



LIVING IN

Australia

A GUIDE FOR MUSLIMS NEW TO AUSTRALIA



Abdullah Saeed and Patricia Prentice

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National Centre for Contemporary Islamic Studies
The University of Melbourne

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Introduction

For many migrants, establishing life in a new country can be a challenging experience. They may be leaving behind friends, loved ones and familiar surroundings. Migrants face all of the practical realities of navigating their new environment: setting up a home, building relationships and, often, seeking education and employment. For members of faith communities, migration also means that they must find a new place to worship and work out how to express their religious beliefs and practices. They may find that they have to navigate a very different cultural and religious environment to the one they left behind.

For many believers, including Muslims, the process of settlement and integration raises new questions about the essentials of their religious beliefs and the core values that should govern their day-to-day lives. Ultimately, successful integration should involve melding one's religious beliefs and practices with the new cultural environment. However, it has become apparent that many new Muslim migrants appear to experience theological and practical difficulties as they work towards this. *Living in Australia: A Guide for Muslims New to Australia* has been designed to address these issues and challenges.

There is currently no easily accessible resource available to new Muslim migrants that addresses the particular challenges they face when migrating to Australia and seeking to remain faithful to their religious beliefs. It is hoped this resource will prove valuable to many in this process.

Studies indicate that many Muslims face specific challenges related to classical Islamic law and ethics in Australia. However, there are ways that Islamic norms can be adapted to allow Muslims to practise their religion faithfully while upholding Australian laws and values in a way that presents no contradiction between the two. This reconciliation is critical for integration.

Living in Australia addresses some of the challenges and difficulties migrants from Muslim-majority countries can face living in Australia—a secular liberal democracy with a non-religious form of government. It has been developed with the input of Islamic religious leaders, community representatives and new Muslim migrants to Australia themselves, with the aim of being as relevant and practical as possible. This guide was funded by an Australian Government grant.

As part of the development of *Living in Australia*, the authors had two community consultation meetings organised by the Australian Multicultural Foundation (AMF). In each meeting, around 10 people from different backgrounds met to discuss key questions in relation to the development of the resource. Summary of these discussions was prepared by the AMF and provided to the authors, who also participated in both meetings. Participants represented different age groups, educational backgrounds, countries of origin and genders. They had also been in Australia for different amounts of time. Taking into account the discussions in those meetings as well as key points highlighted, the authors undertook the necessary research and writing over five months. Upon completion, the draft was provided to the AMF for evaluation and review. Two community leaders/imams (Dr Bekim Hasani—a Melbourne-based Imam, a second Imam who is also based in Melbourne) appointed by the AMF read the draft and provided feedback. The authors also approached a third reviewer (Rowan Gould, a researcher in Islamic studies) for his feedback. The comments and suggestions for revision from the three reviewers and the AMF were attended to before producing the final version. The resource therefore has been checked thoroughly for its relevance to new Muslim migrants, its coverage of issues and topics, and its appropriateness from an Islamic perspective.

Part 1 provides some facts and figures about Australia.

Part 2 discusses what many consider to be core Australian values, including equality, freedom and respect for the rule of law. Evidence from Islamic tradition is used to demonstrate how Islam, according to at least some interpretations, is not only compatible with such values but also encouraging of them. By framing Australian values in the context of Islamic norms and tradition, the resource shows how these values are compatible with Islamic tradition, not foreign or alien to the beliefs of Muslims.

Part 3 presents a range of religiously acceptable solutions to issues and challenges commonly faced by new Muslim migrants in Australia that have the potential to become obstacles to full integration and active citizenship. These solutions are supported by evidence from textual sources like the Qur'an, the example of Prophet Muhammad (PBUH) and authoritative religious rulings (fatwas) that are compatible with Australian law, values and norms. They show how such challenges might be mitigated.

Part 4 contains links and resources that new Muslim migrants may find useful as they settle in Australia, as well as information about services they may need and issues they may encounter. It also provides a basic overview of some important Australian institutions.

The Islamic tradition is vast and there are many contradictory voices within it. However, our emphasis is on those views, texts and voices that provide the best support for a Muslim who has decided to make Australia their home and is committed to its values, systems and institutions.



PART I

AUSTRALIA: BASIC FACTS AND FIGURES



History

Indigenous Australians

- Australia's Indigenous population (made up of Aboriginal and Torres Strait Islander peoples) is believed to have lived in Australia for more than 50,000 years.¹
- When European explorers arrived they saw Indigenous peoples as “primitive”. They did not understand Indigenous Australians' complex cultural and religious practices, rich oral tradition of singing and storytelling or artworks, nor how they managed their societies and land. It is estimated there were more than 500 dialects making up about 250 languages in Australia at the time of European settlement.²
- According to some estimates, there were 750,000 Indigenous Australians at the time of European settlement.³



Europeans in Australia

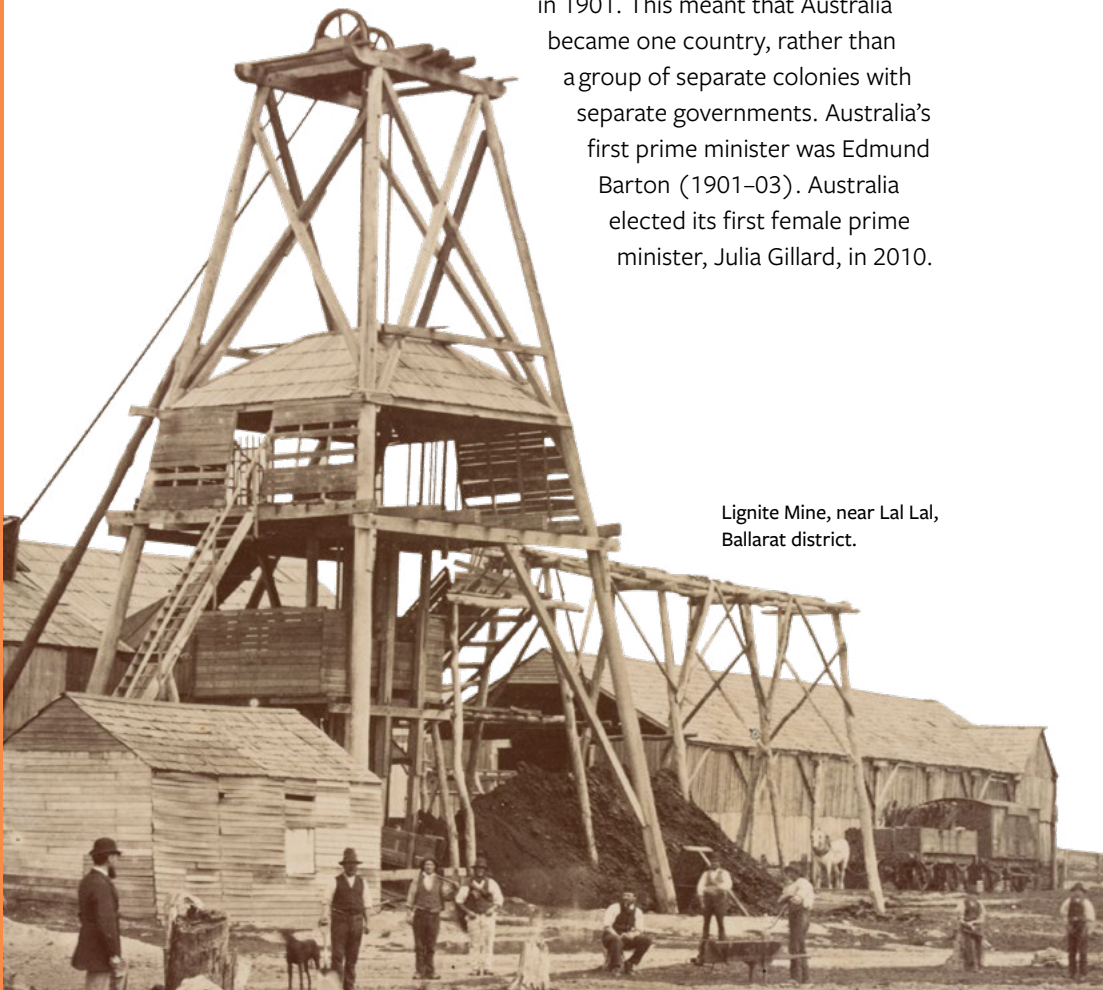
- The first known Europeans to land on Australian soil were Dutch. In 1606, Willem Janszoon from Amsterdam reached what is now known as Cape York Peninsula in Queensland.⁴ Later, the Dutch named the land New Holland.
- The British were the next to arrive. In April 1770, one of James Cook's crewmen on the ship *Endeavour* saw land on the east coast of Australia. On 22 August 1770, Cook claimed the east coast for Britain, naming it New South Wales.⁵
- The British government decided to settle New South Wales in 1786. A group of 11 ships, called the First Fleet, sailed on 13 May 1787, bringing about 730 people convicted of various crimes ("convicts"; 570 men and 160 women) and more than 250 free persons to Australia. The fleet arrived at Botany Bay in January 1788.⁶
- By 1830 about 58,000 convicts had been sent to Australia.⁷ The convicts were required to work for the government or were assigned to private employers.
- In the mid-1800s other Australian colonies were established. In 1831, Western Australia became the second Australian colony. Other colonies followed: South Australia in 1836, Victoria in 1851, Tasmania in 1856 and Queensland in 1859.⁸ The Northern Territory and the Australian Capital Territory were formed later.



View of Sydney Cove from Dawes Point by Joseph Lycett, 1817–1818.

