiful Muslim would.

The witnesses would be aware that shari'a law punishes, with death, apostates and blasphemers. But there is a solution. Islamic shari'a law clearly authorises *taqiyya* (telling a deliberate lie: 'I am not a Muslim' when one is) or *tawriya*, or *kitman* (effectively deception, by employment of ambiguity: 'I am not what you would call a Muslim', when one is, knowing the reader would lack detailed knowledge of the content of the Qur'an, Hadith and shari'a so as to know what being a Muslim really means). But not only are *taqiyya* and *kitman* clearly authorised in the Qur'an, in many ways their employment is honourable, and the duty of every good Muslim. In effect the oath they have given to testify honestly under our law, conflicts with the first pillar of their religion, the shahada, their Muslim oath of loyalty to Islam.⁸² For example, on the subject of loyalty, the British public have been shocked by the case of a Muslim member of Parliament, Lord Ahmed of Rotherham, who has been suspended for allegedly putting a bounty of 10 million pounds for the Capture of Barak Obama in response to a U.S. bounty on the capture of a terrorist it blames for orchestrating the Mumbai terrorist attacks.⁸³

Whose law is supreme when the two conflict is a matter of critical importance. It is at the heart of whether Islamic immigration is inherently different from other waves of immigration because Muslims cannot uphold their citizenship pledge due to their religious obligation to prefer God made law above man made law. It is at the heart of whether cultural relativism is correct, all cultures are equal, or not. Very importantly, in the earlier Cash/Khan exchange, the witness answered that he believes shari'a law is divine law and is superior to man-made law without reservation, even in respect to the examples then being discussed, the law as to honour killings, amputation and stoning. In short, even when serious criminal offences are involved, shari'a overrides Australian law and compliant Muslims must prefer shari'a law when they conflict, as they mostly do.

⁸² <http://www.meforum.org/2538/taqiyya-islam-rules-of-war>; <http://www.gatestoneinstitute.org/2898/tawriya-creative-lying-islam>

⁸³ <http://www.dailymail.co.uk/news/article-2130256/Lord-Ahmed-Rotherham-offers-10m-bounty-detain-Obama.html>

There is a simple reason for this. Since Allah is supreme, putting man made law above Allah’s law (setting up partners with him - *shirk*) is the equivalent of apostasy for which the Hudud punishment is death. Qur’an 4:048 YUSUFALI: ‘Allah forgiveth not that partners should be set up with Him; but He forgiveth anything else, to whom He pleaseth; to set up partners with Allah is to devise a sin Most heinous indeed.’. Qur’an 3:064 YUSUFALI: Say: ‘O People of the Book! come to common terms as between us and you: That we worship none but Allah; that we associate no partners with him; that we erect not, from among ourselves, Lords and patrons other than Allah.’ If then they turn back, say ye: ‘Bear witness that we (at least) are Muslims (bowing to Allah’s Will).’

Bukhari, Volume 4, Book 52, Number 260: Narrated Ikrima: ‘Ali burnt some people and this news reached Ibn ‘Abbas, who said, ‘Had I been in his place I would not have burnt them, as the Prophet said, ‘Don’t punish (anybody) with Allah’s Punishment.’ No doubt, I would have killed them, for the Prophet said, ‘If somebody (a Muslim) discards his religion, kill him.’ 003.064

But here the Chair intervenes and seems to be trying to suggest that Muslims as a community only follow shari’a law in preference to Australian law when far less serious matters, such as purely religious observance, such as food preferences, are involved. The Chair then equates this to Christian and Jewish observance. This is a highly misleading example as it is highly unlikely, given the extensive freedom of religion in Australia, that any such clash would occur; no laws are ever likely to compel breaking the Muslim fast. This intervention risks the appearance of seriously distorting the evidence offered by the witness on a crucial matter. Many might find the implications profound and troubling. Others may disagree.

Amputation for theft – yes or no?

Mr Sahu Khan: The other good example would be where, in a lot of countries, you have cutting of hands for hands for stealing. CHAIR: Yes. I know from my— Mr Sahu Khan: That is not Islamic law.

Comment: this is verifiably false. Amputation for theft is set out in the Qur’an 5:038, the primary source of Islamic shari’a law. ‘YUSUFALI: As to the thief, Male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in power.’ Again, numerous Hadith confirm this practice and it is practised today in places such as Afghanistan, and Saudi Arabia. Again the testimony appears to be false; or the witnesses’ own, but idiosyncratic, understanding.

Honour killings and violence

Comment: the suggestion by the Committee and some of the witnesses’ reactions suggest that honour based violence is not part of Muslim law or culture, or that it is the same as any other form of domestic violence or crime, or that it is prevalent in other cultures, or as prevalent. This is verifiably false.

Only those who are truly ignorant of what Muslim honour based violence and killing is, could suggest that it is the same as any other type of violence or killing. The report of the U.K. group the Centre for Social Cohesion, *Crimes of the Community: Honour Based Violence in the U.K.*, 2010 explains it neatly.⁸⁴ Expert reports such as that by Women for Women’s Human Rights, Zuhur, *Gender, Sexuality and Criminal Law in Middle East and North African Countries* 2005⁸⁵ available at stophonourkillings.com explain why honour based violence is peculiarly prevalent in Islamic countries. Wikiislam.net has a useful summary of its foundations and prevalence.⁸⁶ Pamela Geller bravely documents honour crimes on her website. The Jordanian author Rana Husseini in her book, *In the name of Honour*, Oneworld 2009, give a useful summary.

Honour killing as a specific behaviour may not be mentioned in shari’a law, the Qur’an or Hadith, as a Hudud crime and penalty – ‘if your wife dishonours you, you must kill her’. But the concept of Islamic honour based violence undoubtedly has a religious and cultural foundation. This is because the Qur’an and Hadith set up the preconditions for honour based violence and authorise behaviours that lead to it. Qur’an, 4:034, the primary

⁸⁴ http://www.socialcohesion.co.uk/files/1229624550_1.pdf

⁸⁵ <http://www.wfwhr.org/images/GenderSexualityandCriminalLaws.pdf>

⁸⁶ http://wikiislam.net/wiki/Honor_Related_Violence

Ayat on male and female relations, sets up males as guardians of the women in their family and as their superiors. It exhorts obedient women to guard their honour. It authorises physical violence when nushuz, disobedience, rebellion, or misbehaviour, is involved. This violence sometimes results in death. Additionally, Q 2:233 which says 'Your wives are as tilth unto you; so approach your wives when or how ye will..', authorises rape in marriage – a complaint Muslim woman cannot refuse sexual intercourse.

Q 4:034 'YUSUFALI: Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all). '

Second the Qur'an and Hadith oblige modesty, veiling and segregation (Q 24:30-31). Third, the Qur'an and Hadith harshly punish adultery (by stoning, death or flogging), lewdness (which can include lasciviousness or homosexuality), drinking, gambling and drug taking by flogging or death (Q 5:90, Q 2:219; Q 4:015; BK 8:81:766). Fourth, underage marriage and consummation is legal and practised – it is specifically authorised by Hadith and the example of the Prophet. Honour based violence and killing is often based on enforcing these punishments or practices and a range of others. Fifth, contemporary laws in some Muslim countries such as Jordan allow reduced penalties or acquittal for reasons of honour; or trial or prosecutions never occur.

Finally, there is the cultural element. Islam, being based on the Sunnah, the way of the Prophet and the behaviours of the 'close companions', necessarily reflects Bedouin Arab culture, especially circa 570 to 632, as well as during the era of the Rightly Guided Caliphs. In such warrior cultures family honour was paramount, women must be virgins when wed, adultery was prohibited, women were routinely beaten to enforce compliance, and women and slaves were considered as property.

Mr RAMSEY: Is it possible for a Muslim to renounce their faith?

Mr Sahu Khan: Yes.

Mr RAMSEY: And that would be recognised by the community?

Mr Sahu Khan: Whether it is accepted by the community or not is another matter, but for every individual **the Holy Koran is clear that there is no compulsion in religion.** [Comment: All shari'a law scholars know of the principle of abrogation by which earlier Meccan verses of the Qur'an were abrogated by later Medinan verses. The Meccan Ayat about no religious compulsion, Q 2:256, is widely acknowledged to have been abrogated by many later Medinan verses especially the Medinan 'Sword verses', such as Ayat 9:029 and 9:005, which oblige Muslims to wage violent Jihad to establish a global Caliphate ruled by shari'a law. The witness may be a reformer; or may be a taqiyyist. But, sadly, extremists, who believe that compulsion is the way, are currently in the ascendancy in most of the Islamic world.]

CHAIR: We live in a country in which there are lots of faiths. Taking me, there are a lot of things I do not know about the theology of Greek orthodoxy and I am sure that I would be breaching a lot of the practices. Most people generally do not know. I think Muslim Australians are pretty much on the same level as everybody else until such time as we hear their obsessions about certain things...[Comment: again the cultural relativist idea that all are equal? Again more pathologising?]

Mr ZAPPPIA: You partly answered this question but my question to you is this. We live in a country where there are well over 200 different cultures and nationalities. In my lifetime I can never recall that we have had a discussion about any other cultural law other than Indigenous law—and I will put that to one side for good reason. Why do you believe it is, we are having a discussion about sharia law when we have never had to in respect of others? And secondly, we have people with very strong faiths in other religions, who very much believe in their faith; none of them refer to their faith as law. They might refer to it in other ways, but they do not use the word 'law'. Do you believe that the use of the word 'law' is in itself part of the problem?

Mr Khan: Should be sharia. As soon as you use the word 'law', the connotation is it has got to be a separate provision totally to what the law of the land is. **The use of the word—I think it is a good point that you are bringing out—should simply be left at sharia.** Even if we have to use the word meaning the sharia principles, rather than using the word law.

CHAIR: It is a good point. Any more questions?

Mr ZAPPPIA: No that is it.

Comment: For many informed Australians this may be considered to be another troubling exchange. It appears that there may be a nagging doubt working away in the mind of the questioner; or maybe not. What if we are wrong? What if we have a large population of 500,000 or more people who are not willing to abide by their citizenship pledge, may never be truly loyal to this nation, and will not abide by Australian law in cases of incontinency? What does this mean for the future of our country and multiculturalism? What does it mean if we continue to grow such a population, especially if we do so rapidly? What if the Muslim world with which they are closely in touch continues on its present path of radicalisation, will they radicalise too? Will this defeat integration of future generations as is apparent in the U.K. in such documentaries as BBC U.K.'s *Generation Jihad 1 and 2*? How can the supremacy of shari'a law in the mind of Muslims be reconciled with the multicultural view that all cultures are equal? Are we really different as our propaganda says? Or is it that we started later and have smaller numbers?

Clearly, the problem needs to be made to go away. Better that a future generation is left to deal with it. What better way to do this than to redefine it so that it disappears? Why not use the tried and tested technique of political spin? What better way than not referring to shari'a law as 'law' at all, so that the mainstream are misled into thinking that Muslims do not consider it law and are not thereby alerted and alarmed; and so that Muslims can continue to practice their own law in a parallel legal system and will continue to support us politically? This may, or may not, have been in the mind of the questioner. It is up to each reader to decide.

Of course, the Government's strategy can only work as long as the mainstream remains ignorant of shari'a law and what it really means for the future of this nation. Unfortunately for the Government, there is evidence to suggest that the mainstream may be beginning to wake up. The Government's reliance on apathy may backfire; or perhaps apathy will triumph, one day enabling a future Caliphate as Islamic experts such as Prof. Bernard Lewis have already predicated as the future of Europe unless there is a radical change of course.

