

ANTI-DISCRIMINATION BOARD STATEMENT ON DECISION TO SUSPEND AFRICAN IMMIGRATION

By the President of the Anti-Discrimination Board of NSW, **Dr Stepan Kerkyasharian AM**



The Minister for Immigration and Citizenship, Mr Andrews might have been surprised by the reaction to his announcement last week to put a halt to further arrivals of people from Africa. I am sure if he expected people from all walks of life and across the political spectrum to see racism in the decision he wouldn't have made it and he wouldn't have presented it the way he did.

Since the official end of the White Australia policy, Australia has prided itself on the non-discriminatory nature of its immigration policy. This year we celebrate 30 years of legislated recognition that we do not discriminate on grounds of race or other characteristics. Mr Andrews, by his comments has introduced a quantum shift in the assessment of potential migrants in that, instead of assessing the individual and individual's suitability to settle in Australia, we should now assess someone by way of race or country of origin. That is something that has never been done by any of his predecessors from either side of politics since the demise of the White Australia policy.

In fact to do so would surely amount to racial discrimination, because it would fit a classic description of race being the determinant characteristic of a decision, in other words it is the race which is being assessed and not the individual.

Yet, Mr Andrews has apparently created new criteria for assessing who should come and who should not, based on race and country of origin.

What are his criteria for determining that any refugee of Sudanese origin, ipso facto, is not suitable to settle in Australia? We have over the last half century successfully integrated people from almost every conceivable cultural, linguistic, racial and religious background on earth. Of course there were teething problems. Of course each group produced its own crooks and thugs... and its own brilliant students, performers, entrepreneurs and sportspeople.

So, if the Government judges that this latest wave of new settlers is going to have more difficulty than any previous one there might be a reason other than the culture or race of the people themselves. Perhaps we did not serve these desperate people well. Perhaps the Department of Immigration was not well prepared to receive and settle people who had experienced the worst that mankind could tolerate?

Why did it decide to send them to so-called non-traditional settlement locations? Why did it not properly prepare those host communities that lacked the infrastructure and the tradition of settling refugees to receive the African arrivals? settlement task out of the bureaucracy and effectively removing it from the direct responsibility of Government?

Why did it outsource the settlement task out of the bureaucracy and effectively removing it from the direct responsibility of Government?

Those questions should be answered in full before we introduce race as a criteria for choosing which refugees to accept. Surely as Australians we are accustomed to caring for those who, through no fault of their own, are destitute and homeless.

Mr Andrews has introduced a racial element that cannot but open the door to accusations of racial discrimination. All Australians, whatever their personal views, will feel the sting of those accusations from our international friends and rivals alike.

The international newsagency Reuters left its clients' readers, listeners and viewers in no doubt about how they should interpret Mr Andrews decision when it said "Race looms ahead of Australian elections" inferring it pointed to a return of race politics as had been championed by Pauline Hanson a decade ago.

But more importantly it will harm us as a society. It attacks our community harmony and our notions of community harmony by sending signals that its fine to criticise anyone purely on the basis of their ethnic background, without any regard to the damage done to thousands of other law-abiding Australians of the same background. In 2007 that is something we simply don't need especially in the year that we celebrate the 30 th anniversary of the Human Rights and Equal Opportunity Commission and the establishment of the Anti-Discrimination Board of NSW.



Media Release

Thursday, October 4, 2007

30 years of the NSW Anti-Discrimination Act

SYDNEY (Anti-Discrimination Board of NSW) The Anti-Discrimination Board of NSW is commemorating 30 years of human rights law in NSW.

“The Anti-Discrimination Act was a groundbreaking piece of legislation when it was introduced in 1977 and it remains crucial to addressing inequalities in society,” said Stepan Kerkyasharian, President of the Anti-Discrimination Board of NSW.

The 30th Anniversary of the NSW Anti-Discrimination Act of 1977 will be marked by a ceremony at Parliament House of NSW on Thursday 25 October at 5.30 pm attended by Ministers and the human rights community of NSW.

The 30th Anniversary Commemoration will be addressed by the Minister for Justice, the Attorney-General of NSW, the Hon. John Hatzistergos.