- The settler population lived mostly in coastal areas, using large pieces of land for sheep and cattle. Acquiring the land often involved harsh treatment of the local Indigenous population. Some researchers estimate that more than 20,000 Indigenous Australians and almost 2,000 Europeans died as a result of conflict.⁹ Disease, alienation and physical displacement caused further harm for Indigenous peoples.
- Gold was discovered in Victoria in the 1850s and prompted Australia's gold rush. Wheat was cultivated and Australia quickly became a leading exporter. After refrigeration was invented, Australia began to export lamb and mutton and dairy products. Railways made transport more efficient. By 1891, Australia had a population of three million and exported wool, mutton, dairy products and wheat.¹⁰
- However, the situation for Indigenous Australians continued to be grim, with their numbers decreasing significantly by 1901.¹¹

- Australia's federation came about in 1901. This meant that Australia became one country, rather than a group of separate colonies with separate governments. Australia's first prime minister was Edmund Barton (1901–03). Australia elected its first female prime minister, Julia Gillard, in 2010.



Lignite Mine, near Lal Lal,
Ballarat district.

Muslim settlement in Australia

- Muslims have a long history in Australia that predates European settlement. Some of Australia's earliest visitors, from the eastern part of the Indonesian archipelago, were Muslim.
- Muslim seamen from the archipelago interacted with Indigenous Australians as early as the 16th and 17th centuries.¹² Seamen from Makassar came every year for many generations to fish for sea cucumber on the coast of what is now Arnhem Land in the Northern Territory.¹³
- During the colonial period, Muslim immigrants from coastal Africa and island territories under the rule of the British Empire came with the early fleets of European settlers.¹⁴
- The first significant Muslim population was formed with the arrival of "Afghan" cameleers, who were brought from the Indian subcontinent to help open up the interior of the country. One of their major projects was the development of a rail link between Port Augusta and Alice Springs, which became known as the Ghan.
- Muslim cameleers were important in the early development of Australia, facilitating the exploration and development of interior lands that were difficult to reach due to distance and the harsh climate. Between the 1860s and the early 1900s, cameleers and their "ships of the desert" became the backbone of the outback economy.¹⁵
- The cameleers often married Indigenous Australian women and settled down in remote communities.¹⁶ Many such areas had at least one "mosque" or prayer place, usually constructed from corrugated iron with a small minaret. These mosques provided a base for the Muslim community. The oldest surviving mosque of this type is at Broken Hill, New South Wales, about 1,100 km west of Sydney. It was built in 1887.¹⁷

Muslims have a long history in Australia that predates European settlement.



Early mosque, Bourke.



Multiculturalism

“Multiculturalism” describes the diversity of Australian society. As a policy it recognises that cultural and linguistic differences are positive and benefit Australia economically and socially. Multiculturalism gives different cultural and religious groups freedom to express and share their traditions within the community and the right to be free from discrimination. It also acknowledges that the government must provide services and programs to support different groups, if needed, so they can contribute equally to Australian society and take up the opportunities it provides for them.¹⁸

- By the early 20th century, Muslims of non-European background had been restricted from migrating to Australia under the “White Australia policy”. Immigration was curtailed to prevent those who had dark skin or who were from non-European backgrounds from migrating to Australia.
- Still, some Muslims managed to come to Australia. In the 1920s and 1930s, Albanian Muslims were accepted due to their lighter European complexion. They are now one of Australia’s oldest continuing Muslim communities.¹⁹ The two oldest mosques in Victoria are both Albanian, in Shepparton (completed in 1960) and Carlton (completed in 1969).²⁰
- The need for population growth and economic development led to the relaxation of Australia’s immigration policy after World War II. This allowed many displaced Muslims to move to Australia. Between 1967 and 1971 approximately 10,000 Turkish migrants also settled in Australia under an agreement between Australia and Turkey.²¹
- From the 1970s, there was a significant and positive shift in the government’s attitude towards immigration with the adoption of **multiculturalism** as a policy. By the beginning of the 21st century, Muslims from all over the world had settled in Australia, coming from Afghanistan, Albania, Bosnia, Egypt, Fiji, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Palestine, Sudan and Turkey, among other countries.²² Surveys show that the vast majority of Australians (85%) now support multiculturalism.²³

By the beginning of the 21st century, Muslims from all over the world had settled in Australia.

Population

- According to the Australian Bureau of Statistics, Australia's population in 2019 was approximately 25.4 million people.²⁴ It is very diverse, made up of people from almost every country in the world.²⁵

Political system

- Australia is a liberal democracy based on the Westminster system of government. It has a parliament with two houses: the House of Representatives (Lower House) and the Senate (Upper House). Both are responsible for debating and creating national laws.²⁶
- The political party (or coalition) with the majority of seats in the House of Representatives forms government. There are three major political parties in the House of Representatives: the Liberal Party, the National Party and the Labor Party. The Senate is made up of 76 senators, representing Australia's states and territories. The Senate checks the powers of the government by scrutinising government policy and draft laws. A bill (draft legislation) must be passed by both houses of government before it can become law.²⁷



House of Representatives Chamber of Parliament House, Canberra.

- Australia is also a constitutional monarchy. Its head of state is Queen Elizabeth II. In reality, the Queen plays a limited role in the Australian political system, although she does appoint Australia's governor-general, her representative.
- In 1999, the Australian people voted on whether they wanted to become a republic and replace the Queen with a president as head of state. Almost 55% of Australians voted "No".²⁸
- Each state and territory in Australia has its own parliament and its own constitution, but it is also bound by Australia's national constitution.
- State and territory governments are responsible for all powers not administered by the national (federal) government, such as hospitals, schools, roads, public transport, state police, prisons and emergency services.
- There are approximately 500 local governments in Australia.²⁹ Local government responsibilities include town planning, building codes supervision, local roads, water, sewerage and drainage, waste and sanitary services and community recreational facilities.

Part 4 has practical information about Australia's system of government. See *Structure of government* on page 89.

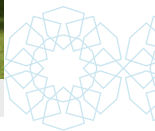


Legal system

- The *Australian Constitution* sets out the rules and responsibilities of government and the powers of its three branches: legislative, executive and judicial.³⁰
- The legislative branch of government consists of the parliament—the body with the power to make laws.
- The executive branch of government administers the laws made by the legislature.
- The judicial branch of government is responsible for ensuring Australian laws follow the Constitution and for interpreting and applying laws made by the legislature. The *Australian Constitution* establishes different courts of law and sets out the procedure for appointing and removing judges.
- Australia has a common law system, which means that principles of law are also established by the decisions of judges (judicial precedent), not just by legislation. Australia's legal system was inherited from England but has developed its own laws, jurisprudence and legal principles.



Supreme Court of Western Australia in Stirling Gardens, off St George's Terrace, Perth.



Culture

Australia is a country made up of people from many different ethnic backgrounds, faiths, cultures and experiences. It is difficult to describe Australian 'culture' because there are many differences between people and their practices and traditions. However, in general, Australia is probably known for the following:

- The idea that all people are equal strongly underpins Australian values. Australians believe in the right to a "fair go", regardless of a person's background.³¹
- Australia is often been described as a "classless" society because Australians tend not to think in terms of one person being better than another because of their social class. A person's level of education or wealth does not necessarily earn them status or respect.³²
- Australian friendships are very strong and loyal. People often rely on their friends or "mates" in hard times, just as they would with their family.³³
- Australians are usually very modest about their accomplishments and tend to make jokes about themselves.³⁴
- Australians often express a mild disregard for authority (especially in their jokes). They have no problem making fun of politicians, royalty or celebrities. But this does not mean they do not respect the law.³⁵
- Most Australians generally take a relaxed approach to things. They do not like to complain, worry too much, reflect on mistakes or dwell on the past. People are expected to have an easy-going, "can-do" attitude.³⁶

The idea that all people are equal strongly underpins Australian values.





PART 2

AUSTRALIAN VALUES AND ISLAMIC TRADITION



Each country has its own set of values that shapes its communities, binds people together and defines what individuals and the country as a whole find important and worthwhile. Australian values largely reflect the beliefs, principles and morals of Australians, and they acknowledge Australia's way of life. Generally speaking, there is a good level of support for these values among Australians. In Part 2, we discuss Australian values and how these align with Islamic tradition.

The Australian Government has identified some core values that it believes reflect what is important to Australia and to its people. These values are described in the first section, "Core values". The second section, "Other important Australian values" discusses other values commonly acknowledged by Australians or that characterise Australian life.

In emphasising how a Muslim may relate to these values, we have decided to focus on areas where Islamic tradition has something to say. The tradition is vast and there are many voices within it. Those voices that are favourable to Australian values are emphasised here because our interest is in how people migrating to Australia might find common ground between these values and their religion.



Core values

These core values are the focus of important government documents that set out Australian values, such as the *Australian Values Statement*.³⁷

Commitment to the rule of law

One of Australia's core values is respect for the rule of law. This means the law must be applied equally to everyone—even the government, which includes the prime minister, members of parliament and senators.³⁸

The rule of law is an important foundation of Australian society. It means the government does not have unlimited power. All political decisions are guided by Australia's legal framework and cannot overstep those boundaries.³⁹

Respect for the rule of law is a principle that Islam recognises too. In Islamic legal tradition, a ruler's right to govern came from his observance of the Shari'a (commonly understood as Islamic law).⁴⁰ While the ruler's job was to administer Islamic law, he also had to comply with it, otherwise he could be deposed.⁴¹ In this way, Muslim rulers were accountable for their actions while governing.