Shari'a compliant wills and services

Mr Sahu Khan: *What Muslims want in Australia is a fair go that they would get in sharia. The issue that comes to my mind straight away is, for example, a person who dies intestate without a will. The distribution under the Australian law would be that all children would get equal shares, whereas under sharia law there is a certain proportion which is quite different from equal.*

Ms GAMBARO: *How do we reconcile that within Australia under our laws? This is where I think there is some confusion.*

Mr Sahu Khan: *The claim for sharia law is not to replace the Australian law. That is the starting point. We are not trying to replace Australian law. It is to look at circumstances where it would affect a particular area or a particular scenario. In that case, as the one I mentioned, there could be provision where it says, and specifies in cases of intestate circumstances, that the division would be according to the sharia, the Islamic, law as opposed to what would be the Australian legislation. I understand it is not an easy concept.*

Ms GAMBARO: *There are lawyers on this committee, and I am not a lawyer, but I see this area as an area that could have great conflict and ambiguity because we are talking about civil law and family law and people can contest wills. I think there has been a well-known case recently. This is where we need some clarity....*

Mr Yousef: *...according to sharia law, in the will there is no part of the non-Muslims in it. It is designed for the Muslims of the family. Otherwise, there is a certain layer of gifts which should not be more than one-third of the estate. This you can give to anyone, irrespective of religion or relationship.*

Mr GEORGANAS: *But if one sibling is getting 50 per cent and the other two are getting something smaller, under the law they can challenge that.*

Mr Yousef: *If they go to the law of the land, that is the law of the land.*

Mr Sahu Khan: *You have to understand that if there is a will then you go by the will. There is only a discussion if there is no will.*

CHAIR: *We do not want to labour this point, because I think that—who gets what and whatever—applies to families right across the country. [Comment: what does this mean in context? The Muslim witnesses are asking for their own law not the same as everyone else.]*

Comment: the background is that it has increasingly become apparent, through articles in the mainstream press, such as that by Gosper, S., 'Sharia widespread in local community', *The Australian*, 20 March 2012,⁸⁷

⁸⁷ <http://www.theaustralian.com.au/national-affairs/sharia-widespread-in-local-community/story-fn59niix-1226304522105>; also

that law firms throughout the country, and even the offices of the Public Trustee, are advertising and offering shari'a compliant wills and probate services and other legal services. It was reported that one lawyer admitted to having drafted 1000 shari'a wills in the last 5 or 6 years. What sets such services completely apart, and why they are advertised as shari'a compliant, rather than routine legal services, is that they are based on shari'a law which clearly entrenches gender discrimination, as the European Court of Human Rights in *Refah Partisi v Turkey* found. Clearly, this is happening as law firms see a lucrative era of new business opening up as the Australian Muslim population grows rapidly. Some may be keen to exploit this, no matter what the implications in terms of the entrenchment of shari'a and legal pluralism. They are doing considerable business that the Government must have been aware of, but has done nothing to regulate. As Sadiq and Black point out, shari'a law has been growing rapidly without the mainstream becoming aware, but with tacit Government approval.

The situation came to public attention recently when a Canberra Supreme Court case, *Omari v Omari*, made the news.⁸⁸ In that case, an elderly Muslim lady made a will, purportedly witnessed by a Muslim man that, in compliance with shari'a law (which entrenches gender discrimination by automatically leaving lesser shares to women - Q 4:034 and 4:011), left a half share to her daughter. The daughter challenged the will and the Court was asked to decide if the will was valid, since the elderly lady was allegedly not of sound mind when she made it. The Court held that she was not and that therefore the will was invalid and the estate would be distributed according to Australian legislation that applies when a person dies without making a will (intestate), which legislation does not discriminate on the basis of gender. On that basis, the daughter would normally receive an equal share. The case of a shari'a compliant will, made by someone who was of sound mind, but was later challenged, was not thereby decided.

Since this case demonstrated how shari'a law is gradually extending itself (creeping shari'a) and how it entrenches discrimination, it attracted criticism. On 15 March 2012 David Penberthy in an article published on *The Punch* website and elsewhere entitled '1400 years of tradition is no excuse for sexism', expressed his concern about the gender discrimination inherent in shari'a compliant wills and the spread of legal pluralism. He pointed to the contradiction inherent in Muslims calling for shari'a law in contradiction to their citizenship pledge to abide by Australian law. A heated debate took place on *The Punch* website under that article, and in the press. A-G Nicola Roxon, *The Australian*, 17 March 2012, 'Roxon Baulks at role for shari'a by Australian Muslims', reportedly said: 'There is no place for sharia law in Australian society and the government strongly rejects any proposal for its introduction, including in relation to wills and succession.'

Opposition A-G, George Brandis, in an article entitled 'Brandis defends sharia for Muslim wills', Karvelis P., *The Australian*, 31 March 2012, responded to A-G Roxon's statement by defending testamentary freedom giving the impression that shari'a wills were valid and a legitimate expression of testamentary freedom. But in a letter in the same paper dated 4 April 2012, headed 'No place for shari'a' seemed to retract by saying he had been misunderstood and: 'there is no place in Australia for shari'a law and as far as I am concerned there never will be.'

To many, this is a complex area of law. But the issues are simple. All contracts and wills must comply with Australian law. This law reflects public policy. As a result, some contract clauses are inherently invalid – 'void for public policy'. All lawyers who draft wills are officers of the Court and are subject to ethical obligations. They are meant to promote lawful behaviour and discourage illegal or unlawful behaviour. Gender discrimination is unlawful under State, Territory and Federal law. These laws reflect the fact that Australia is party to the United Nations Convention on the Elimination of Discrimination against Women.

Australian law prohibits gender discrimination; shari'a law concerning wills entrenches and encourages it. Qur'an 4:034 sets up an unequal relationship between Muslim men and women based on a provider/dependant, guardian/guarded, superior/inferior relationship. In marriage women do not become entitled to a half-share in marital property – there is no community of marital property. Theoretically, property is divided and she keeps what she enters the marriage with, often little or nothing, but does not become entitled to any marital property. The man is supposed to provide throughout the marriage for himself, her and any children, but this may not happen in practice if she works and shares with her family as many Muslim

⁸⁸ <http://www.austlii.edu.au/au/cases/act/ACTSC/2012/33.html>; also <http://www.theaustralian.com.au/business/legal-affairs/daughter-disputes-muslim-will-that-gave-brothers-twice-as-much/story-e6frg97x-1226298689720>

women do. This inequality is theoretically translated into the relationship sibling to parent. The son is meant to offer greater support to parents with the daughter having no obligation or less. But in practice this often does not happen. Often women give as much or more support to parents.

Qur'an 4:011-2 then provides specifically for inheritance from parents and says that women receive less, to a maximum of half the share of a man: **YUSUFALI:** Allah (thus) directs you as regards your Children's (Inheritance): to the male, a portion equal to that of two females: if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half.' Clearly then shari'a law is based on gender discrimination. This is because the shares depend on gender, not contribution or support.

As discussed not all contract and will clauses are valid under Australian law. Will clauses: 'all my estate to my son if he kills his sister' or 'twice as much to my son than my daughter because she is a woman and women are inferior' would be void for public policy. They would be inherently unstable; a woman could challenge the latter and have it struck down. Arguably, a lawyer could be found in breach of his or her ethical and professional obligations and could be disciplined for drafting such clauses both because they are unethical and because they are inherently unstable (likely to attract future dispute and challenge on the basis of being illegal or discriminatory) therefore not a professional service or product.

Of course, Australians have a degree of testamentary freedom, but always subject to Australian law, which reflects public policy. Anyone can leave unequal shares '10 to my son 5 to my daughter', without expressly stating the reason, so as to achieve the same effect. This would be legal and normally it would be ethical to draft such a clause, but shari'a compliant wills raise issues never before addressed.

In Australia, anyone can challenge their inheritance under a will or where there is an intestate estate. A Muslim woman here could seek to have a shari'a will overturned as in the *Omari* case simply because it left a smaller share based on shari'a gender discrimination. The problem here is that if a shari'a will based on gender discrimination is drafted then the onus would be on her to take risky and expensive legal action that would probably put her in a potentially dangerous conflict situation. Such a challenge could be seen as dishonouring her religion, family or community, and could attract honour based violence, shaming or community exclusion. In short, once shari'a wills are drafted, a heavy onus is placed on women to fight for an equal or fair share. In many cases the onus will be too great and they will miss out. It is far better that the practice of fair and equal testamentary division, or division based on actual support or contribution, is encouraged instead.

Accordingly, when Australian lawyers, who have ethical obligations, advertise and deliver shari'a wills (and services), which are necessarily based on gender discrimination, and therefore unlike other wills, serious future issues will arise. Because routine drafting of such discriminatory wills is, arguably, contrary to Australian law, policy, ethics and our international legal obligations, it should be strongly discouraged.

One possible proposal is as follows: Lawyers should be obliged by Government policies (and laws if needed) to give a formal written statement to all clients (Muslim and non-Muslim alike) informing them that: under Australian law and policy, gender discrimination is abhorrent and prohibited; women have a right to challenge discriminatory clauses and the Court can overturn them; if they challenge, any kind of threat, intimidation, or violence towards them is strictly illegal and the law will be rigorously enforced; clauses based on gender discrimination are thereby unstable and the risk is assumed by the client; and that no clause that expressly discriminates is allowable. This may discourage discrimination. The Government should mandate a statement, and encourage a waiting period for reflection; as well as a statement of rights to female beneficiaries that the client should be given and be encouraged to serve.

Response to Sadiq and Black: 'Good and Bad Sharia: Australia's Mixed Response to Islamic Law' [2011] UNSW Law Journal p. 17⁸⁹

The paper's introduction sets the scene. The proposition, in the title, is that a 'good' shari'a exists, although seemingly alongside a 'bad' shari'a. We are then told, on the unchallenged opinion of one author, Twining,

⁸⁹ <http://www.austlii.edu.au/au/journals/UNSWLJ/2011/17.html>

that a globalised world makes legal pluralism, that is, multiple legal systems, a modern inevitability. Shari'a law is presented as a wonderful 'blueprint for life' where the fusion of mosque and state is actually a positive, rather than a serious negative; the dangerous restriction on freedom of speech, religion and democracy that it actually is, and the European Court of Human Rights in *Refah Partisi v Turkey* found it to be. In one fell swoop the crowning achievement of Western civilisation, the fruit of Western Enlightenment, the separation of church and state that made possible the rapid scientific advancement that eclipsed the Muslim world, and the very core of our system of Government, is casually consigned to the dustbin of history. In fact, the authors even have the *chutzpah* to suggest that separating mosque and state would be a divisive measure that would prevent assimilation, when in fact it is clearly the opposite, separating mosque and state and expecting Muslims to honour the citizenship pledge they made to abide by Australian law would unite all Australians around one system of law, promoting cohesion and integration.

It is suggested by this that the Australian people have no democratic choice. Demographic change makes legal pluralism inevitable. We are no longer the masters of our own destiny. Whilst continued multiculturalism and mass immigration may prove the truth of this, none of this is inevitable. Good Government could still change our course. Australia is a sovereign nation, State sovereignty, and the right to self-determination it recognises, is still the central organising principle of international law and is clearly recognised as a fundamental collective human right in the UN Charter. Quite clearly, Australia has the legal right under international law to make its own law and culture supreme. It has, in addition, as a matter of its own collective free will, the sovereignty of its people, outside the system of international law, the right and ability to make its own laws supreme. Despite the extreme views of the Greens Party and its former leader Senator Bob Brown, transnationalism and one world Government are not presently recognised under international law, and, almost certainly never will be. No competent lawyer would suggest otherwise.

Clearly, the inevitability of legal pluralism is not accepted by many Islamic nations which, as we speak, are using the 'Arab spring' and co-opting Western military forces to implement regime change across the Arab world, ironically now supported by left wing 'human rights' groups who opposed, (as did the authors on the basis of it being overreach), regime change implemented by use of force in Iraq. These new regimes are not pluralist since they are based on shari'a law, which penalises Christian proselytising, and punishes blasphemy and apostasy – the polar opposite of pluralism. We are then told that somehow Australia's Muslim community is different from other Muslim diaspora communities: '*...internal pluralism is a defining feature of the Australian Muslim community*'. We are invited to accept this proposition without any supporting evidence. Precisely how are they different? Clearly there are different types of Muslims and different degrees of religious knowledge and conviction. All people are somewhat different. At one point Sadiq and Black even posit that the division between shia and sunni Muslims is further evidence of pluralism; ignoring a 1300 year history of bloody sectarian strife and conflict between them. But there is a fundamental flaw in their analysis: it is their failure properly to understand and define pluralism. Sadiq and Black essentially equate Muslim pluralism with variation, or diversity, something it is not: rather than the willingness legally to allow religious freedom and free speech, which is what it is. Pluralism allows these, but not to the extent of permitting alternative political and legal systems (Islamism), disguised as religion (Islam's five pillars), to displace the predominant political and legal system in Australia.

Now we are many; now we are one

The Muslim ummah, and the Australian Muslim community of which it is part, may be varied, heterogeneous, but in no true sense are they pluralistic. In fact, even their diversity is doubtful. Like other minority groups, Muslims often switch identities so as to maximise benefits. Sometimes they present themselves as diverse, as when objecting to negative stereotypes or claiming positive discrimination available only to CALD people; sometimes one united homogenous group, as when taking offence, or seeking the benefits of scale or positive stereotypes such as that once unwisely offered by Malcolm Turnbull M.P. on ABC's Q&A as providing the indispensable intellectual and cultural foundation of Western civilisation. This is quite contrary to any informed view of history and possibly confirms his critics' view of his being divorced from everyday reality – 'the Member for Goldman Sachs' – essentially what Huntington described as 'Davos man'. Davos man is a term to describe those who see themselves to have transcended their own race, class or culture and to inhabit a sophisticated borderless future world understood only by, and therefore ruled by, cosmopolitan intellectual elites. In any event, Mr. Turnbull's position is certainly not one calculated to have broad appeal to the

Australian electorate, which in many multiculturalists' eyes, consists mainly of 'bogans' and 'red necks', probably explaining his failed leadership bid and the A.L.P./Green's present loss of popularity.