The NSW Anti-Discrimination Act has undergone major changes since its enactment in 1977. “The Act today makes it illegal to discriminate against someone on the basis of their sex, disability, race, pregnancy, age, sexual preference, transgender status, marital status or carer's responsibilities.”

Each year, the Anti-Discrimination Board of NSW fields 10,000 enquiries, resolves 1000 complaints and delivers educational seminars to 7500 people in NSW workplaces and the community.

The 30th Anniversary of the Anti-Discrimination Act will also be marked by: a community event in Martin Place Sydney with a social justice theatre performance on Tuesday 23 October at 12 pm; and a University Forum on the NSW Anti-Discrimination Act co-hosted by the NSW Anti-Discrimination Board and the Koori Centre of Sydney University. The Forum is open to all and will run from 1 - 5 pm at Sydney University's Koori Centre in the old teacher's college on Tuesday 30 October.

You are also encouraged to enter the 30th Anniversary of the Anti-Discrimination Act photo competition. It's easy, you can enter as many times as you like and you could WIN \$1000. Just send your JPEG portraits of human rights and anti-discrimination to ADBcomp@agd.nsw.gov.au before Monday 15 October.

Website for the 30th Anniversary: www.lawlink.nsw.gov.au/adb30

Media Contact: Penelope Lake 0438 173824 Penelope_Lake@agd.nsw.gov.au

President of the Anti-Discrimination Board: Mr Stepan Kerkyasharian 0404 488474

NSW Anti-Discrimination Board Enquiry & Employer Advisory Service: 1800 670 812



TIME LINE NSW ANTI-DISCRIMINATION ACT

1977 Birth 1 June The Anti- Discrimination Act, No 48 of 1977 (ADA) comes into force. The Act makes it unlawful to discriminate on grounds of sex; race; marital status. In the areas of: employment; accommodation; goods and services; and education (race only). The new law sets up two new offices: Counsellor for Equal Opportunities and the Anti-Discrimination Board of NSW.

1980 Baby Steps The ADA is amended. The Office of the Director of Equal Opportunity in Public Employment was set up. Sex and marital status discrimination was also made unlawful in the area of education.

1981 Fourth Birthday The ADA is amended to include physical disability as ground of complaint. Registered clubs are added to the list of areas in which discrimination is unlawful, and the Equal Opportunity Tribunal is established to take over quasijudicial functions of the Anti- Discrimination Board.

1982 Growing up Fast Two important grounds for complaint are added: homosexuality and intellectual impairment. The maximum amount of damages (compensation) awarded to a victim of discrimination is doubled, to \$40,000. Job ads take on a whole new look. In April it became unlawful to publish advertisements that indicate an intention to discriminate unlawfully.

1989 Adolescence Vilification outlawed and racial vilification added as a ground.

1991 Compulsory retirement for some becomes unlawful, signalling an awareness of age discrimination.

1993 And then for others: Compulsory retirement becomes unlawful for all public and private sector employees. Certain occupations are permanently excepted, such as police and judges.

1994 a HUGE year! New grounds are added, existing grounds extended: Disability discrimination; Age discrimination (employees aged under 21 years excluded); HIV/AIDs Vilification and Race definition broadened to include ethno-religion and descent. Marital status is extended to cover goods and services.

The associates of people discriminated against are also brought within the Act's protection. The Act covers industrial awards and agreements. Gender-neutral language is introduced to all sections of the Act. A new section is added to enable Ministers to grant exemptions for any group identified in the Act.

1996 Transgender Status added as a ground.

1997 Twenty Years! Sexual Harassment added as a ground.

2001 Carer's Responsibilities added as a ground to the area of employment only.

2007 Thirty years! Sex discrimination expanded to include breastfeeding.

FACT SHEET

THE NSW ANTI-DISCRIMINATION ACT

FOUNDATIONS:

1. Sex (including pregnancy, breastfeeding)
2. Sexual harassment
3. Disability
4. Race
5. Homosexuality
6. Marital status
7. Age
8. Transgender
9. Carer's responsibilities
10. Vilification (on the basis of Race, HIV/Aids, Transgender or Homosexuality)

AREAS:

- Employment;
- State education;
- Goods and services;
- Accommodation;
- Registered clubs

The NSW Anti-Discrimination Act: 30 years, 34,290 cases
1 board, 1 aim: End Discrimination in NSW

Did you Know?