Equality before the law

Equality before the law means that the law should be applied equally to all people. This means that all Australians have the same legal rights. For instance, everyone has the right to the presumption of innocence. Everyone has the right to a fair and public trial.⁴²

However, sometimes equality before the law also means that some people may need to be given special treatment. For instance, free legal advice (called 'legal aid') is sometimes available to people in Australia who, for social or economic reasons, cannot hire a lawyer to represent them in court. Legal aid gives these people the social or financial help they need to have their matter heard. This free assistance is only available to those who cannot afford to pay for it themselves.

The principle of equality is well recognised in the Qur'an and the Prophet's teachings. For instance, in his farewell sermon the Prophet Muhammad (PBUH)* said:

There is no superiority for an Arab over a non-Arab, nor for a non-Arab over an Arab, nor for a fair-skinned person over a person with dark skin, nor for a dark-skinned person over a person with fair skin, except in piety.
(Musnad Ahmad)

The Qur'an recognises the same principle:

People, We created you all from a single man and a single woman, and made you into races and tribes so that you should recognise one another. In God's eyes the most honoured of you are the ones most mindful of Him: God is all knowing, all aware. (Q. 49:13)




The principle of equality is well recognised in the Qur'an and the Prophet's teachings.

However, equality before the law, as we understand it in Australia today, was not necessarily understood in the same way in classical Islamic law. There were some social inequalities at the time when the Qur'an was revealed—in the early seventh century CE (Common Era)—that came to be reflected in the law, somewhat similar to other legal systems at the time. For instance, slaves, non-Muslims and women did not have the same legal rights as Muslim men, at least in some cases. However, in modern interpretations of Islamic law, some of the inequalities that existed in law historically are changing.

Societies have changed substantially since the early seventh century CE, when Islam began: slavery has been abolished, citizenship is no longer based on religious affiliation and there is greater recognition of equal rights for men and women. Some Muslim-majority countries are also responding to these changing circumstances and adopting the principle of equality before the law. Verses in the Qur'an about equality form a basis for Islamic law to develop an understanding of equality before the law that is compatible with Australian values. For Muslims in Australia, the protection they have under the law is very important to them. It means Australian law will not discriminate against them because of their religion (or ethnicity, race, culture or sex).

*PBUH = Peace be upon him. This is an abbreviation of a prayer Muslims use when referring to Prophet Muhammad, and can be found in Islamic texts.



Everyone has the responsibility to use their freedom within the boundaries of Australian law. These laws are there to make sure that Australia is safe for everyone.

Freedom

Freedom is an important value in Australia, and people in Australia enjoy many freedoms. They have freedom of speech, as well as freedom to practise their religion, join associations or hold meetings, and move around the country. However, this does not mean that people can do whatever they wish. Everyone has the responsibility to use their freedom within the boundaries of Australian law.⁴³ These laws are there to make sure that Australia is safe for everyone.

Islam too recognises the value of freedom. From the point of their creation, God gave men and women the freedom to make choices and to choose between right and wrong.⁴⁴ Human beings were given the power and freedom to think and to distinguish between ideas.⁴⁵ For instance, the Qur'an says:

Did We not give him eyes, a tongue, lips, and point out to him the two clear ways [of good and evil]? Yet he has not attempted the steep path.
(Q. 90:8–11)

As this verse indicates, God does not stop human beings from making bad decisions or choosing a different way to His way. But, similar to the Australian understanding of freedom, Islamic law did not allow people absolute freedom. Various limitations were established by Islamic law to make sure that society operated in a safe, just and moral way. People were expected to abide by the law and penalties were established for those who broke it.

Democracy

Australia is a parliamentary democracy, which means that it has a parliament (a body of elected representatives) who are responsible for making law in Australia. The parliament comprises the House of Representatives and the Senate. Members of the House of Representatives and Senators are elected by the Australian people and represent the views and interests of their electorates in parliament while law-making. The parliament also holds the Australian Government accountable for its actions. For instance, all members of parliament are allowed to publicly ask the prime minister and other ministers questions about their ministerial responsibilities.

All Australians are called on to respect Australia's democratic system of governance by upholding the law, voting in elections and respecting the decisions of parliament. There are nine parliaments in Australia: one national parliament, six state parliaments and two territory parliaments (called legislative assemblies).⁴⁶ There are also more than 500 local governments (councils).

In Islamic tradition the system of government Muslims should have is left open. Throughout Islamic history, Muslims experimented with different models of governance. Even today, Muslim-majority countries have adopted different systems, ranging from liberal-democratic to authoritarian. Some Muslims would argue that a caliphate is the best form of government; however, there is no specific model prescribed in the Qur'an or in the traditions of the Prophet (PBUH). The best-known verse that may have some relevance to government in the Qur'an appears to be 4:59:

You who believe, obey God and the Messenger, and those in authority among you. If you are in dispute over any matter, refer it to God and the Messenger, if you truly believe in God and the Last Day: that is better and fairer in the end.

This is the only mention of "those in authority" (*ulu al-amr*) in the Qur'an. Most Muslim scholars do not interpret this verse to require a certain form of government. In fact, there is no agreement among Muslim scholars on what this phrase means.

Today, there are still many opinions about whether this verse requires a caliphate, an Islamic state or another form of governance. Since the Qur'an does not prescribe a form of government, most Muslim scholars around the world appear to have no difficulty accepting democratic participation by Muslims.

The Qur'an also endorses the principle of *shura*, which is understood to mean consultation. The Qur'an says to Prophet Muhammad in 3:159:

Consult with them about matters, then, when you have decided on a course of action, put your trust in God: God loves those who put their trust in him.

Many Muslim scholars today see this as endorsement for a participatory form of government such as democracy.

Non-discrimination

Non-discrimination is an important value in Australia. Based on the principle that all people share inherent human dignity, Australia's different national and state laws prohibit discrimination based on a person's sex, disability, age, race, sexuality, relationship status, status as a parent or carer, pregnancy and religious or political conviction. Generally, these laws allow people to have equal opportunity when it comes to applying for a job, enrolling in education, accessing goods, services or facilities, joining a club or requesting information. They are designed to protect people from being treated less equally or favourably than anyone else because of a particular personal characteristic.

Islamic teachings strongly support the idea that people are fundamentally equal. The Qur'an emphasises that all people are created by God in the "best of moulds" (Q. 95:4), with the same honour and dignity. As vicegerents on earth, all people carry the same responsibility (Q. 2:30), and they are equally rewarded for their good deeds in the afterlife (Q. 2:62; 2:281; 33:35; 36:54).

Many Islamic teachings also say explicitly that people are not to be treated differently based on arbitrary characteristics like race. For instance, Prophet Muhammad said in his farewell sermon:

O humankind, your Lord is One and your father is one. You all descended from Adam, and Adam was created from earth. He who is most upright is most honoured among you in the sight of God. No Arab is superior to a non-Arab, no coloured person to a white person, or a white person to a coloured person except by piety (taqwa).

Musnad Ahmad and Jami' al-Tirmidhi

There are, however, texts in Islamic tradition that distinguish between different groups, particularly in terms of their legal status. Full equality before the law, as we know it today in Australia, for example, is something that has emerged around the world in the past century or so. Today, many Muslim scholars are emphasising the need to take this kind of equality into account when interpreting relevant Islamic texts and legal tradition. Such interpretations reduce some of the tension that may exist between some areas of classical Islamic law and the principle of non-discrimination espoused in Australia today.

Human dignity

Human dignity refers to our inherent worth as human beings. In Australia, people are expected to treat each other in a way that recognises our inherent dignity. This means treating others with respect and not using “violence, intimidation or humiliation” to settle differences.⁴⁷ Human dignity means recognising “all human beings have an intrinsic value”,⁴⁸ regardless of their sex, ethnicity, age, cultural background or religion.

Islam too recognises people’s intrinsic human dignity. The Qur’an speaks about God honouring the children of Adam (meaning humankind), creating them in the “best of moulds” (Q. 95:4) and favouring them above the rest of creation (Q. 17:70). So honoured are human beings that God made them His “vicegerents” (representatives) here on earth (Q. 2:30).

Mutual respect

Mutual respect comes from recognising that we are all different. We do not all share the same beliefs, culture or background. We are all at different stages of life. We have different religious and political views, different family structures and different abilities and interests. Australia is a diverse country, home to people who “identify with more than 270 ancestries”.⁴⁹ A large proportion of Australians have migrated to Australia from other countries, bringing with them different languages, cultural practices and beliefs.

The diversity of Australian communities means that mutual respect is an important Australian value. Mutual respect means being willing to accept that other people have different beliefs, opinions or ideas, and not imposing our views on others. It is key for developing trust, communicating and building relationships in the community. Ultimately, it contributes to Australia being a harmonious and peaceful society.

Respect for others has long been an important part of Islamic tradition. The principle of “no compulsion in religion” (Q. 2:256) encourages Muslim societies to acknowledge and accept the religious traditions of others. Muslims are instructed to act kindly and justly towards non-Muslims who have peaceable relations with them and to do good towards them (Q. 60:8). Muslims are also forbidden from insulting or mocking non-Muslim religious beliefs and symbols (Q. 6:108).

Fair play

Australia is a sporting nation. Whether it is football, cricket, golf or tennis, many Australians love sport. The progress of sporting heroes, whether individual athletes or teams, is often a matter of great national pride. One value that is prized both on the sporting field and in everyday life is “fair play”. This value is made up of a number of different qualities, including respect for the rules, honesty, humility and achievement based on skill and ability.