For those who have a sense of curiosity, and demand intellectual rigour, the contest between historians as to how far the achievements of Islam and Al-andalus were a result of Islam's violent take over and domination of other more advanced cultures (such as Persian, Egyptian, European culture), and consequent rewriting of history to claim credit, and how far any achievements resulted from Islamic culture itself, is highly contested. For example, many see the wonders of Istanbul's Hagia Sophia and other monuments there and attribute all to Islam, failing to understand how they came about and that it was once St. Sophia's Cathedral. Perhaps Mr Turnbull simply consulted Wikipedia under 'Al-andalus' and uncritically believed all he saw there. Sadly, there have been credible allegations that the entry has been the subject of constant fraud by an entity known as Jagged 85.⁹⁰ WikiIslam 'How Islamic inventions did *not* change the world' and many other sites, books and reports challenge the notion that a range of scientific and cultural achievements claimed by Islam resulted from Islamic culture. They claim that these achievements came before or were a result of the original work of other cultures, or were made despite Islam. Since, like other large civilisations, Islam and Muslims have no doubt made some important achievements, how many and how far, is beyond the scope of this paper. But certainly, the idea that the West owes its achievements to Islam, the proposition Malcolm Turnbull seemed to support, suggests a serious lack of understanding and a sort of anticipatory 'cultural cringing' (dhimmitude) that many ordinary Australians would find surprising in a noted republican and critic of British and Western imperialism (think Spycatcher).

For example, despite the claim to be heterogeneous, Muslims often present themselves as a single united homogenous community when it comes to enforcing, through intimidation and violence, their own rules concerning blasphemy, even on non-Muslims. When complaining about insults to Allah or Muhammad many Muslim leaders are quick to point out, with an implied threat, that they are a single community of perhaps 1.3 billion people. Those who listened carefully to the recent address of the Head of the Office of Islamic Cooperation to the Press Club in Canberra,⁹¹ and who are aware of the history of the controversy concerning the Jyllands-Posten cartoons (readers should look it up in Wikipedia so as to appreciate how pluralistic Islamists are, where some Muslims worldwide, seemingly oblivious to the grim irony and contradiction involved, imposed the death penalty for blasphemy, even on non-Muslims living in non-Muslim countries, who offended them by depicting Muhammad in cartoons and suggesting that Islam is a violent religion) would be familiar with his call for Westerners to self-censor as a matter of cultural respect. Of course he was keen to emphasise that the Muslim ummah of 1.3 billion people speaks with one voice when opposing the cartoons. The authors even admit this when they contradict themselves by saying that the whole ummah is united by a shared adherence to shari'a law.

Why shari'a law and pluralism are polar opposites

Why is Australia's Muslim community not pluralistic? Because no community can properly be considered pluralistic who support penalties for blasphemy, apostasy, proselytising of other religions, and marriage to non-Muslims, as almost all Islamic communities, even so called moderate ones such as Indonesia, Turkey and Malaysia, presently do. To suggest otherwise is simply not true in practice. Because of the Government's policy of deliberate ignorance, no comprehensive polling and publicly available analysis is available which would allow the unsupported proposition, that Australia's community is different, and pluralistic, to be properly supported. Clearly, the authors seek to enjoy the benefits of this paucity of evidence, and invite us to accept without evidence the proposition that Australian Muslims strongly oppose penalties for apostasy or blasphemy or proselytising; and would openly say so, and put such rules in daily practice, even by supporting anti-shari'a laws that applied harsh penalties against their own who practice certain offensive shari'a law rules here. But why should we accept this without proof? And why should we, in the face of contrary evidence; when some Australian Muslims, such as Hizb ut Tahrir and sharia4australia, and many others, openly advocate penalties for such conduct?

⁹⁰ http://wikiislam.net/wiki/Islam_Science_and_the_Problems_at_Wikipedia#The_Islamic_Golden_Age;

http://wikiislam.net/wiki/Islamic_Inventions%3F_How_Islamic_Inventions_Did_Not_Change_The_World

⁹¹ <http://www.npc.org.au/speakerarchive/professor-ekmeleddin-ihsano%C4%9Flu.html>

We have been told this before. For many years, many leading journalists, such as Greg Sheridan, followed the multiculturalist Government line. He posited that Australian multiculturalism was different and that our model would not lead to the problems we have in Europe, evident in such as the Paris and London riots, the recent slaying in Paris of Jews and others by Islamic extremist Mohamed Merah or appalling anti-Muslim terrorism like Anders Breivik in Norway. He even suggested Australia's multiculturalism model should be used worldwide as an exemplar. Apparently, having visited Europe and read Caldwell's *Reflections on the Revolution in Europe*, he had an epiphany. But to his great credit he had the intellectual honesty, and moral courage, at the risk of being labelled racist and pathologised, as he was (see Prof. Robert Manne's comparison of his views saying they would not be out of place in Julius Streicher's notorious anti-Semitic Nazi periodical *Der Stuermer*⁹²) to refute his earlier views, and warn that Australia's multiculturalism model is not different, and that its Muslim community could present the same problems as overseas were it to grow to an equivalent proportional size and were shari'a law, and Islamism, to take hold here – see Sheridan, G., 'How I lost faith in multiculturalism', *The Australian*, 2 April 2011 and 'We must avoid fatal folly that helped to create Europe's 'leaderless Jihad'', *The Australian*, 31 March 2012.⁹³ In fact, in the latter article, he suggests that, of the 16,000 asylum seekers that have arrived since former P.M. Howard's 'Pacific solution' (of course each will bring in three, four or more others over time) was dismantled, most are Muslims, and they come from countries with a strong tradition of Islamic extremism. Rarely does one see a public figure so completely and comprehensively renounce an earlier view. Such intellectual honesty and courage, and willingness to put nation above self, is almost unheard of in today's political environment.

If polling in the U.K. and Europe is a model for Australia, and there is no reason to think it should be different, then a clear majority support shari'a law rules which are not pluralistic; and a small but very significant minority (5-10%) support violent Jihad to establish a Caliphate which would apply the death penalty for apostasy, blasphemy and non-Muslim proselytising. Using Sadiq and Black's own conservative figure of 500,000 Australian Muslims this may be as many as 50,000 potentially violent extremists. Of course, without firm data this is speculation; and that is why comprehensive publicly available analysis is vital. But the Government's own policy of deliberate ignorance and political correctness makes that analytical process difficult if not impossible, even if were that analysis actually to disprove such assertions, and suggest that the cohort of Australian Muslim extremists is substantially smaller or less radical.

That the authors would rest their analysis on such a shaky foundations, and unproven assumptions, suggests an inherent bias: that they are predisposed to read down shari'a so as to argue that it is compatible with Australian law, thus allowing the two systems to be 'harmonised' (which they support) when, clearly, it is not. For many readers, this inherent bias is borne out in their paper. Of course, multiculturalists would overlook it, or deliberately blind themselves to it.

The authors then proceed to distort the historical record. They say: **'Muslims are comfortable with legal pluralism. It has been a hallmark of Islamic polity from early times when the Compact of Medina was devised... As Islam expanded across the world, Muslim traders, settlers and conquerors introduced Islamic law integrating it with local customs and practices, which were compatible with Islam... Jews and Christians were given special protections. As protected minorities, adherents were allowed to follow their own family and religious laws with the community heads given jurisdiction over such matters. In the Ottoman Empire this was formalised as the millet system. The practice of allowing minorities to retain and administer different family, inheritance and religious laws from the Muslim majority has continued in most Muslim countries. Colonial rule further cemented pluralism....'**

This is an entirely one sided, distorted, and therefore false, view of history. It is so easily discredited that one wonders why the authors would risk their reputation and credibility this way. At times, the arguments are even preposterous. If Muslims are relaxed and 'comfortable' with legal pluralism, why is it illegal for non-Muslims to set foot in Mecca in Saudi Arabia, the symbolic heartland of Islam? Why is blasphemy against Islam, Christian proselytising and apostasy subject to the death penalty there? Why are Christian Churches not allowed there; and why were Jews and Christians ethnically cleansed from the Saudi Peninsula? Why the

⁹² <http://www.smh.com.au/opinion/politics/political-conversation-sours-with-nazi-comparisons-20110404-1cvio.html>

⁹³ [http://www.theaustralian.com.au/national-affairs/how-i-lost-faith-in-multiculturalism/story-fn59niix-1226031793805;](http://www.theaustralian.com.au/national-affairs/how-i-lost-faith-in-multiculturalism/story-fn59niix-1226031793805)

<http://www.theaustralian.com.au/news/world/we-must-avoid-fatal-folly-that-helped-to-create-europes-leaderless-jihad/story-e6frg6ux-1226314739770>

persecution of Egypt's Copts? Why the recent notorious case of deportation from Malaysia to Saudi Arabia, to face possible execution, of the famous poet and blogger Hamza Kashgari?⁹⁴ Why such a lack of religious freedom – a brief look at the Freedom House website and a quick reading of their reports, and U.S. State Department or U.N. human right reports on religious freedom in a selection of Islamic countries would leave no doubt in the mind of any but the most bigoted person, that shari'a law is not pluralistic.

If opposing multiculturalism, and shari'a law, is Nazi or fascist, why is anti-Semitism so widespread in Muslim countries? What of the notorious support, clearly documented and never seriously challenged, by the Chief Mufti of Jerusalem, for Adolf Hitler, and his establishing Bosnian Nazi divisions, and what of the atrocities of the Ustase? What of Muhammad's example after the Battle of the Trench where the Jewish tribe, the Banu Quarayza, 600-900 of them, were lined up and beheaded? Why is this Prophetic example still followed (one would almost say, 'religiously', but such wickedness has no place in any true religion, including Islam) today, in such as the beheading of Daniel Pearl? Why is the Jewish ethnic cleansing following the Battle of Khaybar celebrated today? Why is 'Allahu Akbar – remember Khaybar' the war cry of many Islamists even today? One could continue for hours, but would it persuade those whose minds are already closed? Probably, not.

But some things do stand out. If shari'a law or Islam equals pluralism, why would the then Prime Minister of one of the then most 'moderate' Muslim nations, Malaysia, Mahathir Mohamad, make such a hysterical, incendiary and anti-Semitic speech.⁹⁵ Note the reference to a single united ummah of 1.3 billion people and the appeal to victimhood before the hostility. He said: *'We are all Muslims. We are all oppressed. We are all being humiliated... They will attack and kill us, invade our lands, bring down our Governments whether we are Sunnis or Syiahs, Alawait or Druze or whatever.... Today we, the whole Muslim ummah are treated with contempt and dishonour. Our religion is denigrated. Our holy places desecrated. Our countries are occupied. Our people starved and killed.... We are actually very strong. 1.3 billion people cannot be simply wiped out. The Europeans killed 6 million Jews out of 12 million. But today the Jews rule this world by proxy. They get others to fight and die for them... Remember Salah El Din and the way he fought against the so called Crusaders, King Richard of England in particular. Remember the considerateness of the Prophet to the enemies of Islam. We must do the same. It is winning the struggle that is important, not angry retaliation, not revenge. We must build up our strength in every field, not just in armed might... We are up against a people who think. They survived 2000 years of pogroms not by hitting back, but by thinking. They invented and successfully promoted Socialism, Communism, human rights and democracy so that persecuting them would appear to be wrong, so they may enjoy equal rights with others. With these they have now gained control of the most powerful countries and they, this tiny community, have become a world power.. Allah has not raised us, the leaders, above the others so we may enjoy power for ourselves only. The power we wield is for our people, for the ummah, for Islam. We must have the will to make use of this power ... Insyallah we will triumph in the end...'*

Human rights and democracy are an illegitimate invention designed to give Jews equal rights and make persecution of them wrong? All this from the Prime Minister of a moderate Muslim country: Hardly pluralism.

Those familiar with Islamic history would be all too familiar with the anodyne view of pluralistic 'Al-andalus'. This view, some say 'myth', has been challenged by many authors, such as Bat Ye'or, David Littman and Australia's Dr. Mark Durie in his book *'The Third Choice: Islam Dhimmitude and Freedom*, Deror Books 2010 and in such as Robert Spencer, *The Myth of Islamic Tolerance*, Prometheus, 2005. The imperialistic history of Islam is well documented in books such as Efrim Karsh's, *Islamic Imperialism: A History*, Yale University 2006. A quick read of Wikipedia under such as 'Islam and anti-Semitism', or the '1066 Grenada massacre' (where some 4,000 Jews in Spain suffered a Muslim pogrom) will also challenge the authors' views. Perhaps brief consideration of the implications of forcing young Christian white boys to act as child soldiers of the Ottoman empire, devsirime, (see Wikipedia 'slavery in the Ottoman empire' to confirm) may cause some Committee members to look on the views in the paper in a more critical light; or perhaps a brief consideration of the implications of the Armenian genocide or the Arab slave trade?