- NSW has had laws against discrimination for thirty years, since the Anti-Discrimination Act of 1977?
- The Anti-Discrimination Board of NSW fields 10,000 enquiries every year, resolves 1000 complaints and delivers educational seminars to over 7,500 people in NSW workplaces and the community?
- The most common complaint in 2006 was about gender (including sexual harassment and pregnancy) in the workplace.
- The Freedom Rides bus tour of northern NSW towns in 1965 helped raise awareness of discrimination against Aboriginal people in NSW.
- The Anti-Discrimination Board of NSW promotes Anti-Discrimination through education, consultation and resolution of complaints.
- Australia is one of only five countries in the world with no paid maternity leave.
- The first Mardi Gras in NSW was a political protest in 1978 in Sydney. Today, the Sydney Gay and Lesbian Mardi Gras is a major celebration featuring thousands of participants and millions of viewers around the world.
- The Anti-Discrimination Board of NSW offers free community education seminars to community groups and organisations.
- The Anti-Discrimination Board of NSW delivers training programs to workplaces on-site via in-house training, and an off-site corporate seminar series across NSW.
- The Anti-Discrimination Board of NSW has three offices in Sydney, Newcastle and Wollongong.

MESSAGE FROM THE PRESIDENT

*Message from the President of the
Anti-Discrimination Board Stepan Kerkyasharian*



The Anti-Discrimination Board of NSW is celebrating 30 years of Anti-Discrimination Law in NSW. The NSW Anti-Discrimination Act of 1977 was a milestone in NSW legal history and a victory for social justice.

The Act now covers ten grounds following amendments over the years in accordance with shifting societal trends. We now recognise disability, homosexuality and transgender discrimination as significant grounds of discrimination.

Thirty years ago, NSW decided to get serious about equal rights for all. But what good is legislation without action? That's why the Anti-Discrimination Board is so important. The thousands of enquiries and complaints we receive and resolve every year show we are delivering a valuable service to the people of NSW.

Employers are now serious about their obligations and responsibilities to treat their employees with respect. Employees are more aware of their rights, and their options. Our education program offers a valuable service to workplaces and community groups.

The role of the Education Services Branch is to help prevent discrimination by educating the people of NSW, employers, employees and service providers about their rights and responsibilities under anti-discrimination law. The branch has a self-funding education program aimed primarily at employers and services providers. It also delivers regular talks to various community groups and has run other community projects. It produces a wide range of publications and a comprehensive website.

As we celebrate the 30th Anniversary of the Act, let us look back with pride at this valuable piece of human rights legislation and at what it means for us today. Let us appreciate the service of the Anti-Discrimination Board to the community. And let us look forward to a future of human rights for all people in NSW.



50 YEARS OF
MERDEKA

By Chandra Muzaffar



What is Malaysia's greatest achievement in the last 50 years of Merdeka? It is our ability to maintain a remarkable degree of inter-ethnic peace. By inter-ethnic peace we mean a minimum of communal violence over five decades of Independence and a maximum of tolerance, compromise and adjustment among the different communities that constitute the Malaysian nation. Why should one consider this an accomplishment? Most other multi-ethnic societies, even those that are far less complex than Malaysia, in demographic, cultural, religious, political and economic terms, cannot boast of such a record. For the sake of comparison, look at two other multi-ethnic countries, Indonesia and India, both of which also attained nationhood in August, the first in 1945 and the second in 1947. In both cases, there has been much more communal and political violence.

There are a variety of reasons which explain our relative success in managing ethnic relations. The willingness of the indigenous Malay elite in the fifties to accommodate a sizeable non-indigenous population in what was historically a Malay polity through the conferment of common citizenship was undoubtedly a key factor. Citizenship guaranteed the economic, political and social rights of the Chinese and Indians and afforded protection to their languages, cultures and religions. The Chinese and Indian leaders in turn reciprocated by recognizing the special position of the Malays, apart from accepting the three symbols of the Malay polity: Malay as the national and official language; Islam as the religion of the Malaysian Federation; and the Malay Rulers as the constitutional heads of various states in the Federation and the Federation itself.