The idea of fair play is not foreign to Islam. In general, the Qur’an encourages Muslims to be honest and fair in their dealings with others and to conduct themselves with humility. Chapter (*sura*) 83 of the Qur’an is entirely devoted to criticising those who cheat, something that was common before Islam in the town of Mecca where the Prophet Muhammad grew up.



The Prophet also strongly condemned cheating. According to one report, Prophet Muhammad one day went past a pile of food in the market. He put his hand inside it and felt that it was damp, even though the surface was dry. He said:

“O owner of the food, what is this?”

The man said, “It was damaged by rain, O Messenger of God.”

He said, “Why did you not put the rain-damaged food on top so that people could see it! Whoever cheats us is not one of us.”

Sahih Muslim

Community service and pursuit of the public good

Australians are known for their willingness to help others or to “lend a hand”, and they are often quick to offer to help those in need. For the most part, Australians will offer to help regardless of a person’s race, skin colour, cultural background or gender. Along with this, Australia has a strong tradition of community service and volunteering. Australians often donate their time, money, services or whatever else is needed to support those in need.

Islamic tradition too has a proud history of community service. Good deeds are highly valued and include anything that may benefit another person, animals or the environment. A central idea of Islam is helping others. The Qur’an makes it clear that while beliefs are important, a person’s good deeds are better evidence of their faith in God (see, for instance, Q. 103:1–3; Q. 2:25). Help should be given, even when a person does not receive acknowledgement for what they have done.

A hadith of Prophet Muhammad (PBUH) emphasises the importance of helping others, regardless of whether or not the recipient is a Muslim:

Abu Hurayra said that the Prophet said: “Whoever removes a grief from a believer from amongst the sorrows of this life, God will remove a grief from him amongst the sorrows of the Day of Resurrection. Whoever brings ease to one in difficulty, God will make it easy for him in this life and the Hereafter. Whoever covers a Muslim, God will cover him in this life and the Hereafter. God is in aid of the servant [human being] so long as the servant is in aid of his brother ...”

Sahih Muslim

The Qur'an says:

Whoever has done an atom's weight of good will see it [will be rewarded for it accordingly]. (Q. 99:7)

Zakat (compulsory giving), as one of the five pillars of Islam, is a fundamental practice for all Muslims, and Muslims are encouraged to voluntarily give beyond this designated percentage through sadaqa (voluntary giving). The Qur'an says:

Goodness does not consist of turning your face towards East or West; the truly good are those who believe in God and the Last Day, in the angels, the Scriptures, and the prophets; who give away some of their wealth, however much they cherish it, to their relatives, orphans, the needy, travellers and beggars, and to liberate those in bondage; those who keep up the prayer and pay the prescribed alms; who keep pledges wherever they make them; who are steadfast in misfortune, adversity, and times of danger. These are the ones who are true, and it is they who are aware of God. (Q. 2:177)



Australians are known for their willingness to help others or to “lend a hand” and they are often quick to offer to help those in need.





A congregation of Muslim men leave the Gallipoli Mosque in Sydney following Friday prayers.

Freedom of religion

All Australians enjoy freedom of religion. In general, this means people have freedom to practise their religion and to gather to worship (either publicly or privately). Australians have the right to choose their religion or not to follow any religious tradition at all, and to change their religious beliefs or practices. Australia has a strong commitment to the separation of religion and state. In practice, this means there is no state religion and the government does not ask or pressure people to choose any particular religion. The government tries to remain neutral towards all religious traditions and to refrain from favouring one above another.

The Qur'an recognises people's right to choose their own religion even though it exhorts people to follow God's way. The Qur'an states that "there is no compulsion in religion" (Q. 2:256). It also says, "Let those who wish to believe in it [the truth] do so, and let those who wish to reject it do so." (Q. 18:29). The Qur'an values people's freedom and ability to make choices about what they believe but it also makes clear the consequences of making these choices.

The Qur'an says:

We sent to you [Muhammad] the Scripture with the truth, confirming the Scriptures that came before it, and with final authority over them: so judge between them according to what God has sent down. Do not follow their whims, which deviate from the truth that has come to you. We have assigned a law and a path to each of you. If God had so willed, He would have made you one community, but He wanted to test you through that which He has given you, so race to do good: you will all return to God and He will make clear to you the matters you differed about. (Q. 5:48)

Despite this, the classical Islamic legal position is not in favour of a Muslim's conversion to another religion. However, such Qur'anic statements make it clear that there are significant aspects of Islamic tradition that support freedom of religion. Many Muslim scholars today are arguing in favour of a broader understanding of freedom of belief and religion in line with the overall Qur'anic emphasis on this freedom.

Compassion

Another core Australian value is compassion. Australians generally show great compassion for those in need, whether that be by lending a hand, donating money or showing care for others.

Islamic tradition also strongly values compassion. The Qur'an's overriding emphasis is on divine mercy and compassion.⁵⁰ God is often referred to as the Compassionate, while Prophet Muhammad is described as "a mercy to all of creation" (Q. 21:107).

The European Council for Fatwa and Research emphasises the importance of compassion for coexistence with other people:

One of the foundations of coexistence is equal expression of sympathy and support to Muslims and non-Muslims, when suffering natural afflictions, e.g. earthquakes and flood[s], donation of organs and blood and helping and rescuing refugees. Discrimination between Muslims and non-Muslims in such circumstances contradicts fundamental Islamic values indicated in the Qur'an.⁵¹



Many Muslim scholars today are arguing in favour of a broader understanding of freedom of belief and religion in line with the overall Qur'anic emphasis on this freedom.

It continues:

Allah says: “But help one another in goodness and piety, and do not assist in crime and rebellion.” (Q. 5:2)⁵²

Compassion is not something that just extends to other human beings. Prophet Muhammad encouraged a compassionate attitude towards both animals and the environment. According to Muhammad Hashim Kamali:

In one narration, one of the Companions of [Prophet] Muhammad, Abu Musa al-Ash'ari told him that “You remind us so frequently concerning compassion (rahmah) even though we actually think that we are compassionate toward one another.” To this, [Prophet] Muhammad replied: “But I mean compassion to all”, meaning here, to humanity at large, including to animals and all of God’s creations.⁵³



Islam, at its very foundation, recognises the importance of human diversity.

Tolerance and respect for diversity

Tolerance is very important in Australian society. It requires being willing to accept that others are different to us. We may not all share the same opinions or beliefs about every aspect of life, but fundamentally we all share the same value as human beings.

Islam, at its very foundation, recognises the importance of human diversity. The Qur'an acknowledges that not only is diversity natural, it was actually intended by God. Here are some texts from the Qur'an:

People, We created you all from a single man and a single woman, and made you into races and tribes so that you should recognise one another. In God's eyes the most honoured of you are the ones most mindful of Him: God is all knowing, all aware. (Q. 49:13)

Among His signs is the creation of the heavens and earth, and the diversity of your languages and colours. There truly are signs in this for those who know. (Q. 30:22)

In other words, God created diversity so people would know one another. Islamic tradition recognised that human diversity was to be the basis of curiosity and relationship-building in society, and not of conflict.

Other important Australian values

As well as the core values we have just discussed, there are other values that are important to most Australians.

Mateship

One value that Australia is often known for is “mateship”. Mateship is the strong bond of friendship that historically was forged between people who lived on the land in hard circumstances, battling a tough climate and isolation on a large continent. It described the loyalty and dependability of people who shared similar adversities and were always there to give each other a hand. Since the early years of Australian history, mateship has continued to characterise the bonds forged between Australians. It is demonstrated in the community spirit that bands people together in the face of natural disasters (such as bushfires), where people donate their time, money and skills to help those who are in need. A mate does not have to be a friend; they can be a relative, someone in the community or even a stranger.

The importance of good relationships was also emphasised by the Prophet Muhammad (PBUH):

None of you truly believes until he wishes for his brother what he wishes for himself.

Sahih al-Bukhari



Similarly, Ali b. Abi Talib, the fourth caliph, reportedly advised his son Husayn b. Ali:

*O my son, make yourself the measure [for dealings] between yourself and others. Thus, you should desire for others what you desire for yourself. Do not oppress, as you do not like to be oppressed. Do good to others as you like good to be done to you. Regard bad for yourself whatever you regard as bad for others. Accept that [treatment] from others which you like others to accept from you. Do not talk about what you do not know, even though what you know be very little. Do not say to others what you do not like to be said to you.*⁵⁴

Islamic tradition also emphasises the importance of loving one another,* being generous and kind and thinking of others before yourself.⁵⁵ This also extends to non-Muslims. Prophet Muhammad did not distinguish between Muslims and non-Muslims when it came to kindness and fair treatment.⁵⁶ The Qur'an also says that even people who hate you should be treated fairly and with justice (Q. 5:8).

Peacefulness

Peacefulness is another important Australian value. Australia is generally a peaceful society and there are many mechanisms in place to enable people to voice their complaints or ask for disputes to be settled peacefully. Australia's parliament is one important place where people can exercise their right to bring about peaceful change in the country, through their elected representatives.⁵⁷ The government has also established various tribunals and appointed ombudsmen to hear complaints and resolve conflicts related to government decisions or the provision of goods and services.

Australia is a member of the United Nations and various regional bodies that are influential forums for peacefully resolving international disputes.