⁹⁴ http://en.wikipedia.org/wiki/Hamza_Kashgari

⁹⁵ http://www.adf.org/anti_semitism/malaysian.asp

The era of Muslim dominated Spain, 'Al-andalus', and the Ottoman empire, are seen by many Muslims as the apotheosis of Muslim culture - a golden period of their imperialist history – this beautiful symbolic treasure of sophistication, smashed by the infidel British and others during the First World War. The idea of multicultural 'Al-andalus' is a useful tool, often employed by taqiyyists (those employing religiously authorised deception, of course Sadiq and Black would never do this) to confuse people into accepting the conquest of non-Muslim nations by Islamic imperialism as being a positive benefit. Reformist Muslims often use this somewhat mythical ideal so as to inspire reform (Dr. Manji). This is very welcome with one *provisio*. The undoubted instances of tolerance must be matched with the many instances of intolerance. Reform based on a shaky foundation of untruth is unlikely to stand.

Multiculturalists are often predisposed to subscribe to this al-Andalus vision, as an exercise in wishful thinking, to address the nagging doubts they have as a result of recent political events, or for those few who read history, past events, that they may be forcing their nation in an entirely wrong and dangerous direction.

Curiously, since perhaps it was a mistake, the authors even seem to concede Islam's imperialist past, when they talk of 'conquest' and say that '*Colonial rule further cemented pluralism*'. This seems to concede that Al-andalus and the Ottoman Empire were in fact achieved through imperialism and colonialism. How conquest can be said to establish and affirm pluralism is beyond us. Surely, pluralism is the very opposite of colonialism? Pluralistic nations do not invade and conquer other nations, let alone colonise them. The spread of pluralism by the Islamic sword is a contradiction in terms. Those wishing to understand the degree of repression and discrimination metered out to non-Muslims (dhimmies) even in the more liberal eras of Islamic imperialism, such as Al-andalus, should do what many Committee members have probably never done, or will ever do, and read and carefully consider the primary text, the Qur'an, especially Ayat 9:29 which sets up the three choices: for Pagans, conversion or death; and for people of the book, Christians, Jews and Zoroastrians, death, conversion or second class citizenship based on paying the Jizya poll tax to remain alive and practice some elements of their religion.

How can a religiously authorised state of second class citizenship imposed on a conquered nation be considered pluralistic? In one sense however, perhaps 'Al-andalus' simply proves a historic reality: that the best chance of peaceful co-existence between radically different cultures is when a dominant culture, then Islam, feels so secure as easily to afford a relatively small minority culture, then Jews, some degree of freedom, as they did. If this is the lesson of Al-andalus then it would, perhaps, if anything, work against the current policy of mass immigration of Muslims into the West. This disturbing thought must be put from the back of any multiculturalist's mind since its implications are too much to contemplate. It invites arguments as to degree: what is the best degree of diversity, or the best size of any particular population, or the speed of change?

These are questions multiculturalists cannot allow. To them all are equal, all cultures the same, any control of Muslim immigration, even simply to slow the pace down without stopping it, or to seek to be selective, is inherently racist. If any of these questions are even considered, the whole edifice of multiculturalism may collapse. If 'all *are* equal' is good, right and just: then 'all *must* be *made* equal', must be better. Anyone who questions this must be racist and must be stopped from speaking.

Shari'a finance is bad shari'a - there is no good shari'a

Sadly, the mistakes evident in the authors' views of history also infect their legal analysis. Again, bias is readily apparent. They start by describing the proposition of equality under law, a core tenet of international human rights and the rule of law in Australia, and reaffirmed by the former A-G Robert McClelland in response to calls for shari'a law, as a '*one law for all mantra*', (mantra - a Pagan vedic hymn – Pagans, not even people of the book, being inferior to Muslims and others in the Qur'an) implying a degree of personal contempt either for the principle, or the hypocrisy they seem almost gleefully to point out, when saying that, despite the A-G's assurances, shari'a law is routinely practised, and therefore already widespread and entrenched, in Australia, with the Government's tacit approval or acquiescence. Or perhaps the authors' apparent disdain is reserved for the hypocrisy evident in the Federal Government's selective reception of shari'a law, by virtue of its policy of welcoming shari'a finance ('give us the money') but rejecting other elements - hence the good versus bad analogy. If Government hypocrisy is the cause of their seeming disrespect, then the author reluctantly agrees; although strongly disagreeing with their unsupported assertion that shari'a finance is somehow good.

Shari'a finance is as dangerous and unwelcome, as any other aspect of shari'a law. The fact that it is so readily accepted is probably because it is so little understood. The dangers of shari'a finance are at least threefold and are explained in a number of books and reports, including the Team B II Report by the Centre for Security Policy (p. 265) shariathethreat.org (tab left for free report) and on their Website shariafinancewatch.org.

First, a fundamental tenet of liberal democracies based on relatively free markets, is that competitive markets that are free and fair, actually help to ensure that political power is shared and balanced. Governments that control all aspects of trade and production, such as in communist or right wing totalitarian countries, have too much power and control. Whilst too much power and control in the hands of large corporations is also highly problematic, as the global financial crisis shows, this is overcome, in mixed economies, such as in most Western nations, by ensuring that the free market that is balanced by a degree of Government activity and competent regulation. Financial crises happen when that balance is lost such as when regulation breaks down and markets are unconstrained. Concentration of financial power is, in and of itself, a threat to freedom, since financial power also translates into political power - as the many people in the U.S., which is now heavily indebted to China, now appreciate.

Shari'a finance seeks to exploit the power of money by infiltrating corporations so that the tenets of shari'a law can be made to apply, not directly through Governments that express the will of the people by democratic elections (difficult when Muslims are a minority), but instead through the leverage that financial control allows over those Governments, and more directly over individual people who depend on the corporations that shari'a financial institutions influence or control through their investment in them, for their share dividends, profits, and employment.

To be shari'a compliant, an investment must at least purport to disallow 'usury' (in Islam 'riba'), that is, charging interest on loans. But as common sense dictates, no loan can be free. Accordingly this area of shari'a law is very doubtful, as the authors concede: *'Although the prohibition against riba is clear, the meaning of riba itself is not certain.'* When properly analysed, shari'a financial institutions do charge interest on loans, but use a varied range of mechanisms so as to avoid giving the appearance of interest. In some instances the 'interest' rate may be lower than market rate, but there must be a return on invested capital nonetheless.

In addition, such institutions must comply with all aspects of shari'a law. When sharia finance is presented as upholding prohibitions on investing in gambling, pornography, drugs and alcohol (it is often sold this way) this appears laudable and ethical, despite the fact that these are all legal activities in Australia. But when it extends to such as music or entertainment, or the complexity of the shari' rules on what is, or is not, Halal or Haram, is taken into account, the dangers become obvious. For example, when the full list of food ingredients and products that are Haram is accounted for, many products containing small traces of a Haram ingredient, could be subject to effective boycott through powerful financial institutions such that the company producing that product may suffer severe economic damage. This could be misused as a form of blackmail. Elaborate and expensive processes of Halal assessment and certification add enormously to the costs of business, and to risk, all of which is imposed indirectly through financial control.

Since homosexuality is Haram, a shari'a compliant financial institution could, or probably should, exert financial pressure to ensure that a company it finances does not employ homosexuals. Similar discrimination against Jews is possible. Similarly, financial pressure could, and probably should, be exerted on any company that is reliant on shari'a finance so as to ensure that such finance does not further anti-Islamic foreign policies, such as the war in Afghanistan, by assisting companies that supply arms or supplies for that war. Activities considered anti-Islamic such as trade with Israeli companies, or companies that trade with, or supply such companies, could be the subject of financial boycott. In this way financial pressure can be used to undermine defence or security policy.

Another primary concern is the potential for the compulsory contribution, zakat that Islamic institutions must devote to Islamic charities, to be used in financing terrorism. As the Holy Land Foundation trial (see Wikipedia) demonstrates, numerous outwardly moderate Islamic charities routinely fund money to terrorist groups. The larger, richer and more politically powerful shari'a institutions become (such as U.S. company AIG, the largest purveyor of shari'a approved insurance in the world and now part Government owned much to the dismay of many U.S. citizens who oppose creeping shari'a) the more they may channel to such illegal agencies, and the more easily they are able to resist Government intrusion or investigation. Since shari'a experts are needed to

advise on compliance, this provides an easy route (through membership of boards, or as managers, or as contracted advisors), for some Muslim extremists to penetrate the internal structure of companies, and obtain sometimes sensitive or secret inside information, and further influence their decision making.

As Islamic institutions grow and expand in the West, the more pressure may be exerted on compliant Muslims to prefer them in their personal banking and in business. Rather than promote social cohesion, as the authors suggest without supportive evidence, shari'a finance is more likely to result in the further segregation of Australian society as another area of life, economic and business activity, is no longer shared. In fact, to the extent that the prohibition of interest prevents business activity or personal betterment, such as taking a loan to buy a house, it can entrench Muslim poverty, further isolating the Muslim community from the mainstream, something the authors acknowledge.

The not so good shari'a – family law

Once again the scene is set in the opening statements. In a section headed 'not so good shari'a', the authors employ a range of similarly distorted arguments. Essentially, these arguments are based on an appeal to the notions of racism and victimhood; there is the predictable mention of Western colonialism. In short, we are invited to believe that shari'a family law is thought of as 'not so good' only by those who are ignorant of its true content, and who have been misled by *The Australian* newspaper, and a range of biased journalists, into stereotyping Muslims and their family law practices in a negative way. Anyone versed in multicultural and Muslim advocacy will be all too familiar with the concept of 'otherness' - essentially a technique for pathologising opponents as fearful of outsiders or deliberately excluding others, on the basis of race or culture. This 'otherness' argument is a product of Hegel, and after him, Muslim academic Edward Said, famous for his book *Orientalism* – essentially arguing that Western culture is illegitimate and racist since it is based on imperialism. It was Said, the famous cultural relativist, who inspired such as Tariq Ramadan. Not surprisingly, the 'otherness' argument is used here.

Seemingly without the slightest appreciation of the obvious contradiction, we are told that Muslims often choose to practice shari'a family law here in Australia because of the inherent wickedness of Australian society: '*... adhering to it in a Western society becomes a way to unite as a group and to distinguish, even, defend your family and community from what may be... seen as 'corrupting' western influences and 'haram' (not permissible) practices (such as prostitution, alcohol and drug use, pornography, child abuse, marital breakdown, extra-marital affairs, illegitimate children, same-sex relationships, and the neglect of the elderly). Family law, much more than banking and finance law, remains central to identity and belonging.*'

Is the above not a case of self-induced 'otherness'?

The obvious question is: why do some Muslims come to live in the West, *Dar al harb*, if it is so wicked and cultural purity is such a priority for them? In fact, non-Muslims would be called racist for pointing to the obvious hypocrisy in deliberately coming to an infidel country to enjoy its freedom and generous financial benefits then claiming to be religiously pure. Curiously, as U.K. Channel 4's *Dispatches* Program, 'Under Cover Mosque 1 and 2', show, some ultra-orthodox Muslims actually advise their brethren to leave *Dar al harb* if they wish to be pious Muslims and avoid corruption. If a Muslim genuinely held such a negative view of Western society, then presumably s/he would have only one justification for being here: *al Hijra* - if this were part of a deliberate exercise in demographic domination – the type of 'settlement colonisation' outlined in the Muslim Brotherhood strategic plan captured and adduced as evidence in the Holy Land Foundation trial. Here the Muslim Brotherhood outlined its 'stealth jihad' strategy of settlement colonisation of the U.S. as 'a kind of grand Jihad in eliminating and destroying the Western civilization from within and 'sabotaging' its miserable house by their hands ... so that ... God's religion [Islam] is made victorious over all other religions.'⁹⁶To some degree this mirrors the strategy of non-integration, expansion and dawa outlined in the 1980 document by the Islamic Council of Europe *Muslim Communities in Non-Muslim States*.