It is this quid pro quo that is often referred to as 'the social contract' among the Malaysian communities. It is reflected in various provisions of the Malaysian Constitution. It has resulted in a certain equilibrium, a balance of sorts, which has been fundamental to the preservation of inter-ethnic peace in the

preservation of inter-ethnic peace in the country in the last 50 years. The Alliance in the initial years of Merdeka, and now the Barisan Nasional, have been the main conduits through which this equilibrium has been sustained.

There are other achievements that we can be proud of. Partly because of the inter-ethnic peace that prevails, we have enjoyed continuous political stability. Peaceful, orderly political succession is one of the manifestations of this. Neither political stability nor orderly political succession has emerged as an established norm in many parts of the Global South.



Similarly, Malaysia has been a functioning, constitutional state which upholds to a certain extent the basic principles of democratic, civilian rule. This again is the exception rather than the rule in post-colonial Asia and Africa which have witnessed numerous military coups. An elected Parliament and state Assemblies elections have been held regularly within the constitutionally stipulated time frame remain the source of legislation. The Executive at Federal and state level continues to formulate public policy. The Judiciary has always been conscious of the importance of preserving its independence. Since Merdeka, we have had a public sector that delivers while the private sector has also contributed to growth and development.

This brings us to a fourth achievement. 1957 more than 50% of the population lived below the poverty line; today, about 5.7% are classified as absolutely poor.

About 97% of the entire citizenry has access to primary health care facilities while 93% are literate. Basic amenities such as piped water and electricity are available to well over 90% of the population. Few other independent states in the Global South can match Malaysia's stupendous performance in the economic and social spheres.

If economic and social progress has given meaning to Merdeka, so has Malaysia's foreign policy. Since 1970 it has pursued an independent foreign policy which has attempted to ensure that Malaysia's well-being is not mortgaged to some big power or other. It is significant that even after the ascendancy of a single global superpower in the early nineties, the nation has sought to preserve a measure of independence and sovereignty in an environment in which most states have chosen to submit totally to the dictates of that superpower.

The achievements of the Malaysian nation over the last 50 years taken as a whole are due primarily to the core within the national leadership. In spite of all its shortcomings, the core has demonstrated a sense of responsibility, and has been balanced and pragmatic in its approach to nation-building. Pragmatism and good sense, coupled with a commitment to the 'middle path', are also some of the attributes of the Malaysian people which have served us well all these decades.

And what of the future? If inter-ethnic peace is one of our achievements, the most formidable challenge that awaits us is forging a durable inter-ethnic unity. Only when the love for unity is deeply rooted in our hearts will the future of this country be secure. For this to happen, all Malaysians of whatever ethnic background should feel that the nation is capable of delivering justice to all its citizens. To achieve justice, we should not only adhere to the principles of the Malaysian Constitution but also shape our future guided by our national charter, the Rukunegara, and our national vision, Wawasan 2020.

If unity through justice is our goal, we cannot allow ourselves to be sidetracked by narrow, exclusive notions of state that will only reinforce the religious divide in our society. Indeed, given the increasing significance of religion in Malaysian society, it is important that the practitioners of the different religions adopt a universal, inclusive approach to their respective faiths that recognizes and respects the humanity in each and every one of us. Only such an approach will ensure our survival and stability as a nation.

Our stability in the future will also depend upon our readiness to strengthen accountability and transparency in both the public and private sectors. At the same time, the scope for popular participation in the decision-making process should be expanded.

The ruling elite should have no qualms about recognizing the worth and value of political dissent. When accountability, participation and dissent become the hallmark of Malaysian society, one can be certain that the practice of democracy will be firmly anchored in the nation's soil.

What this also means is that in the coming years the Malaysian public will become increasingly vocal in demanding that the state proves its commitment to accountability by intensifying efforts to eradicate corruption. Even as it is, a significant segment of Malaysian society perceives corruption as a major social scourge. There is growing realization that unless corruption is eliminated, or at least reduced drastically, good governance will not be possible.