Peace is an important Islamic concept. One of the divine names of God is Peace (*al-Salam*) (based on Q. 59:23). God is the ultimate source of peace; the land of peace to which God's followers are called is described as *dar al-salam* (Q. 10:25).⁵⁸ Muslims learn from the Qur'an that God's objective when creating human beings was for them to relate to each other peacefully (Q. 49:13).⁵⁹

*"Allah will ask on the Day of Judgment: 'Where are those who loved each other for the sake of My glory? Today, – on a day when there is no shade but mine – I shall shade them with My shade.'" *Sahih Muslim*

While the Qur'an sometimes allows the settling of disputes through non-peaceful means when needed, this is never the first option. Prophet Muhammad's approach when dealing with his opponents (such as the Meccans who persecuted the early Muslims) was first to try to negotiate.⁶⁰ After the Prophet moved to Medina, permission to fight was granted by the Qur'an (Q. 22:38–40), but only under certain conditions (Q. 2:190–93).⁶¹ Today, most mainstream Muslim scholars understand the basic principle of international relations to be peace.⁶²



Australia is generally a peaceful society and there are many mechanisms in place to enable people to voice their complaints.

Freedom of speech

One of the most important freedoms enjoyed in Australia is freedom of speech. Australians are free to discuss ideas, present opinions and say what they think, either verbally or in writing. They may even criticise the government. However, this right is not absolute. There are laws that prevent people from inciting hatred against others, making false accusations, presenting false information or lies and damaging a person's good name. People have a responsibility to use their freedom to speak appropriately. These laws apply to individuals, as well as to newspapers, the radio and television.⁶³

Islam also has a strong tradition of free speech. The Qur'an gave people the right to express their convictions and to stand up for "truth, decency, and justice".⁶⁴ This, at times, even extended to theological matters.⁶⁵ The Qur'an affirmed that it was important for both sides of a debate to be heard, even if "ultimately the truth will prevail".⁶⁶

Mohammad Hashim Kamali notes that in principle, Islam permitted people to "point out ... shortcomings of government employees, people's representatives in national assemblies, and anyone engaged in public services" and to "publicly question or criticise political leaders".⁶⁷ However, the right carried with it certain responsibilities. Within a Muslim state, people were not allowed to engage in evil speech, obscenities or gossip, to publicly slander or insult another person, or commit libel or sedition.⁶⁸



One area where Australian law and classical Islamic law may differ is on the issue of whether it is permitted to publicly criticise Islam or Prophet Muhammad. Australia's free speech laws allow religious comment and criticism, but "hate speech" and religious vilification are prohibited. However, the laws around these issues are being debated at the moment.

Freedom of association

Another important freedom protected in Australia is the right to association. This means that people are free to meet together in a group to express their dissatisfaction with the government or to stand up for any issue that concerns them, as long as it does not cause injury to others or damage property. The right to freedom of association also allows people to form or join trade unions and to create or join different kinds of social groups or clubs.⁶⁹

Islamic tradition also allows freedom of association—within certain bounds. People are encouraged to join together for good causes or to cooperate for beneficial reasons. The Qur'an says:

Help one another to do what is right and good; do not help one another towards sin and hostility. (Q. 5:2)

Mohammad Hashim Kamali points out that the Islamic principle of *hisba* can also support association for all kinds of purposes; for instance, joining a "political party, a professional association, or a workers' union which aims at ensuring fair practices in trade and equitable treatment of workers".⁷⁰ However, the Qur'an does not permit association for the purpose of committing sin or hostility. On the whole, Australian and Islamic notions of freedom of association have certain similarities and can be considered compatible to a great extent.

Participation in national life

Australia has a strong community spirit. Outside of school, work and the home, there are many ways to get involved in the community and to contribute to national life. Activities such as joining a sporting club, volunteering in the classroom or caring for the local environment provide opportunities to meet new people and improve our society. They also build connections and contribute to the public good.

Many Muslim scholars argue that contributing to the life of the country in which one lives is not only permissible but should be encouraged. For instance, the well-known Islamic scholar Yusuf al-Qaradawi argues:

*A Muslim in an immigration country or outside the Islamic societies is a living and active organ in the society he lives in. Because any organ, when separated from the body, will die, the Muslim who lives in a non-Muslim society must be a useful organ in it, take from it and give to it, benefit from it and give benefit to it. It is not customary for a Muslim to live as a parasite on the society. There is no human society which does not have good and evil aspects. It is the duty of the Muslim who lives in any society to avail himself of its virtues while discarding its negative aspects. He also must participate in the political, social and economic life within it.*⁷¹

The European Council for Fatwa and Research encourages:

*[the] exerting [of] efforts in every field leading to reconciliation, social harmony, good communication and reciprocal mercy and shunning violence since they help achieve good and social objectives. The Prophet Muhammad, peace be upon him, says: “Tenderness adorns the matter when it exists and defects it when it is not there.”*⁷²



New citizens are expected to develop a sense of belonging to their new country and to participate in national life.

Citizenship and loyalty to Australia and its people

New citizens are expected to develop a sense of belonging to their new country, to participate in national life and to do what they can to integrate into and contribute to society.⁷³ From an Islamic perspective, citizens are also expected to be loyal to the state and to fulfil their duties towards their fellow citizens.

There are many Islamic teachings which support the idea that Muslims should fulfil their citizenship obligations, even in a non-Muslim-majority country. For instance, Islamic tradition emphasises the principle that agreements are binding, even when made with non-Muslims. The Qur'an says:

Honour your pledges: you will be asked about your pledges [on the day of reckoning]. (Q. 17:34)

Fulfil any pledge you make in God's name and do not break oaths after you have sworn them, for you have made God your guarantor: God knows everything you do. (Q. 16:91)

As for those who have honoured the treaty you made with them and who have not supported anyone against you: fulfil your agreement with them to the end of their term. God loves those who are mindful of Him. (Q. 9:4)

Traditionally, Muslim jurists believed that even Muslims who travelled to non-Muslim territories on a short-term basis were engaging in a kind of unwritten contract. As long as their security was protected, there was a covenant between them and the state, which meant that they had to obey local laws (as long as they did not require them to commit an act strictly prohibited by Islam). Muslims were not permitted to engage in hostile acts against the state or its people. This covenant was described as *aman* or “safe passage”.⁷⁴

Today, many Muslim scholars hold a similar view. Abdullah b. Bayyah, of the Islamic Fiqh Council, states that Muslim citizens of Europe, for example, have an obligation to honour their pledge of loyalty to the countries they reside in, including abiding by state laws.⁷⁵

Many Muslim scholars also argue that a person’s identity as a Muslim should not be a problem when it comes to loyalty to a country that has a non-Muslim majority.





PART 3
COMMON ISSUES AND
CHALLENGES FACED
BY MUSLIM MIGRANTS
IN AUSTRALIA



Adjusting to life in a new country can present challenges. In Part 3, we discuss some of the common issues facing Muslim migrants in Australia, and suggest ways for dealing with them.

Citizenship and voting

Becoming an Australian citizen

For Muslims today, taking up citizenship in a non-Muslim-majority country is not a problem from a religious point of view. In fact, millions of Muslims live in non-Muslim-majority countries as citizens. Muslims have always lived as minorities from the time of Prophet Muhammad until today. Despite this, there are some Muslims who believe that taking up citizenship of a non-Muslim-majority country such as Australia is un-Islamic.

Australia is a country that upholds the principle of the separation of religion and the state. Some Muslims therefore wonder whether it is permissible to become an Australian citizen, given that it is a non-Muslim country that does not implement Islamic law.

Similar issues have been discussed by Muslim scholars for many centuries. In earlier times it was more about living in the so-called *dar al-Islam* (the domain or abode of Islam). A Muslim was expected to live permanently in *dar al-Islam*. But scholars differed about what exactly constitutes this *dar al-Islam*. For many Muslim jurists, if a Muslim is able to practise his or her religion freely in a country where justice and fairness exist, that place should be considered a *dar al-Islam*, whether it has a Muslim majority or not. In this sense Australia is a *dar al-Islam* and taking up citizenship should not be an issue. Australia gives freedom to all of its citizens and residents to practise their religion, whatever it may be, and there is a system of justice that does not discriminate against people based on their religion.

Egypt's Dar al-Ifta is one authority which has ruled that it is permissible for Muslims to live permanently and take up citizenship in a non-Muslim country:

The sheer fact of a Muslim travelling to a non-Muslim country and residing there as a full citizen who observes his [or her] duties in exchange of obtaining his rights is a long standing tradition in Islamic history as Muslims were always known for travelling the world for advocacy, trade, tourism and immigration.⁷⁶

The European Council for Fatwa and Research advises:

The authentic Islamic opinion states that citizenship in non-Muslim countries is permissible for Muslims, whether indigenous or naturalized citizens ...

The ECFR perceives that citizenship of non-Muslim-majority countries does not contradict religious fidelity ...⁷⁷


There are many advantages to applying for Australian citizenship. These include the right to vote in federal and state elections, the right to apply for an Australian passport and the right to register children born overseas as Australian citizens.

For adults, the process of applying for citizenship involves submitting an application and attending an interview. At the time of writing, it also involves sitting a citizenship test, which assesses a person's English language abilities, as well as their knowledge of Australian history, society and values.

Voting in an election

For some Muslims, coming to live in Australia gives them access to a whole range of new rights and freedoms. Often, one of these is the right to vote in an election, where the vote cast helps determine the political leadership of the country, their state or local government. For many Muslims, this is an exciting opportunity to take part in the democratic process. For others, it raises new questions. Which is the best party to vote for? If there are no Muslim candidates, can I vote for a non-Muslim? What values or policies are the most important? What should determine my vote? Is it even right for Muslims to vote? Complicating this is the fact that voting in Australia is compulsory. All Australian citizens must enrol to vote and vote in elections, or face being fined.





In Australia there are Muslim politicians who have run for and been elected to federal and state parliaments and local government.