Of course the Muslim world has problems too. As any scholar of shari'a law, and anyone with any knowledge of Islamic culture knows, prostitution is widely practised in the Islamic world - Tehran is said to have a thriving sex trade, and temporary marriage that legalises prostitution, is allowable, and practised under shia (Nikah

⁹⁶ <http://www.discoverthenetworks.org/viewSubCategory.asp?id=1235>

Muta) and sunni shari'a law. Thailand is a notorious destination for Muslim Arab men, where many wantonly avail themselves. Many Islamic countries, even conservative ones in the past, allowed alcohol consumption, and such as Indonesia and Malaysia allow its sale and consumption today. The Qur'an provides for 72 virgins, constantly sexually available, and limitless wine, as the reward in the next world for Martyrs. Islamists believe this applies even to terrorist suicide bombers. Many Western Muslims, even purportedly practising ones, have drug and alcohol habits and addictions; again Iran and Afghanistan are notable for drug abuse. The famous shia Hashishin (where the term assassin comes from) carried out their operations with the aid of drugs. Afghanistan is probably the world's largest supplier of opium. Many Australians are now frightened to walk the streets because of shootings and bombings carried out by Middle Eastern crime gangs many of whom are Muslims. These gangs often commit serious crimes involving drug manufacture and supply, money laundering, gambling and prostitution.

Pornography too is available, and used by many Muslims, worldwide. Child abuse is probably as prevalent, or possibly even more prevalent, in the Muslim world given that many shari'a law countries, in accordance with the Hadith, actually legalise underage marriage and consummation. Extra marital affairs are permissible in shari'a law with slaves, this is not considered adultery. In a recent notorious case, an educated Muslim Kuwaiti woman, once a Parliamentary candidate, called for white Russian women captured in the Chechen war to be brought into sexual slavery in the Middle East so that Muslim men could avail themselves of Jawari, as the Qur'an allows.⁹⁷ Homosexuality and pederasty with Bachi bazi is practiced in Afghanistan even by Taliban, considered the strictest of shari'a law adherents, who stone women for adultery.⁹⁸

Marital breakdown is probably as common in Muslim societies as it is in Western societies, the difference being that the formal legal relationship continues longer since the woman needs permission for divorce, and the man can take another wife, if the relationship is failing. Extra-marital affairs are perhaps less common, but this may be because the husband can take up to four wives under shari'a law, thus obviating the need for adultery. Homosexual activity is perhaps less prevalent, given that the Hudud punishment is flogging or even death, but there is no proof that the predilection towards homosexuality is any different as between Muslim and non-Muslim countries. In more liberal countries, such as Malaysia, homosexuals are often seen in public, although they suffer serious discrimination. The Anwar Ibrahim trial must say something about homosexuality in Islam. If Muslims care for their elderly in the family unit better than Westerners, why the submissions to the enquiry asking for greatly increased investment in nursing homes catering to Muslims?

In short, the stereotypical view of the West offered in the introduction is disturbingly reminiscent of Sayiid Qutb, a founding member of the Muslim Brotherhood (Hamas sponsor, mother of al-Qaeda) and leading Islamist convicted on charges of plotting to kill Egypt's leader and a leading promoter of 'gradualism', 'creeping' or 'stealth' Islamism and shari'a. Readers should note that the Muslim Brotherhood's founder Hassan Al Banna, leading activist Abul ala Maududi, and Qutb, all subscribed to the view that the West was jahilliya, and that no non-Muslim Government could legitimately Govern Muslims. They considered it the duty of all Muslims to overthrow such Governments, but, until then, some compliance with their laws was allowable, such as when not inconsistent, until sufficient strength was gained for them to be overthrown. Readers should carefully consider the implications of the authors' final footnote. Of course, one would never say or infer that the authors, lawyers, are supporters of such extremism: *and we certainly do not*. Qutb's famous visit to the West was followed by similar descriptions of Western wantonness, jahilliya.

But this comparison is inaccurate and hardly explains the preference. If the gift of shari'a is a problem free society and harmonious family relationships, why does the Muslim world have as many problems? Why so many gruesome honour killings?

As the authors acknowledge, Muslim personal status law applies to marriage, divorce, separation, custody of children and inheritance law. Given the abhorrent punishments in shari'a criminal law, except for the most extreme, most Muslims are not seriously advocating for its reception in Australia at this stage, although some are applying it nonetheless. Their plea for shari'a law is focused on personal status law, and a gradualist approach.

⁹⁷ <http://www.dailymail.co.uk/news/article-2000292/Men-allowed-sex-slaves-female-prisoners-job-WOMAN-politician-Kuwait.html>

⁹⁸ [http://en.wikipedia.org/wiki/Prostitution_in_Afghanistan;](http://en.wikipedia.org/wiki/Prostitution_in_Afghanistan)

Again the predictable argument adduced by Sadiq and Black is that shar'ia law is beyond criticism because it is infinitely variable and unknowable, there are at least six main sunni and shia Madh'hab (schools of law) and practices vary. This argument is self-defeating: the obvious counter argument is that if it is so variable, unknowable and unstable, then it cannot, or should not, be received into Australian law. Of course, its content can be known, and is known, despite variations. For example, being the immutable word of Allah, those rules set out specifically in the Qur'an such as the relationship between man and woman as one of superior provider and inferior financial dependent (Q 4:034) is clearly established, as are the rules on inheritance providing for half-shares to women (Q 4:011). Other rules concerning triple talaq divorce, polygamy, prohibitions on intermarriage, marital rape, chastisement of wives, and so on, are set out in the two primary sources the Qur'an and Hadith. They are therefore reasonably knowable, despite some variations in practice.

The authors commence their plea for legal pluralism (euphemistically described as 'harmonisation'), and legal recognition of Muslim personal status law, with the assertion that the two legal systems coexist happily in Australia today. They suggest that Muslims have no difficulties in complying with both systems simultaneously. As evidence of this they point out how widespread its practice is in Australia, despite Government assurances that no shari'a is allowed. In this they are correct, shari'a has spread alarmingly. The Government knows this. It has been dishonest. But simply because this is happening secretly, as they point out, essentially without the knowledge or consent of the broad Australian public, this does not mean that the two systems are currently in harmony. They can only be in harmony if legal plurality is put to the people in an election and they agree, or legislation authorising it is passed through Parliament. Shari'a can be stopped at any time if the political will is there, if and when, the mainstream wake up to the dangers. Muslims know this, and this is why they ask for formal legal recognition so as to co-opt the State to entrench and enforce it. So far their success in achieving this in practice, by stealthy means, is alarming. They are certainly winning.

Can any compliant Muslim honour his or her citizenship pledge?

The second important problem with this analysis is that it deliberately overlooks the most important issue: what happens when the rules differ? Whose law reigns supreme? The authors completely ignore this problem: a problem they would be well aware of. Why do they say little or nothing? Because they know that no compliant Muslim can openly advocate following man made law in preference to shari'a law since to do so would be to put man above Allah? This is the equivalent to blasphemy and apostasy, for which the compulsory (Hudud) punishment is death. The implications of this are profound. Since the Australian citizenship pledge requires obedience to Australian law in all cases, even of inconsistency, no truly compliant Muslim can honour his or her citizenship pledge when inconsistency arises. Multiculturalists would simply close their minds to this issue; and Muslims do not speak of it or seek to misrepresent the problem. Of course, that is not to say that all Muslims consider themselves obliged to break their citizenship pledge (some are non-compliant) and Australian law when conflict arises; or will do so. Views are likely to vary somewhat. Practice will differ. But if a Muslim wishes to be truly religiously compliant: shari'a law is supreme. In truth, unless Muslims were comprehensively polled as to what they think their obligations are in cases of conflict, and the results were truthful and representative, then we will never know how serious this problem is until it manifests itself in crime or disorder. The Government, since it prefers deliberate ignorance, and dare not cause offence, is unlikely ever to conduct such a comprehensive poll, or report crime statistics or problems honestly. Even if polled, it is unlikely that Muslims will answer honestly, since it would reveal a very serious problem that could make the spread of shari'a harder. Taqiyya would authorise lying, and make it honourable, in such a situation. But it is patently false to say the two systems are currently in harmony; they can never be. Theoretically, shari'a could be reformed (ijtihad) so dramatically as to be harmonious with Western law, but at that point it would hardly be shari'a law at all. Sadly, this is probably a utopian fantasy. It has not happened in 1400 years. The Muslim ummah is getting more orthodox and extreme, rather than less. We sincerely hope that such as Dr. Irshad Manji and others succeed in their endeavours to inspire some reformist Muslims, but we are aware of the fate of so many who have tried before her and have been killed under shari'a law rules on blasphemy (*bida* or innovation being the equivalent) and apostasy for doing so. Muhammad Taha a leading Islamic scholar from Sudan was killed in 1985 for attempting ijtihad and proposing reversal of the rules on abrogation by making the peaceful Meccan verses override the Medinan. Dr. Manji has been threatened with the death penalty.

Is multiculturalism allowing underage marriage in Australia?

In fact examined closely, the article contains some disturbing admissions. The authors posit that two parallel systems have evolved through Government inaction. Muslims essentially use their parallel system, shari'a law, in many or most cases. For example, they point out that the Government, through the *Marriage Act 1961 (Cth)* s.6 ('...under this Act, a union in the nature of a marriage, which is, or has at any time been, polygamous, being a union entered into in a place outside Australia, shall be deemed to be a marriage'), allows legal recognition of polygyny (a man to take more than one wife; Muslim women cannot take more than one husband under shari'a law (polyandry) but must submit to living in a polygamous relationship with other wives) provided the marriage is contracted overseas, but that few Muslims use it. Why? The reasons they give are alarming. They say that many Muslims prefer their own law in Australia, and do not seek formal marriage under Australian law because: *'For many Muslims keeping autonomy over marriage ensures autonomy over family life and keeps alive religion, tradition and culture. It also allows marriages to take place that would not be valid under the Marriage Act 1961 (Cth), including polygynist marriage and marriages where one party is under the lawful marriage age...'*

This is a damning admission. It admits that the Government, by allowing the growth of a parallel and secret legal system, is facilitating polygamy in a country where bigamy, contracting a marriage in Australia when already lawfully married, is a crime. Worse still it admits that the Government is facilitating underage marriage. They appear to concede openly that underage marriage may be occurring, possibly even to a considerable degree, in Australia. This also appears to be a concession that underage marriage is a part of Muslim culture, even in Australia, and is recognised under shari'a law. This is embarrassing both for the Government and the Muslim community. It is certainly not a useful argument in support of legal pluralism; although a good one against it. One wonders if the authors appreciated the severity of this statement.

Fetching, plural and forced marriages – demographic jihad?

Committee members may wish to look at the article referred to in footnotes to see what the future of shari'a in Australia will look like if it follows the U.K. path regarding fetching, plural and forced marriage.⁹⁹ The seriousness of the situation has led Baroness Flather, herself from Pakistan, but still pathologised, to call for a special investigation and an end to roting of the U.K. welfare system by such marriages. Perhaps if one of their fellow Parliamentarians makes the point it may be listened to by the Committee; perhaps, sadly, not.

Once of the most obvious differences between Muslim and other recent immigration to Europe, and previous waves of immigration, has been the incidence of forced, fetching and plural marriages. A 'fetching' marriage is one where the parents deliberately arrange a marriage from their former home or another Muslim country. In pockets of the U.K. with high Muslim populations, sometimes up to 80% of marriages are fetching marriages often even to cousins (see the U.K. Channel 4 *Dispatches* program: 'When cousin marry'). What sets this apart from other chain migration, is the Quranic prohibition against marriage with non-Muslims; the Prophetic example of spreading Islam by migration when Muhammad moved from Mecca to Medina (al-Hijra); and the Prophetic example, and in the sunna, that dutiful women must facilitate the spread of Islam by having a large family (see Hadith later). The religious and cultural conception of a Muslim ummah means that new immigrant Muslims often feel religiously and culturally obliged to seek partners in Muslim countries because those countries are considered culturally purer; or they feel that they are fulfilling a religious duty to advance the cause of the ummah by facilitating al Hijra. Some extremists even do this as part of deliberate policy of hostile use of demography, which they openly call 'demographic jihad'. In some parts of Europe, for example Malmo Sweden, some Muslim extremists have allegedly taken to wearing t-shirts saying: '2030 – then we take over' suggesting they will be a demographic majority by 2030 and will then implement a Caliphate under shari'a law. Fiery speeches in mosques, universities, and elsewhere, bragging of demographic jihad are now, sadly, fairly commonplace, even occurring in Australia.¹⁰⁰ Few Australians, other than experts, and Muslim extremists, are aware of the potential speed and extent of demographic change. The website demographicwinter.com makes it clearer.