There is another challenge that the nation will have to address as a matter of urgency. Socio-economic disparities among all communities have widened since the mid-nineties. This is one of the consequences of our eager embrace of corporate, casino, consumerist (3C) capitalism. To reverse this trend in the economy, policies that bring direct benefits to

the majority should be emphasized. The public good rather than private gain should be the guiding principle. This shift in policy formulation and planning should be accompanied by attitudinal changes that seek to narrow the psychological gap between different strata in what has become a highly status conscious, title-oriented society.

Our fifth and final challenge pertains to foreign policy. In the coming decades, with all the momentous changes taking place in the global economy and in global politics, the influence and authority of the world's sole superpower is expected to decline considerably. As the world moves into another phase that may witness the rise of new centres of power, nations like ours should try to influence the shape of things to come by playing a more proactive role in regional and international affairs. By leveraging upon our independent foreign policy, we could become one of the voices of conscience on the world stage urging militarily strong states to abandon their power centred politics which has brought humanity to the brink of annihilation and to pursue instead politics based upon principles which are vital for the very survival of the human species and of our planet.

Will we be able to meet these challenges of the future? We will have to go beyond the pragmatic inter-ethnic compromises of the past and the present and develop a more profound commitment as a people to values such as justice and integrity. For instance, to achieve genuine unity among the various communities Malaysians can no longer adopt a communal approach to justice that is bereft of any empathy for the fears and aspirations of the other. Justice has to be viewed from a more universal, holistic and all-embracing perspective. Its cornerstone should be compassion for all, regardless of ethnic origin or religious affiliation. Similarly, it is only when leaders possess integrity of the highest order that they will be prepared to combat the corrupt even if the latter are crucial for the political success of the former.

This is why it is vital that justice, integrity and other such noble values become 'habits of the heart' of both our leaders and our people. It is only when these values become as natural to us as the air we breathe that the future of this glorious nation that celebrates 50 years of Merdeka on 31 August 2007 will be assured forever.

21 August 2007

Dr. Chandra Muzaffar is President of the International Movement for a Just World (JUST).



Children At The Merdeka Parade
Photos: 2007 TV SMITH

ISLAM'S UP-TO-DATE TELEVANGELIST

AMR KHALED HAS BRIDGED THE RELIGIOUS AND SECULAR WITH HIS FEEL-GOOD MESSAGE

By **Robin Wright** - Washington Post Staff Writer

Tuesday, September 11, 2007

The rhythmic clapping began the minute Amr Khaled stepped through the door of the packed Crystal City ballroom. Surrounded by security guards, the Egyptian preacher had to weave his way through the crowd -- men both clean shaven and bearded, women both fashionably coifed and dressed in conservative Islamic dress -- that had come from up and down the East Coast to hear him. Two massive screens projected his image to those in the back.

"My goal is that you leave happy," Khaled began softly, once he finally got to the lectern. "My goal is to fulfill the hadith of the prophet Muhammad, peace be upon him, that says, 'Whoever puts joy in the hearts of the believers, his reward is not less than Paradise.' " The crowd ate it up. For the next 90 minutes, they laughed at his witticisms, smiled at his stories, nodded at his exhortations and clapped again -- spontaneously and often. But most of all, they listened intently.

The rock-star preacher in the designer suit, often called "the anti-bin Laden," had arrived in America with his new brand of upbeat, feel-good Islam.

For American Muslims beset by the tensions of the post-9/11 world, Khaled came to address a deep crisis of confidence. He tried to bridge the gap between conflicting allegiances, notably their U.S. citizenship and their fury at U.S. policy in Iraq and other Muslim countries.

"I feel what 9/11 has done to you. You are all crying aloud: 'This is not Islam. We reject this,' " he said at the appearance sponsored by the Council on American-Islamic Relations and the Islamic Society of North America. "At the same time, we don't agree with what is happening in Iraq. We feel confusion, pain. . . .

"You came to this country to provide for your families. Do we isolate ourselves from society? Or do we completely assimilate and forget our faith and our background? Do we hate the society we live in?" he asked. "No! The prophet Muhammad taught us kindness,

justice, mercy, coexistence with others, that God created us different so that we can get to know one another."