Research by the Gallup and Pew organisations shows that for most Muslims around the world, there is no contradiction between their faith and participation in a democracy.⁷⁸ Indeed, there are many examples of fatwas either encouraging or making it obligatory for Muslims in majority-Muslim countries, such as Egypt and Iraq, to vote in elections.⁷⁹

The European Council for Fatwa and Research also affirms that political participation in non-Muslim-majority countries is permissible for Muslims, including “taking part in civic society, joining parties ... and taking part in the process of voting either by voting or running [in] elections”.⁸⁰ It is also possible for Muslims to “spend money on electoral campaigns even though the candidate might not be a Muslim provided he [or she] is more capable of accomplishing issues of public interest”.⁸¹

Major Muslim community organisations in the West—such as the Muslim Association of Britain, the Australian Federation of Islamic Councils, and the Islamic Council of Victoria—encourage Muslims to vote, and some organisations publish voting guides that assess candidates and parties based on their benefits to the Muslim community.* In Australia there are Muslim politicians who have run for and been elected to federal and state parliaments and local government.

Part 4 has practical information about voting in Australian elections. See *Registering to vote* on page 89.

*See the ICV’s initiative, My Vote Matters: myvotematters.com.au.

Being loyal to Australia and Islam

As part of the citizenship process, a person makes a commitment to Australia by making a pledge. This means that they publicly accept both the responsibilities and privileges of citizenship. One expectation of becoming an Australian citizen is “loyalty to Australia and its people”.⁸²

For some Muslims this expectation of loyalty creates a dilemma. Can they be loyal to a state that is not a Muslim-majority country and does not implement Islamic law? Traditionally, the idea of loyalty to the Muslim state was often connected to the expectation that the ruler will implement Islamic law (Shari‘a) in return.

The European Council for Fatwa and Research states, in this regard:

Fidelity [loyalty] is a solemn covenant that creates a very warm relationship resulting in requirements, rights and obligations. This relationship is of different types and various dimensions. Fidelity could be for religion, lineage and people or it could be because of covenant and contract. All these types of fidelity are stated in the Qur’an and Sunnah.

*The peak of these types is the fidelity for creed that encompasses faith and its articles and the practice of rituals based thereupon and adhering to the subtle morals. This type of fidelity does not contradict fidelity for the country that man [a person] owes by virtue of citizenship contract, so man [a person] should defend it against any transgression.*⁸³

Dar al-Ifta uses the historical example of the early Muslims’ migration to Abyssinia at the time of the Prophet Muhammad to affirm that such loyalty is possible:

Though also a non-Muslim nation, Muslims enjoyed the protection of the Abyssinian Negus, a Christian king, and were given the opportunity to practice their religion freely. This persisted despite the efforts of the Meccan enemies of Islam to dissuade the Negus from his tolerant ways. This presents a great example of religious communities living together in religious freedom, a true model of citizenship in which the relevant virtues are allegiance and participation in public life.

*The migrant Muslims to Abyssinia set a great example for coexistence with non-Muslims. This model was a full realization [of] the notion of citizenship and delineated the social responsibility of each citizen. Muslims upheld their responsibility as Abyssinian citizens as it should be and in return, they enjoyed the protection of their full rights.*⁸⁴

Working and money

Negotiating time for Friday (*Jum'a*) prayers with an employer

Traditionally, the working week runs from Monday to Friday in Australia, with Saturday and Sunday set aside as the weekend or days of rest. Muslims, however, hold their congregational prayers on Fridays. For those who wish to attend the Friday (*Jum'a*) prayers at a mosque, there may be a clash between the expectations of their employer and their religious obligations. Given that the Friday prayers are usually around lunchtime, which tends to be around midday, it may be possible to negotiate with an employer to attend. Australia is a country that respects religious freedom and attempts to provide support for people to practise their religion to the greatest extent possible.

There are various laws in place to support the practice of one's religion. Matters like time off for the performance of Friday prayers—or, for that matter, other prayers such as the Eid prayers—require familiarising the employer with the religious requirements, obtaining their support and, if necessary, making alternative arrangements for work. This could involve, for example, coming to work a bit earlier or leaving a bit later than usual on a particular day. Such flexible arrangements are quite common in Australia and can be negotiated with employers.



The *Fair Work Act 2009* (which applies nationally) and state anti-discrimination laws prohibit employers from firing an employee because of observance of a religious holiday.⁸⁵ State laws may also, in some cases, protect employees from discrimination based on “religion, religious conviction, religious belief or religious activity”.⁸⁶ Employers are therefore advised to consider “flexible work arrangements, such as allowing your employees to work different hours or shifts to let them fulfil their religious obligations”.⁸⁷

The Victorian Equal Opportunity and Human Rights Commission also recommends, with regards to Friday prayers:

*A Muslim employee can usually attend Friday prayers in an extended lunch break. Worktime may be made up by either coming in earlier, staying late, or another agreed arrangement.*⁸⁸

For those Muslims who find it extremely difficult or impossible to be released to go to the Friday prayers, a solution is offered by Egypt’s Dar al-Ifta:

Jurists have allowed leaving the Friday prayer if there is a valid excuse. In his Mukhtasar, Imam Khalil al-Maliki explained, “Excuses for missing it [the Friday prayer] include: extreme mud, rain, leprosy, the sick and the one engaged in caring for the weak/ill, or the one confined in a place for whatsoever reasons etc.” This issue in question falls under these categories.

*Based on the above, you are excused for missing the Friday prayer due to your office hours. You are therefore obliged to perform the four cycles of noon prayer at your workplace. God never burdens a soul beyond its capacity. God Almighty says, “He [God] has chosen you, and has imposed no difficulties on you in the religion.”*⁸⁹

Finding places to pray when out

Since Muslims are required to pray five times a day, they often need to find a place to pray during the day while they are out. While there are many mosques and prayer rooms in Australia—particularly in major cities such as Adelaide, Brisbane, Melbourne, Perth and Sydney—many Muslims may not know where they are or how to find them.

Many Muslims are quite comfortable praying at their workplace, in an office or in a private part of a room. Since Muslims are not required to pray all their daily prayers in congregation, and may, in fact, live or work far from a mosque or prayer place, it is quite common for Muslims to pray at their home, office or workplace. Universities, for example, often provide prayer places for Muslim students. Hospitals may also have places to pray. In some places, multifaith prayer places can be found.

Various organisations have lists of where mosques and prayer rooms are located. Smartphone apps are also available that offer mosque and prayer room location guides. Some state Islamic councils also provide lists of mosques and prayer rooms.

Resources for finding mosques and prayer rooms

Allianz has prepared lists of mosques/prayer rooms for most major Australian cities:

- Adelaide: allianzassistancehealth.com.au/en/adelaide/mosques
- Brisbane: allianzassistancehealth.com.au/en/brisbane/mosques
- Canberra: allianzassistancehealth.com.au/en/canberra/mosques
- Melbourne: allianzassistancehealth.com.au/en/melbourne/mosques
- Perth: allianzassistancehealth.com.au/en/perth/mosques
- Sydney: allianzassistancehealth.com.au/en/sydney/mosques

The Australian Federation of Islamic Councils has also developed a mosque-finder tool: mosque-finder.com.au

Working in a mixed workplace environment

In Australia, it is considered normal for unmarried and unrelated men and women to mingle in public places, such as at work, at school or university, and even socially. This is not an issue for many Muslims, as in most Muslim-majority countries men and women tend to work together. However, some Muslims from countries where such interactions are highly restricted may wonder whether they may work in workplaces where such mixing occurs.

On this matter, Dar al-Ifta of Egypt states:

*As for business affairs which require for men and women to remain in the same place, there is no legal impediment for them to be together should the atmosphere [be] secured from temptation and private seclusion. The mere existence of both men and women in the same place is not prohibited in itself as what is prohibited is the seclusion of man and woman in a locked place where no one can enter.*⁹⁰



Wearing the hijab to work

In Australia, many workplaces have expectations about what their employees should wear to work. These may vary from a particular standard or style of clothing, to a company uniform or specific protective clothing. Many Muslim women who wear a hijab (commonly understood as a head covering worn by Muslim women, that conceals the hair and neck) are concerned about whether they are allowed to wear their hijab to work.



Many Australian workplaces are very supportive of Muslim women wearing the hijab and permit religious clothing as part of their employee dress codes.

Australian employers are allowed to set rules about how their employees dress; however, they must ensure they are complying with anti-discrimination laws. For women wearing the hijab, it could be considered discrimination if an employer “single[s] out some employees for different treatment because of their background or certain personal characteristics”.⁹¹

Employers can request:

*that any religious symbols comply with expectations of the role and other compliance factors, such as workplace health and safety. For example ... if a woman who works in a factory wears a hijab, employers can request that loose ends be pinned back to prevent interference with machinery.*⁹²

Many Australian workplaces are very supportive of Muslim women wearing the hijab and permit religious clothing as part of their employee dress codes. It is relatively easy to find Muslim women who wear the hijab working in government offices, banks, supermarkets, restaurants, hospitals, research facilities, schools, universities and many other places of work. Even in professions such as policing, there are women who wear the hijab. In fact, Victoria Police undertook a rigorous process to design a special hijab for their female Muslim officers, and it was perhaps the first police force in the West to have a hijab-wearing police officer.⁹³

The attitude in Australia is usually to allow people to wear whatever they want, as long as it does not conflict with existing rules about uniform or constitute a safety hazard.