⁹⁹ <http://www.dailymail.co.uk/news/article-2037998/UK-immigration-Polygamy-welfare-benefits-insidious-silence.html>

¹⁰⁰ <http://www.news.com.au/dry-blamed-on-faithless-aussies/story-e6frf7kx-111113132870>

At the 2010 election, many working class non-CALD and other voters were persuaded to remain loyal to the A.L.P because, as a result of speeches given by P.M. Gillard, they were promised that they could express openly their concern about Australian immigration and population policy and demographic change, without being labelled and pathologised. The P.M. reportedly said: *'There's a temptation for people to use these labels and names to try and close down debate and I'm very opposed to that...People need to be able to have honest discussions...So any sort of political correctness, or niceties that get in the way, I think, need to be swept out of the way...I certainly dismiss labels like intolerant or racist because people raise concerns about border security...'*¹⁰¹ In doing this she distanced herself from leading refugee advocates such as Julian Burnside Q.C. a high profile 'human rights' lawyer. Julian Burnside Q.C. in an article in *The Punch* 'Lest we forget our values in the asylum seeker debate' suggested that the idea of Australia as a compassionate nation is a 'myth', that white settlers could be seen as 'illegal immigrants' in the eyes of Indigenous people and Australia is essentially a 'selfish', 'blind', 'vain', 'racist' nation.¹⁰² Ostensibly, he pathologised the whole nation and everyone in it: but does that include himself and his supporters? Or have they transcended their own race and culture? He made some similar statements in the lead up to the 2010 election.¹⁰³

P.M Gillard's stance against political correctness was outlined in detail in an important speech at the Lowy Institute prior to the election. She rejected labelling, pathologising and specifically denounced the use of the term 'red neck'. She specifically addressed Julian Burnside Q.C: *'I will return to these steps in a moment, but let me turn first to some remarks made in the last few days by a prominent Australian, Julian Burnside QC, an eminent lawyer, much respected in our community. Mr Burnside said: 'I challenge Julia Gillard to point out to the public that at the current rate of arrivals it would take about 20 years to fill the MCG with boat people.' He went on to refer to certain Australians as: 'Rednecks in marginal seats'. On the first point Mr Burnside is very, very right and I'm happy to oblige. He is right because in the context of our migration program, the number of asylum seekers arriving by boat to Australia is very, very minor. It is less than 1.5 per cent of permanent migrants each year; and indeed it would take about 20 years to fill the MCG with asylum seekers at present rates of arrival. This is a point well made. On the second point he is very, very wrong. It is wrong to label people who have concerns about unauthorised arrivals as 'rednecks'. Of course, there are racists in every country but expressing a desire for a clear and firm policy to deal with a very difficult problem does not make you a racist. For too long, the asylum seeker policy debate has been polarised by extreme, emotionally-charged claims and counterclaims; by a fundamental disrespect that I reject.'*

In other words, the demographic impact was minimal. But this figure is extremely misleading because it does not account for chain migration and total population increase. This must have been, or should have been, known to both P.M. Gillard and Burnside Q.C.

Australia's refugee intake is capped at 13,750 people per annum. Whilst it remains capped, those who arrive by boat therefore necessarily displace those already assessed and waiting in refugee camps, hence the somewhat unfortunate moniker 'queue jumpers'. Since Australia offers permanent re-settlement to refugees, something not obliged by the relevant 1951 U.N. Refugee convention, followed by very generous welfare, it is proportionally one of the most generous nations in the world per head of population, even if it is not, when total numbers, or non-permanency, is accounted for.

An important 2000 study in Denmark by sociologist Eyvind Vesselbo highlights the speed and profound nature of chain immigration and fetching marriage. In that study, 145 Turkish guest workers who arrived in 1970 were tracked. It was reported that, as result of their high fertility rate, fetching and polygamous marriages, within 30 years those 145 had turned into a community of 2,813. This means that each man accounted for 19.4 (2,813 divided by 145 = 19.4) people added to the population over 30 years. Of the group, all the marriages were fetching and many were polygamous with an average number of children per family of 6.4. This so shocked the Government that they introduced probably Europe's most severe prohibitions of fetching marriages, setting an age limit on the brides that could be brought in.¹⁰⁴ This was replicated in the U.K. but recently encountered problems because age as a threshold to stop forced marriages was considered a breach of human

¹⁰¹ <http://www.news.com.au/features/federal-election/im-not-pc-says-gillard-in-move-to-end-boats/story-e6frflr-1225887560718>

¹⁰² <http://www.thepunch.com.au/articles/lest-we-forget-our-nations-values-in-asylum-seeker-debate/>

¹⁰³ <http://www.theaustralian.com.au/politics/julia-gillards-speech-to-the-lowy-institute-on-labors-new-asylum-seeker-policy-for-australia/story-e6frgczf-1225888445622>

¹⁰⁴ <http://www.migrationwatchuk.org/Briefingpaper/document/124>

rights under the European Convention.¹⁰⁵ One wonders how many the offspring of those 145 have produced by now, some 10 years on.

We are no mathematical experts, and so approach this with area caution. But, using Australia's yearly refugee and humanitarian intake of 13,750 per annum, were those results to be replicated here, then a decade's refugee intake (not even the 20 years mentioned) would amount to more than 2.5 million people being added to the population ($13,750 \times 10 = 137,550 \times 19.4 = 2,667,500$). Of course, the birth rate there was exceptionally high, 6.4 but even at half that rate (3.2) which is very common among Muslim immigrants, and often an underestimate, 1.3 million would still be added over a decade. Even if the boat people were subtracted from the rest, and a similar but more modest multiplier used, the effect would still be far, far, more than would fill a football stadium of 40,000 in 20 years.

Of course multiculturalists react very strongly to suggestions that some Muslims may be engaged in demographic jihad. They ignore repeated statements by leading Muslim clerics easily available on even the most cursory search of the internet under 'demographic jihad' (such as Yusuf al Qaradawi; former Libyan leader Gadaffi and so on) instead they often allege incitement to violence and genocide if anyone even quotes accurately from such Muslims. They entirely ignore that those Muslims that call for demographic jihad may be inciting violence and genocide by doing so. Demographics is very technical and there are a number of possibilities.¹⁰⁶ Some writers have pointed to the plunging birth rates in such as Iran and Turkey (ignoring the extremely high rates in most of the rest of the ummah) so as to suggest that this may be replicated in the West. It is suggested that Muslims will integrate and adopt lower Western patterns of procreation over time. This is possible, but seems unlikely on present trends and with the current policy settings. This thesis ignores the fact that a chief reason for Western birth rates being so low is that Westerners were expected to be self-reliant rather than welfare dependant, high immigration rates have made house prices high delaying or preventing family formation due to the need to work to meet housing costs, and Western women have become liberated choosing careers above having a family. These patterns are not replicated, and not be replicated, among immigrants since positive discrimination policies have encouraged welfare dependency, many have Government subsidised housing, and if the evidence of some Muslim groups is to be believed they may have a different work ethic (see I.W.W.A submission later). Muslim women are often encouraged to have large families rather than a career.

This thesis also entirely ignores the fact that integration seems to have stalled in many Western countries, young Muslims who will be having the most children appear to be following a trend of radicalisation which requires demographic jihad, and the welfare polices of many Western countries, including Australia, have been structured around very generous multicultural welfare payments and benefits designed to overcome the ageing problem by incentivising even large welfare dependent families. Certainly, the birth rates among immigrants and Muslims adduced in evidence were far higher than those of native born Australians (3.4 and higher). The population impact even in one generation is likely to be very significant. Of course, the authors also see as problematic any welfare or population policy that encourages rapid unsustainable population increases, or lead to excessive welfare dependency by any group, no matter what race or religion.

The U.K. welfare rorts that Baroness Flather described as a crisis, drew allegations that up to 20,000 polygamous Islamic marriages have occurred in the U.K. Once again, precise Government statistics were conveniently unavailable. In the U.K., as in Australia, some Muslim men contract shari'a marriages overseas to avoid bigamy laws; or simply rely on the parallel shari'a law system as suggested above. They can thereby have four or more wives under shari'a law living with them in the U.K. all claiming social welfare payments as parents and sole parents with a range of child endowment payments, and heavily subsidised public housing that offers lifetime security of tenure. The men have neither the intent nor capacity to provide for their wives since they prefer to have the U.K. welfare system provide. The wives are often grateful to be brought from overseas and subsist on the welfare system, made more generous the larger the family.¹⁰⁷

¹⁰⁵ <http://www.migrationwatchuk.org/briefingPaper/document/240>

¹⁰⁶ <http://www.yoel.info/demographicjihad.pdf>

¹⁰⁷ <http://www.dailymail.co.uk/news/article-2037998/UK-immigration-Polygamy-welfare-benefits-insidious-silence.html>;
<http://www.dailymail.co.uk/news/article-2041244/Polygamy-Investigation-Muslim-men-exploit-UK-benefits-system.html>

Recently, the Australian community has expressed its concern regarding the growing incidences of Muslim forced marriages in Australia. A 2012 ABC *Four Corners* documentary 'Without consent' showed how widespread this problem may be. The Government has said it will introduce special legislation to address this. But to date it is unclear if it will take action to prevent fetching marriages, or simply draw the line at compulsion, which is its most likely course of action, since it would be unlikely to wish to lose Muslim votes at the next election. Of course whether it actually enforces its own legislation is yet to be seen, and seems doubtful if it continues with its policy of multiculturalism.

As regards the Sadiq and Black paper, the authors even offer another explanation as to why Muslims prefer their own secret shari'a law system: '*Also it means that any separation, divorce or custody issues can be resolved by applicable Sharia principles within the community and kept private without the intrusion of the state...*'. In short, Muslims prefer their legal system because it allows them to do things that our law would not allow. One wonders precisely what rules are being followed. The Government does not know and will not ask. How does this equate with their citizenship pledge to abide by Australian law? Does it mean they follow it only if they want to, or it allows them to do what they want? It would seem so. Examples are given. Muslims prefer talaq divorce because separation can occur more quickly, three months, and not nine as under our law. But how does this equate with their earlier argument that Muslim shari'a law addresses the weakness in our system that allows divorce too easily? They have contradicted themselves.

Best interests of the child

More worrying admissions relate to shari'a law concerning child custody. A central tenet of our law is that such matters must be addressed according to the 'best interests of the child' and 'equal parental responsibility'. It would seem that Muslims do not agree and prefer their custody rules. The authors quote an academic who boldly says: '*...some Muslims have decided to disregard Australian laws entirely in family matters*'. Again this casual dismissal is apparently seen as of little consequence. But what does this mean? It means that the best interests of the child are ignored in favour of parental rights, being primarily those of the father: '*In Islamic law the distinction between custody and guardianship is important. Irrespective of custody arrangements, the father will retain guardianship of his children until they are adults...Custody is based on the presumption (hadhanah) that a young child should be with the mother. Depending on the school of law this presumption can end when a child is old enough to make an informed choice as to which parent he or she wishes to be with. Importantly, a mother can lose custody by her conduct, for instance if she remarries, is of a bad conduct (including the concept of nusyuz), mistreats a child, makes it difficult for the father to have supervision of, and contact with, his child, or if she converts out of Islam*'.

The statement that the child stays with the mother until a choice can be made seems deliberately misleading. It appears reasonable and humane to give the woman rights until then. But it seems that the authors have deliberately chosen the most palatable school of shari'a law, but do not say which, or where this rule is set out. They also ignore practice. Any competent shari'a scholar would know that this is oversimplified, and that in some places, an arbitrary age of seven for boys and nine for girls is applied. In practice where conservative schools such as the Hanbali are prevalent, often the child is simply given over to the husband, no matter what the age.¹⁰⁸

No Islam; no children

Further, to deprive the woman of child custody if allegations of fault arise is completely opposite to our notion that the child is the loser when deprived of its mother or father. It punishes the child for the parent's fault. We see this as a form of child abuse, unless the child is endangered or its best interests dictate otherwise. Again a misleading definition is employed. We are told that the mother is deprived of custody for *nusyuz*, or *nushuz*, and that this amounts to disloyalty to the husband. The implications of this are simply glossed over. *Nushuz* is essentially an open ended concept. Yusufali in Qur'an Ayat 4:34 describes it as 'disloyalty and ill conduct', Pickthall as 'rebellion'. It is the legal excuse in that Ayat for a husband to beat, some say lightly only, others do not accept the limitation, his or her wife.¹⁰⁹ In any event, in many conservative countries, it essentially means

¹⁰⁸ On the complexity see: http://www.expertlaw.com/library/family_law/islamic_custody-3.html#80

¹⁰⁹ <http://www.cmje.org/religious-texts/quran/verses/004-qmt.php#004.034>

that women are routinely deprived of custody at the discretion of their husbands because it is considered that the husband would not divorce his or her wife unless there was nushuz.

In fact, once again the *chutzpah* of the authors has to be admired. They invite us to allow shari'a law and formally recognise it, then glibly admit, at p 400, entirely without criticism or comment, that under shari'a a woman can lose custody of her children upon divorce, for simply leaving Islam or marrying again. How can this possibly be considered fair? How do such abhorrent rules attract no condemnation? How does this fit in with the image created earlier of a tolerant and plural Islam and shari'a? In fact their arguments even give the appearance of actual support for some abhorrent rules. They say: *'apostasy as an automatic ground for loss of custody shows the significance of the mothers as the transmitter of Islam, its practices, ethos and values.'* In short: no Islam, no children. And we are invited to consider authorising this? Perhaps statements such as these may even attract condemnation from even the most diehard cultural relativists in Government; or perhaps, sadly, not.