In sermons, speeches and appearances throughout his first trip to the United States, in May -- he said he hopes to return often.

Khaled spoke consistently of compromise and co-existence. "My message is: Please be rightful representatives for your religion," he said in an interview.

"Please show people here your good manners, your attitude of hard work, how you can succeed in this society, what you can add, your positive integration while maintaining pride in Islam -- so people know how really great this religion is."



Amr Khaled

The message resonates. Over the past decade, Khaled has emerged as the top-ranked televangelist in the Arab world, a New Age Islamic guru likened to tele-megastars Joel Osteen and Dr. Phil. His appearances are uploaded on YouTube. His Web site - in 18 languages, including Danish, Turkish, Hebrew, English and Russian - gets tens of millions of hits.

This year, he ranked 62nd on Time magazine's list of the world's 100 most influential people.

In programs broadcast worldwide on four satellite stations, Khaled has also revolutionized the way Islam is ministered and the focus of the faith's message. He tells folksy tales of the prophet adapted to modern life. In slangy Arabic, he preaches hard work, good works and good manners. Wearing a mustache but no beard, sometimes dressed in jeans instead of the trademark robe of Islam's clerics, he reaches out to the young and encourages women.

"His spirituality is very raw. It's fresh. You don't feel like it's artificial or old. When he prays, he gets emotional and his voice changes. Sometimes he cries," said Hadia Mubarak, who grew up in Panama City, Fla., and is a former president of the national Muslim Students' Association in the United States. She has watched Khaled on Arab-language programs beamed by Arabsat satellite.



"My mother also watches him all the time. He's her favorite speaker. He even attracts females who wear jeans, tank tops, don't cover their hair - and don't normally go to mosque. The content of his talks is geared to day-to-day practical advice. He always ends with what are you going to do as audience members? He'll say go to your closet and see what clothes and things you haven't used and send them to this address, or create a food bank in your community," she said. "Joel Osteen, the Christian televangelist, talks about eating well based on the Bible and staying in shape. Khaled reminds me of him."

Khaled, a tall man with piercing eyes and an impish laugh, usually begins his lectures slowly and softly, the cadence and emphasis steadily building. As he gets worked up, he gets more animated, pinching his fingers together or spreading his arms. At his Crystal City lecture in May, he urged American Muslims to be proactive. "So I implore you, be active in society, don't isolate yourselves. . .

"I want you to imagine having lived in the U.S. for 30 years, and you died and four of your friends follow the funeral procession, talking about you. One of them says, 'He did absolutely nothing,' " he said, his eyes sweeping the room. "Alternatively, imagine this: Your non-Muslim neighbors are following the procession and they say, 'America has lost a great person today.' "

In his 50-episode "Life-Makers" series of television lectures, Khaled presses for proactive good deeds and self-help in the Arab world as well, from teaching the illiterate to fixing potholes. In a YouTube short, he advocates hard work at school, in exercise and with charity.

He has been quick to publicly condemn terrorism, including the 2001 attacks on the World Trade Center and the Pentagon, and the 2005 bombings of the London Underground.

If his message about practical daily matters is unconventional, his path to the Muslim ministry borders on the bizarre. Khaled was working with Pepsi and Colgate at the biggest accounting agency in Egypt in 1997 when a friend asked him to substitute for a local preacher who couldn't make an engagement at the Egyptian Shooting Club. It was a life-changing request. His comfortable folksiness led to invitations at other clubs, then theaters and, finally, for his own television show. Now he is an enterprise as well as a ministry.

Khaled, who turned 40 last week, is married with two young boys. He is widely criticized by clerics for having no serious religious training and speaking in simplistic terms. He is working on a doctorate in Islamic studies at the University of Wales, which has only fueled criticism about his Westernized Islam. Yet Khaled's following challenges both political and religious leaders in the Middle East worried about both the emergence of politicized Islam and a younger generation of leaders offering alternative worldviews.

Egypt became so nervous about his growing flock that his appearances were monitored by government security officials. As even secular parts of Egyptian society began showing up to hear him, he came under pressure not to speak in public at all. Khaled fled first to Lebanon, then