Working in a place that sells alcohol or bacon or other Islamically prohibited foods or products

Australian supermarkets sell a variety of different foods and drinks, including products that Muslims would consider prohibited (*haram*), such as pig products and alcohol. Many Muslims looking for employment in Australia therefore wonder whether it is permitted for them to work, for example, in a supermarket, such as Aldi, Coles, Woolworths or IGA.

This question has been considered by a number of Islamic authorities and many have come to the conclusion, based on the opinion of Imam Abu Hanifa, one of the key figures of Islamic jurisprudence, that working in such a supermarket is permissible. The UK-based Al-Qalam, the Canadian organisation SeekersGuidance and the Darul Fiqh panel of muftis all come to this conclusion.⁹⁴ More conservative authorities, such as the Saudi Arabian Islam Question and Answer website, believe it is not permissible.⁹⁵ However, from the perspective of Darul Fiqh:

When analysing the Shari'a compliancy of any job, one must examine the nature of the job itself. If the hours at work are spent in permissible activities, then the job will be permissible. If the work rendered is impermissible, the job will be impermissible. With regards to scanning alcohol at the register, it is permissible according to the view of Imam Abu Hanifa rahimahullah. The person who stands at a register is merely scanning and handing over the item bought to the customer. The individual at the cash register is similar to one who transports wine. The opinion of Imam Abu Hanifa regarding the transporter of wine is that it is permissible to do so. Such a job does not constitute assistance in sin.⁹⁶

Opening a savings account that accrues interest

It is very difficult to live in Australia without some form of bank account. Most employers pay their employees by depositing payments into their accounts. In many cases, the basic form of account is a transaction or savings account which pays a very low rate of interest (much lower than a term deposit, for example). The question arises whether these accounts are permissible for Muslims, as interest, traditionally, has been equated to the concept of *riba*, which is prohibited for Muslims.

Some Muslims see interest as different to *riba* and therefore they see no particular problems in engaging in transactions that incur interest. However, there are also many Muslims who view interest as equivalent to *riba* and therefore impermissible from an Islamic point of view. For this reason, some Australian Muslims donate any interest they receive to charity, while others try to avoid taking out loans or using credit cards. When buying a house, however, it can be more difficult to avoid interest, so this is discussed in more detail separately, below.

Taking out a home loan that attracts interest

For Muslims who believe that modern interest is the same as the *riba* prohibited in the Qur'an, buying a house in Australia can be a challenge. This is because it often requires borrowing money from a bank that charges interest on the loan. However, a house is a necessity and even if a Muslim believes interest is prohibited, many Muslim scholars argue that in a country like Australia where there are hardly any Islamic financial institutions, borrowing and paying interest to meet this basic need may be acceptable.



Approximately 54% of Muslims were home owners in Australia in 2016 (based on the Census data), suggesting that a significant number of Muslims are most likely borrowing money from the bank to buy their homes.⁹⁷ Some Muslims use the concept of *darura* (necessity), which is an important concept in Islamic jurisprudence, to justify taking out a bank loan that attracts interest. They argue if a person does not borrow money to buy a house, they will end up renting. In this case the person simply pays off the mortgage of somebody else (that is, the landlord's). Renting also means there is less housing security for the family, as the owners have the right to come back to the house to live in it, or to renovate it before selling it or renting it out again. All of this creates unnecessary uncertainty and hardship for a family.

Scholars have provided some guidance on this important issue for Muslims who live in countries such as Australia. Broadly speaking, given that a house is a necessity, it is important for Muslims to secure housing, even if they have to borrow money on the basis of interest. While some institutions advertise Shari'a-compliant home loans in Australia, there are only a few, and it is often easier to borrow money from a bank that deals with interest. Thus, many Muslims face the question of whether they should apply for a home loan from this type of bank. The European Council for Fatwa and Research advice in this regard is as follows:

The Council stresses what had been agreed upon by the Muslim Ummah that usury [riba] is forbidden. It is a major sin and is one [of] the seven gravest ones ...

The Council, therefore, invites the Muslim community to do its utmost to seek Islamic alternatives such as murabaha (sale at a profit), which is practised by Islamic banks. They should avoid doubtful matters to the furthest extent possible ...

The Council calls upon Islamic organisations throughout Europe to enter into negotiations with European banks to find formulas that are acceptable to the Muslim buyer. Formulas like bay' al-taqsit (sale for deferred payment), where the buyer is required to pay more money due to the fact that payment is not immediate. This formula will help both banks as well as the Muslim community ...

If all the above suggestions are unavailable, the Council, in the light of evidence and juristic considerations, see no harm in buying mortgaged houses if the following restrictions are strictly observed:

- The house to be bought must be for the buyer and his household.*
- The buyer must not have another house.*
- The buyer must not have any surplus of assets that can help him buy a house by means other than mortgage ...⁹⁸*

Taking out an insurance policy

In Australia, many people choose to take out different forms of insurance against unforeseen events. This might include car insurance, which helps protect against significant costs from a car accident, or home and contents insurance, which can help cover the cost of stolen goods or damage from a fire or flood. It might also include income protection insurance, which can provide money if a person becomes very sick or has an injury that prevents them from working.

In many cases, these types of insurance are essential in Australia, because of the high cost of living. Without insurance, a person can be exposed to significant costs—for example, in the case of an accident, theft, or fire or flood damage to their house.

Certain types of insurance are compulsory in Australia—for example, third-party car insurance, which pays compensation and medical costs if you injure someone else in a car accident. In most states, this is paid to the government and included in annual car registration payments.

Some Muslims do not agree with the modern concept of insurance, because they do not believe it is right to pay for something that has no guarantee of benefit. The benefit from purchasing insurance is unknown because it is based on things that may or may not happen. However, the practice of sharing risk has a long history across the world, including in Muslim societies. Muslim merchants in the premodern period often pooled resources to guard against losses, such as that of a cargo ship.⁹⁹

Some Islamic financial institutions advertise a modern product known as *takaful*, available in several Muslim-majority countries. This operates very similarly to conventional insurance but is based on a cooperative structure. A large number of Islamic organisations—including the European Council for Fatwa and Research, the Islamic Fiqh Academy in Jeddah and others—have approved this form of insurance.¹⁰⁰ However, it seems this product is not yet available in Australia to the ordinary consumer.

According to Egypt's Dar al-Ifta, there is a difference of opinion over whether insurance is permitted. Because there is no clear prohibition, Dar al-Ifta's position is that:

*There is no objection in entering into insurance contracts and following the opinion of those who permit it. It is preferable to avoid it as a means of piety. However, it is not permissible for any of the two groups [those who permit or prohibit it] to deny the act of the other as long as it is a disputable matter.*¹⁰¹

In summary, despite the different views about insurance today, a number of mainstream scholars and institutions have found it to be permissible. Given its importance in protecting vulnerable people from major losses, there is no reason to avoid it in Australia until more Islamic forms of risk management become more widely accessible.

Social life, eating and drinking

Interacting with non-Muslims and having non-Muslim friends

Living in Australia involves coming into regular contact with non-Muslims in the community and the possibility of building relationships and even close friendships with those who do not adhere to Islam. For Muslims coming from certain Muslim-majority contexts, these interactions and relationships or the extensive nature of such interactions may be a new experience.

Muzammil Siddiqi, President of the Fiqh Council of North America, notes that Muslims are permitted to build relationships with non-Muslims:

*The Qur'an does not say that non-Muslims cannot be Muslims' friends, nor does it forbid Muslims to be friendly to non-Muslims. There are many non-Muslims who are good friends of Muslim individuals and the Muslim community. There are also many good Muslims who truly and sincerely observe their faith and are very friendly to many non-Muslims at the same time.*¹⁰²



Singapore's Majlis Ugama Islam fatwa council also states:

With regards to verses in the Qur'an that seem to paint [a] more hostile picture on [sic] the relationship between Muslim[s] and non-Muslims, there is a need to understand the contexts of the revelations. We need to know that there are variances in the Qur'anic references to non-Muslims. The more hostile descriptions tend to refer to those who persecuted the Muslims such as the Quraysh of Makkah during the period of political hostility. The Qur'an did not consider non-Muslims and disbelievers as a monolithic entity. The Qur'an made [a] clear distinction between those who seek to oppress and fight the Muslims and those who did not fight against the Muslims.¹⁰³

In fact, Qur'an 60:8 provides a broad permission for Muslims to be just and treat humanity with kindness: "and He does not forbid you to deal kindly and justly with anyone who has not fought you for your faith or driven you out of your homes. God loves the just."

Wishing Christians a merry Christmas

One of the major traditions in Australia is the celebration of Christmas. Most Australians, even if they are not very religious, recognise this occasion by sharing gifts with friends and family members and wishing each other a merry Christmas. As Christmas has traditionally been a Christian celebration of the birth of Jesus, many Muslims wonder whether they should wish others a "merry Christmas". Some Muslims are relaxed about doing so, while others prefer not to say phrases such as "merry Christmas", and instead use "season's greetings" or other courtesies.



Dar al-Ifta states in this regard:

It is permissible to congratulate non-Muslims on their religious occasions, using words that do not contradict the Islamic creed. Maintaining ties, giving gifts, visiting and congratulating non-Muslims are all from among kind treatment. God Almighty commands us to speak kind words to everyone alike. He says, "Speak fair to people." (Q. 2:83)

He also says, "God commands justice and the doing of good." (Q. 16:90)¹⁰⁴

It adds that it is well established that the Prophet accepted gifts from non-Muslims and also gave gifts to them, and so Muslims today are permitted to exchange gifts with non-Muslims. In another fatwa, Dar al-Ifta says:

Since Islam enjoins munificence and the good spirit that spreads happiness, optimism, hope and affection, you are to treat your friends with good manners. Do not settle for a phone call to congratulate them but you may even share their happiness and celebrations provided they do not involve any religious rites or practices that contradict Islam.¹⁰⁵

The European Council for Fatwa and Research also says:

We are ordered to reward good with good and to respond to a greeting with a better one or, at least, with a similar one, as Allah Almighty says: "When a [courteous] greeting is offered you, meet it with a greeting still more courteous, or [at least] of equal courtesy." (Q. 4:86)


It is inappropriate for a Muslim to be less generous and less noble of character than others.