Any reasonably competent shari'a scholar could easily find a range of other damaging admissions and flaws. For example, the authors concede but quickly gloss over a number of important reasons why shari'a personal law is abhorrent. A quick thumbnail sketch, at the risk of repetition, may suffice.

The position of women in shari'a law

Under the more rigorous Hanbali school which predominates in Saudi Arabia, considered the holiest country in the Islamic world, or other conservative schools of fiqh, the following rules apply and are practised. Women cannot be Imams, sharia judges or lawyers, and are generally expected to speak through a male guardian when in Court where their testimony is worth only half that of a man (Q: 2:82). Women are clearly subordinate to men. Q 4:34 says: *'Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend from their means. Therefore the righteous women are devoutly obedient and guard in the husband's absence what Allah orders them to guard.'* Men are their guardians, they are the guarded. Since men are the providers, they are protected and maintained and so owe a duty of obedience and quiet loyalty. Their primary obligations are devotion and obedience. Their primary function is that of wife and mother.

They are encouraged; some would say duty bound, to have as many children as they can so as to increase the world's population of Muslims, which is considered strategically necessary to establish a global caliphate by way of aggressive demography - Sunnan Abu Dawud 11.2045: .. *'Marry women who are loving and very prolific, for I shall outnumber the peoples by you'*. Unless there is a serious life threat, they are forbidden to use birth control, especially if permanent. Non-permanent birth control is very strongly discouraged. Abortion on demand is not allowed (Haram) (Q 5:32, Q 17:31, Q 17:33). Abortion is Haram unless the woman's life is in danger, even in cases of adultery, incest, rape or deformity, and then only before day 40 (same even say from conception), when ensoulment begins (Bukhari 4:55:549).

Menstruating women are considered impure, ill or diseased. Sex with them must be avoided: Q: 2:222: *'They question thee, O Muhammad, concerning menstruation. Say: 'It is an illness, so let women alone at such times and go not in unto them till they are cleansed. And when they have purified themselves, then go in unto them as Allah hath enjoined upon you'*. Women should not touch the Qur'an or pray in a mosque when menstruating. Even if not menstruating, they are assigned a separate and subordinate place in a mosque or screened off. Under ultra-orthodox Islam, women are sometimes described by feminists as second class 'baby making machines'. In 2008 Human Rights Watch described the position of Saudi women as 'perpetual minors'. The whole Islamic system of Muslim personal law for women has been described by many human rights agencies and feminists as 'gender apartheid'.

Under conservative schools of shari'a, women cannot marry a non-Muslim. Muslim men can marry some non-Muslims, but only 'chaste people of the book' - Jews and Christians. Women cannot divorce their husband unless he consents by delegating his divorce power to her. Women have a right to seek annulment with the husband's consent (Khul), or if not, only with sharia Court permission, or that of an Imam, provided fault, such as neglect, ill-treatment, incapacity or positive cruelty (Tafriq) is proved. Despite Q: 2:229, in Kuhl cases the woman must relinquish the Mahr or even make an extra payment, which process some have described as legalised 'blackmail'.

A man can privately divorce a woman without Court permission, at any time, without witnesses, using the self-pronounced triple Talaq formula - that is by simply saying Talaq ('I divorce you') three times. The couple can remarry, but not after more than three Talaqs. Two types of revocable divorce (Talaq ar-Raji) are available: Talaq Ahsan - one Talaq pronounced when the wife is pure, with the husband refraining until completion of the 3 month Idda (preferred); or Talaq Hasan - up to two Talaqs pronounced at successive periods, or at the same time. Talaq al Bain - three pronouncements at the same time, or successively, or before consummation, is irrevocable. This procedure causes considerable confusion. When a man has mistakenly irrevocably divorced his wife and wishes to remarry her, the divorced woman cannot remarry him unless she has married someone else and consummated that marriage, then divorced the new partner, and waited a set period, Idda, usually 3 menstrual cycles for those old enough to menstruate (and 3 months for a child bride), to ensure she is not pregnant and to test to see if jealousy indicates that feelings still exist (Q 2:230). A temporary marriage to allow remarriage in this way is known as Nikah Halala. Of course, during this period, a man would be free to take another wife. If the couple do not wish to remarry, or if the husband dies, then the wife has to wait an Idda of 4 months 10 days before she can remarry so as to ensure that her womb is vacant for her next husband's use (Q 2:234).

The issuing of Talaqs can be a source of enormous stress to women since two Talaqs serve as a severe warning that further transgressions can be punished by instant irrevocable divorce whereupon she may lose her honour, financial security, home and the right to her children. The mere availability of Talaq can leave women in a permanent state of anxiety and has a serious impact on the balance of power in the relationship, providing the conditions under which abuse is more acceptable or likely.

Muslims do not expect the woman's family to provide a dowry. Instead, technically, Muslims men must pay a 'contract price' (Mahr or dower) for the woman at the time of marriage for the contract (Nikah) to be valid. Islamists consider the contract price to be the price of prepaid sexual services - Muslim 9:357: 'if you tell the truth, it (dower) is the recompense for your having the rights to intercourse with her..', also Bukhari 7:62:81. Islamists view the marriage contract as more akin to an ordinary contract in which many things such as the amount of Mahr, marriage duration and living arrangements can be specified in advance. The husband, not the wife, is responsible for the financial provision of the family thereafter (Nafaqa).

In theory, the Mahr, as a form of prepaid marriage settlement, the right to contract marriage, plus the right to own property independently, operates as a form of financial security and its introduction represented a social advancement in early times. But real world practice differs radically. Technically, Mahr must always be paid, but this is not always so. Nikah Shigar is sometimes practised where girls are exchanged in marriage without Mahr. If paid, technically the woman gets to keep the Mahr and any money she makes, during the marriage, and after divorce (Q 2:229). But there is no minimum amount of Mahr, it need not be monetary and can be dispensed with at the time of marriage. Since, among the poor, women's bargaining power is often low, the Mahr conditions are arrived at through a form of economic duress. Poor Muslim men often have little money to give, so the Mahr is very small and therefore financial security is minimal or non-existent. The Mahr is often taken by the bride's family or used to support the family and children of the marriage. The payment of Mahr also operates to relieve the husband of any further financial responsibility to pay ongoing maintenance following divorce. Islamists often punish a wife who seeks annulment by forfeiting the Mahr. Since they interpret the bride price as prepayment for sexual and wifely services, Islamists see women as financial dependents owing a duty of absolute obedience and contractual service.

Whilst Mahr may have represented an advance on the rights of women in pre-Islamic societies, it places the woman in a subordinate and essentially dependent role when compared to the position of modern Western women. In fact, since the price often goes to the bride's family, Mahr provides a strong incentive for destitute families to marry off girls at an early age - which they often do. This has led some feminists to conclude that Hinduism oppresses women by forcing the poor to pay dowry in order to secure the marriage of a daughter, but Islamism oppresses women by using the dower to turn them into marriageable commodities.

Under strict sharia law, a man can insist on sex with his wife (Q 2:233: 'Your wives are as tilth unto you; so approach your wives when or how ye will..') - 'tilth' being cultivated land in which seed is planted. Women cannot refuse sex during marriage. Under Australian law, they can, and a man who forces himself on his wife would be considered a rapist. Under sharia law, in return, a woman can demand sex of her husband and is

guaranteed an equal number of nights in a polygamous union. If a woman is rebellious, disloyal or badly behaved (Nushuz) she can be denied marital intimacy then beaten (some say 'lightly', many Islamists are not so squeamish) by her husband: Q 4:34: 'As to those women on whose part ye fear disloyalty and ill-conduct, admonish them first, next, refuse to share their beds, and last beat them lightly; but if they return to obedience, seek not against them means of annoyance: for Allah is most high, great, above you all..'. Accordingly, many strict sharia countries have no specific laws on domestic violence, or if they do, they are often not enforced.

There is no minimum age for marriage so girls can be contracted in marriage from an early age and the marriage can be consummated from the onset of puberty. As was customary at that time in Arabia and elsewhere, Aisha was married to Muhammed at 6 or 7 and consummation took place at 9, when he was 53 or 54 - Q: 65:4; Sahih Bukhari 7:62:63-5; Sahih Muslim 8:3311-12. Women can be flogged or even stoned to death for adultery for which pregnancy alone is sufficient proof. They must provide four eye witnesses to prove rape, an almost impossible task in most cases (Q 24:13). Therefore many unsuccessful rape accusations actually result in punishment for adultery of flogging or even stoning. Accordingly, in strict Muslim countries most rapes go unreported. Lesbianism, which classified as lewdness, is a hadd crime punishable by flogging but in practice often starvation to death (Q 4:15). Since there is no definition of lewdness in the Quran, lewdness can, and has been used to justify punishing girls and women for breaching rules as to veiling.

Women cannot have more than one husband (polyandry). Polyandry or bigamy is a serious offence for a woman. Women are sometimes accused of bigamy when a husband deserts them then returns after they have remarried. Since there is no obligation to inform her of pre-existing marriages, a woman is expected to agree to a polygamous union, with the husband allowed up to 4 wives simultaneously (Quran 4:003).

Enormous importance is attached to chastity (virginity), and male and family honour, Namus, is dependent on chastity and modesty. Girls are expected to be virgins when married, and are shamed, punished harshly and sometimes killed if not, even though loss of the hymen may have occurred naturally, not through sex. Female orgasm is seen as evil or shameful so they can be the subject of legalised female genital mutilation (FGM) ranging up to total removal of the clitoris, labia minor and major, and infibulation. Infibulation is stitching up the vagina so that, when healed, only a small hole allowing urination and menstruation remains. Infibulated females are cut open for the purposes of child birth and then stitched up again. Many die during the process of FGM, contract HIV, infections or diseases, and suffer serious and long lasting psychological and physical damage such as incontinence or, pain, continuous infections and cysts. As with many young brides who are too small for childbirth, FGM is often associated with fistulas, a hole between the rectum and vagina causing serious infection.

Although there are Hadith suggesting that consent is needed, there are others suggesting it is not and silence suffices (Bukhari 7:62:67-70). Accordingly, Islamists say that females cannot freely choose their own marriage partner but must obey their father, and family, and must have permission of a male marriage guardian, or Wali. The marriage contract must normally be witnessed by two males and the Wali must accompany them during the ceremony. They can be forced to marry and give birth even with a close blood relation such as a first cousin (Q 33:50; 4:23), that is, Western laws and stigmas against consanguinity do not apply. Some doctors have said that this substantially increases, more than doubles, the incidence of sometimes shocking hereditary diseases.

Women must seek permission of a male guardian (Mahram) for a wide range of important legal and other decisions, such as travel, work, and medical treatment. It is becoming increasingly commonplace in the West, including Australia, to see Muslim women being accompanied by a Mahram when visiting a doctor or attending hospital. Aside from veiling requirements (discussed in detail later) women are expected to stay indoors Q: 33:33; 'And stay quietly in your houses, and make not a dazzling display, like that of the former times of ignorance', that is, seclusion. She should ask permission of the Mahram to leave the house, and if out, avoid mixing socially with most men, that is, segregation. A woman needs permission to work and the role she undertakes must not be one of a restricted category. Some extremists suggest that women cannot be educated in other than the Qur'an when older than 8 years. They can be legally murdered if they bring shame or dishonour on a male or the family - honour killings. Since Islamists see infidels as wicked and reject most aspects of their culture, they are often vehemently opposed to Western education, especially for girls and punish harshly those girls who enrol in Western schools. In Northern Nigeria, now under sharia law, this has

led to the formation of a violent Islamist terror group known as 'Boko Haram' which means 'Western education is sinful and prohibited'.

Although they can be flogged or stoned to death for adultery women are expected to take part in temporary marriages (Nikah Muta or 'pleasure marriage' in Shia, or Nikah Misyar in Sunni) allowing men to marry then divorce a woman for a short period of days or even overnight provided payment is made. Nikah Muta and Misyar have been criticised as 'legalised prostitution'. For example, Nikah Muta has allowed a flourishing prostitution trade in Iran, an otherwise strict Muslim country. Women can also be sold as slaves or traded in exchange for debts or to settle disputes (Baahd). Reflecting societal conditions at the time, female slavery (slaves are referred to as those whom 'the right arm or hand possesses' - right arm being the fighting arm used to capture them), is authorised by the Quran 4:24 'And all married women are forbidden unto you except those captives whom your right hand possesses'. Islamists believe that Muslim men can have as many sex slaves as they please.

Female slaves even when technically protected by the same laws as others, have almost no effective rights. They are raped, beaten, tortured or killed, often with impunity. Under sharia, a married Muslim man can have sex with as many slaves as he wishes, this does not count as adultery. Any offspring have no right to maintenance.

Submission by the Islamic Women's Welfare Association – number 403 (attached)

Comment: there is perhaps no better illustration of the critical need for Governments to reject multiculturalism and move to interculturalism, or pluralism, to foster a proper balance between rights and responsibilities, between taking and giving, between mainstream and minority, than that of the submission from the Islamic Women's Welfare Association based in Lakemba, a Western Sydney electorate with a large Muslim population. There is probably no better illustration of how desperate the Government is to secure votes if, as it appears, they were actually contacted and encouraged to put in the submission. One wonders if the political ramifications were even considered at all, or if the Government ever considered making such a submission confidential. There is probably no better illustration of how multiculturalism encourages excessive demands and thereby sets up disappointment; nor any clearer explanation as to why the nation is now so divided by multiculturalism and why many in the mainstream are so resentful, as evidenced in the submissions.

In their submission the IWWA asked for a range of Government subsidies, tax breaks, compensation and benefits which would shock most Australians. These were apparently asked for on the basis that, if not provided, Australia would lose them as a highly prized asset 'bringing their rich cultural, religious, culinary, music and culture'(sic). Obviously, the submission represents an ambit claim. In many ways the blame, if such a thing is appropriate, should be shared, by Government, since its multicultural policies, which are also designed as a vehicle to secure votes and political power, actually invite such excessive demands.

The list of claims starts with an opening statement that: '**Muslim communities prefer to be in close proximity to other Muslims**'. Many Australians would find this offensive and perceive it as confirmation of intent not to integrate and deliberately to form ghettos based on prejudice or preference; multiculturalists support separation and would probably see no issue. The explanation for this is that it makes them more 'receptive to the Australian way of life'. Since when has isolation from the mainstream been part of the Australian way of life? Especially when asking the taxpayer to pay for the preferred isolation, as they must, through the housing, transport and other services Muslim and other migrants are provided with?

Again this will confirm many people's worst fears. If all are equal, and all cultures are the same, why would such separation ever occur? This exposes the inherent contradiction in multiculturalism. On issues of legal pluralism, respect for cultural traits, all are the same. When it comes to demands by minorities to live separately all are not the same and we should respect that. If Australia is the utopian multicultural dream that multiculturalists try to portray, why would minorities not long to spread out and live in the broader community as soon as they possibly can? If the price is that they must commute to a Mosque or Islamic school, surely they would see the costs as more than worthwhile for the benefits of not forming ghettos and integrating more closely with other Australians. Surely, as an ummah community, they would arrange transport between

themselves to assist other Muslims who are in need. Perhaps 'tough love' is the better approach and would foster closer ties among them and more self-reliance and prevent ghetto formation? Most Australians would think so.

Under multiculturalism, this expressed preference to live separately is at the very centre of Government policy. It is accepted completely at face value, as a matter of cultural sensitivity and respect, without proper consideration of the impact or dangers. This is so even against the clearest evidence from many overseas nations of the dangers of ghettoization; think France's 750 no go zones. Almost reflexively, and without proper consideration, Government welfare services are designed and arranged around this core preference: **'Muslim communities prefer to be in close proximity to other Muslims'**. This thereby becomes Government policy. **It is the clear intent of Government multiculturalism policy, and its deliberate practice, to 'respect' the desire for separation by planning, financing and creating cultural ghettos. In the U.K. and elsewhere these ghettos have been the breeding ground for terrorism.**

Subsidised house purchase

Next it is explained that, if the Australian Government wishes to encourage 'long term settlement patterns', again we must pay not to lose them, we should consider how to facilitate the purchase of new homes for migrants. Is this a request for the Government to buy all migrants a home, arrange for them a subsidised loan, or make their loan payments tax deductible? Which? Why? Since the first home buyer scheme is mentioned, prior to this request, perhaps they want the scheme relaxed or made more generous for them alone?

Two year buddy system

Families with children should have a buddy for up to two years to help them settle. Is this to be paid for by the Government? A Government subsidised personal assistant? A Government subsidised paid servant? What tasks would the buddy perform exactly?

Tax deductible travel home

The next request is for tax deductible travel in the first few years to visit close relatives. How many years? One? Two? Three? Or more? How does this sit with those who have come as refugees because they claim to have been persecuted in their home country? Would their claims be reassessed? For many Australians, already suspicious of the *bona fides* of many refugee claims, this would tend to expose some of them as being based on a fraud.

Compensation for the expenses of migrating here and travel home to 'events'

The next claim begins with an explanation: 'Migrants face a lot of sacrifices such as travelling long distances to visit relatives, spending on communications costs, missing out on events in native countries'. Apparently, if we wish to retain them we must 'compensate'. They say: 'This loss should be compensated by the Government in one way or another.'

Again, this claim is a very clear example of what type of mindset, behaviours and expectations, multiculturalism is inducing. Precisely what events would be covered? I suspect many would like the Government to compensate them for their Hajj? Far-fetched? No there is a precedent. The Singh Government in India, which holds power with a very narrow margin and is dependent on Muslim votes (there are 150 million Muslims there), just as this Government is, and faces Islamic terrorism and a growing militant Muslim population, set up the Sachar Committee to provide for a series of generous accommodations. The 2009 budget earmarked \$130m for airfares alone, for Hajj visits. India is one of the poorest nations in the world.

Remove or relax family reunion entry

Apparently the rules for family entry require at least half one's family to be here before one can apply for family reunion. They say that this has forced their families to find other ways such as enrolling/renewing their university course to secure temporary residence, arguably, in effect manipulating the student visa scheme for family reunion purposes? To relieve them of the need to do this, they request family reunion rules be removed

altogether or relaxed considerably. They ask for: 'migration of other members of the family without the selection criteria as it currently exists'.

Tax deductions for support of family living overseas

They complain that there is currently no incentive offered by the Australian Government to support their overseas families. They say: 'Currently income tax deductions can only be made for support of elderly relatives who live in Australia'. Can they? That would be news to many. They demand that this be reviewed and tax deductions allowed for those overseas. A series of barriers are then identified with the request that 'ways and systems be designed' to reduce the identified problems below:

Qualifications not recognised - They ask for 'adjustment time' that is needed to accommodate their different work ethic. Note: if an opponent of multiculturalism were to suggest that Muslims have a different work ethic s/he may be brought before one of Ms Szoke's Tribunals and found guilty of racism. They complain that they are often placed in 'junior positions' whereas 'in their countries of birth they hold senior positions'. What does this mean? Different working hours? Relaxed work testing for welfare payments? Muslims are only expected to work in lucrative or desirable jobs? Muslims must have immediate recognition of qualifications without scrutiny? But what if those qualifications are of an inferior standard? Note: this was a constant theme of Committee hearings and something the Chair expressed much concern about – the possible need for relaxation of scrutiny of overseas qualifications; or their easier recognition.

Cultural - They say, often there is a 'stark contrast' between the host culture and their own, but cultural relativist would deny this – surely all are the same. They wish to 'maintain their own cultural identity and have this accepted'. But what does this mean? Is this a demand for shari'a law? But they also want to 'accept and be able to fit in' mainstream Australian culture. But if the two cultures are starkly different how is that possible unless they change; or they displace the majority, or the majority gives in to legal pluralism?

Religious – they say they wish to be able to build mosques where they choose in 'their communities' without prejudice or discrimination or 'disguised' government policies and procedures. Presumably this is an allegation that they are being refused mosque development because of racism not valid planning reasons. But do they consider themselves to own parts of Australia so that they are now 'their communities' and we must accept mosques there? What about non-Muslims who live there? Have they no rights? What solution do they want? Do they want to decide planning issues and have the community and Government be obligated to accept? Does this not resemble a State within a State?

Free or subsidised refresher courses

In order, they say, to 'polish their qualifications' they want access to 'refresher courses' in TAFES and universities. But those courses are already available to everyone. Do they want them free or with extra subsidies?

Paid nanny for Muslims only? - Finally, they ask for 'support for mums and dads during the settling in phase'. This is particularly ironic, given that Minister Ellis has been in the news recently strenuously objecting, rightly in my view, to the suggestion of taxpayer funded nannies for rich Australians. Is the Greens/ALP now going to provide nannies to Muslims only so as to secure their electoral support? We hope not.

Pluralists for a referendum – April 2012 – copyright waived – if you agree with the views outlined, it is your duty to distribute this submission and JSC submission 479 to as many people as you can. But do not use it to incite racism. See the warning at the beginning of the paper: this warning is very important.



The Islamic Women's Welfare Association

4/180 Haldon Street, Lakemba, Sydney 2195

Tel: (02) 9759 1675

Email: iwwa01@gmail.com; www.iwwa.org.au

Jane Hearn
Inquiry Secretary
Joint Standing Committee on Migration

12th April 2011

Dear Jane

I sincerely apologise for the delay in responding to your request for IWWA's (Islamic Women's Welfare Association) contribution to the above inquiry which took longer than anticipated.

Please find attached IWWA's suggestions which has been collated from its interaction, observations and responses from its members and the local community.

On Behalf, of

Abia Kadous/President IWWA

Multiculturalism, social inclusion and globalization

1. The role of multiculturalism in the Federal Government's social inclusion agenda; and

To recognize the impact and the contribution made by migrant communities and to ensure that policies and procedures are made with greater understanding and sensitivity to their needs.

2. The contribution of diaspora communities to Australia's relationships with Europe, the UK, Middle East and the immediate Asia-Pacific Region.

The diaspora communities migrate with their own rich cultural, religious, culinary, music and culture. Some may even have emotional and psychological and medical requirements to assist with settling here in Australia.

Settlement and participation

3. Innovative ideas for settlement programs for new migrants, including refugees, that support their full participation and integration into the broader Australian society; and

In the case of migrant Muslim communities (be they just migrants or refugees) they prefer to be in close proximity to other Muslims. Primarily because they immediately feel accepted and supported hence they adapt easily and are more receptive to the Australian way of life. Incentives such as first home buyers scheme are indeed helpful as they assist us to buy a home to live. In order to encourage long term settlement patterns, Australia should consider how to facilitate the purchase of homes for new migrants. Some innovative ideas for settlement programs should aim at facilitating the quality of life for new migrants including refugees:

1. Introduction of a buddy system whereby new migrants are assisted and followed up until period of integration ie one to two years in particular for families with children;
2. Cultivating a spirit of tolerance for others in the community for all races and their needs;
3. Introduction of tax deduction for travelling costs for new migrants who have to travel in their first few years of settlement to visit close relatives in their country of birth. Migrants face a lot of sacrifices such as having to travelling long distances to visit relatives, spending on communication costs, missing out on some events occurring in native countries etc. This loss should be compensated by the Government in one way or the other to retain migrants in their country of adoption.
4. Facilitate the migration of other members of the family without the selection criteria as it currently exist that half of the family members should already be here before one can apply under Family sponsorship. A few migrants have been using alternative ways to secure stay in Australia by enrolling/renewing their university courses to secure residence on temporary basis.
5. Australia tax system needs to be reviewed – as there is no incentive to recognise that migrants have family living overseas whom they are supporting. Currently income tax deductions can only be made for support of elderly relatives who live within Australia.
4. Incentives to promote long term settlement patterns that achieve greater social and economic benefits for Australian society as a whole.

In order to introduce incentives to promote long term settlement patterns that achieve, it is worth considering the problems faced by migrant communities and design systems or ways of reducing these problems.

Problems being Faced by Migrant Communities which impact on long term settlement patterns are:-

- **Social**

Used to the extended family and friends.

Language, education, economic status are seen as barriers in being accepted into social circles.

- **Economic**

Often come to their adopted countries with little or nothing and have to start from scratch. This changes the focus from family and friends to material things.

Have to work harder to prove themselves at work and often be given secondary consideration.

- **Education**

Language and prior qualifications often a barrier to entry in similar position as in their country of birth.

- Qualifications are not recognised.

Work ethics and policies are completely different, there is an adjustment time period.

Often placed into junior position where as in their countries of birth they hold responsible senior positions.

- Cultural

Wish to maintain their own cultural identity, to be accepted and at the same time, they to wish to understand and be able to accept and fit into the adopted country's culture. Often these are in stark contrast and there is a huge adjustment time.

- Religious

Migrants need the freedom to be able to build their own places of worship within their communities without prejudice or discrimination from the communities in which they live or from disguised government's policies and procedures.

In addition to designing ways and systems to reduce problems as above, the following could be implemented:

- Ø Monetary incentives to live and work in specific regions in need of the migrants skill sets. This would ensure that there is already a similar cultural presence in these regions.

- Ø Ensuring there is access to cultural, religious, interpreters, to relevant refresher courses in TAFES and Universities to polish their existing qualifications including initial affordable housing assistance schemes.

- Ø Support for children while mums and dads during the settling in phase.

Thanks