...

Thus, it is permissible for a Muslim individual or the Islamic Center to congratulate them on this occasion, verbally or through cards that do not contain a sign or religious statements that disagree with Islamic tenets, such as the Cross, for Islam denies the very concept of the Cross.

...

It is permissible to accept gifts from them and reward them for that. The Prophet (peace be upon him) accepted the gifts of non-Muslims, such as al-Muqawqas, the Ruler of Copts in Egypt and others. Such gifts should not be things that are unlawful for Muslims, such as wine and pork.¹⁰⁶



Halal food is widely available in Australia, particularly in major cities...

Finding halal food when eating out

Halal food is widely available in Australia, particularly in major cities such as Adelaide, Brisbane, Melbourne, Perth and Sydney, where many Muslims live. Outside these areas, it may be difficult to find out where halal food is available. This may create a concern for Muslims who wish to venture out of their local area to eat at a restaurant or cafe, as they may be unsure if the food is Islamically permissible.

Resources for finding halal restaurants

Websites

- Halal Square halalsquare.com.au
- Tripadvisor tripadvisor.com.au
- Yelp yelp.com/nearme/halal-food
- Urban List theurbanlist.com
- Grazing Panda thegrazingpanda.wordpress.com/halal-restaurants (Melbourne)

Smartphone apps

- Halal Bites halalbites.com.au

Eating at a local cafe or restaurant where non-halal food is served

Australia offers a wide variety of halal supermarket foods and restaurants where halal food is served. However, not all restaurants and cafes in Australia are halal and many serve foods or drinks that Muslims consider to be *haram* (prohibited), such as pig meat, pig fat and alcohol. In other restaurants or cafes, it may be unclear whether the food being served is halal or whether it has come into contact with other non-halal products. Some Muslims may be unsure whether they should eat in such places.

Regarding meat, where it is not clear that it has been slaughtered according to halal requirements, Dar al-Ifta of Egypt states:

The principle is that it is permissible to eat from the meat of the People of the Book unless one is certain that the animal was slaughtered by a non-Christian or a non-Jew or that it was beaten to death or electrocuted. But if one is not certain, the permissibility prevails.

...

The principle in Shari'a is to think well of people. Hence, when one is in a country where the majority of its people are from the People of the Book, it is unlawful to be overly particular and delve into matters.

Allah says in Surat al-Ma'ida: O you who believe! Do not ask about matters which, if made known to you, might make things difficult for you ... [Q. 5:101].

In his commentary on this verse, Ibn Kathir said: "Allah Almighty instructs His believing servants and prohibits them from asking about matters which do not benefit them ... the apparent meaning of this verse is to prohibit asking about matters which, if made clear, may create hardship for the inquirer, so it is better to refrain from asking about them."¹⁰⁷

Many cafes and restaurants in cities such as Melbourne, where large numbers of Muslims live, serve halal food or meat. Often the label "halal" is visible somewhere in the cafe or on signage seen from outside. However, in suburbs where only a few Muslims live, there may not be any halal cafes or restaurants. Where halal cafes and restaurants do not exist, many Muslims tend to order vegetarian meals or seafood meals, avoiding meat.



Eating supermarket meat

Often the easiest way to buy groceries in Australia is to go to a local supermarket. While halal butchers usually advertise the fact that their meat is halal or permissible for Muslims, it is often unclear whether Muslims can eat meat purchased from a supermarket, which is often not halal-certified (and the label “halal” may not be mentioned on the product).

Because of the large export market for Australian meat products, many meat products from major supermarket chains in Australia are in fact halal-slaughtered, even though they are sometimes not labelled as such. For example, at the time of writing, most chicken products from the major chicken supplier Steggle's are halal even though there may be no halal label on its product.¹⁰⁸ The same is true for most bread, milk, butter, cheese, yoghurt and margarine products, and many do have a halal certification label. Similarly, many products from major cereal brands such as Kellogg's and Sanitarium, some Nestlé chocolates and Vegemite are halal. The number of grocery items that explicitly carry the halal symbol is growing.

Today, many Muslims are also looking beyond the traditional food and drink prohibitions specifically mentioned in the Qur'an to consider ethical and health considerations when determining what to consume. For these Muslims, in addition to Qur'anic prohibitions, halal also requires eating ethically and sustainably and in a way that takes into account the long-term impact of their choices on the world.

Resources for finding halal groceries in Australia

Some websites also offer a list of groceries available in Australia that are halal:

- <http://www.halalsquare.com.au/groceries>
- <https://halalgroceryau.com>



Civics and legal matters

Participating in the armed forces

Australian citizens have the right to apply to serve in the Australian armed forces. In Australia, there is no compulsory military service or training—citizens may apply to join the Australian army, navy or air force.

Some Muslims may be concerned about whether this is permissible Islamically, given that Australia is a non-Muslim-majority country and could possibly be called on to take military action in a conflict with a Muslim-majority state.

A number of Muslim scholars argue there are no problems in serving in the defence forces of a non-Muslim country if a person is able to practise their religion while doing so. If there was a situation where Australia was in a conflict with a Muslim-majority country, according to such scholars, the following principles would apply:

1. Muslims should abide by their contracts, including agreements to serve in the defence forces, to the best of their ability.
2. The only legitimate purpose of armed struggle today is to “curb oppression and injustice”. If Australia goes into the conflict for that reason, there is no contradiction between serving in the defence forces and one’s Islamic duty.
3. If a country (such as Australia) enters into a conflict for another reason, or is attacked because it is acting in a way that is oppressive or unjust, a Muslim may not have to serve in the armed forces. They must accept whatever penalties are handed down for refusing to participate based on religious reasons.¹⁰⁹

Participating in the police force

In Australia, the police are responsible for keeping the community safe, preventing crime, assisting with emergencies, investigating criminal acts and finding missing persons. However, some Muslims may wonder if it is permissible to join the police force and enforce the laws of a non-Muslim country. Some new migrants to Australia may also distrust the police, especially if they have come from a country where police forces were corrupt.

According to the UK-based Darul Iftaa:

*In principle, it would be permissible to work as a police officer, rather, if the intention is to help and assist the oppressed, prevent crime and give people their just rights, it will be an act of virtue.*¹¹⁰



A number of Muslims in Australia, including women, serve in the police forces of the various states and territories.

A number of Muslims in Australia, including women, serve in the police forces of the various states and territories. In Victoria, the police uniform was amended to accommodate a specially designed hijab. In addition to working as sworn police officers, Muslims also work as Protective Services Officers—uniformed officers who are stationed at designated places (such as train stations) and have certain powers to ensure community safety. They also work as police support staff. The Victoria Police Muslim Association, for example, is an organisation that brings together Muslims working as part of the police force in Victoria.¹¹¹

Freedom of religion

In Australia, all people—including Muslims—have freedom to choose their religious beliefs or even to choose not to have any religious beliefs at all.

The right to freedom of religion can be inferred from section 116 of the *Australian Constitution*. It states:

*The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.*¹¹²

This means that the Australian Government cannot legally impose a state religion on its people, force particular religious practices or prevent people from practising their religion freely.¹¹³

However, Australia does have some restrictions on the public display of religion. This is not about a particular religion. For instance, mosques are generally not allowed to broadcast the *azan* (call to prayer) to the neighbourhood because of local government noise restrictions.¹¹⁴ The right to religious freedom can also be limited if it affects the rights of others. For example, religious freedom cannot be used to justify violence in Australia, including domestic and family violence. Recently, there have been debates about how to balance the right to free speech and religious freedom in Australia. These are complicated issues that are still being resolved in Australia and in other countries around the world.

Overall, most Muslims find Australia to be a place where they can practise Islam freely. For some, Australia even allows more freedom than they experienced in their home countries. There are a large number of mosques, prayer places, Islamic centres, Islamic associations, Islamic schools, and many other organisations that support the free practice of Islam in Australia.

Applying Islamic law (Shari'a) in Australia

Part 1 has more information on Australia's legal system. See *Legal system* on page 14.

Australia has a common law system, which it inherited from England. Legal principles come from legislation (which is enacted by parliament) and from cases that are determined by judges in the courts.¹¹⁵ Religious

law—from any religion—is not formally recognised in Australia, although religious principles can have a bearing on how decisions are made in the courts. Currently, there are no formal religious tribunals or alternative dispute resolution forums for Islamic arbitration or mediation in Australia, but informally, many mosques, imam boards or state Islamic councils can provide such services, especially concerning family issues.

Muslims, like other residents and citizens of Australia, are expected to follow the law in Australia. This obligation still stands, even though Australia is a non-Muslim country. This position is supported by Islamic law. The Egyptian Dar al-Ifta states:

Muslims are generally obliged to abide by the laws of the land and the country they live in, whether it is an Islamic state (al-khilafa), Muslim countries [sic], or non-Muslim countries [sic] such as those in the West, as long as they are not ordered to practice something that is against Shari'a.

...

Those who are of the view that it is not necessary to obey the laws of the land unless it is ruled by a proper Islamic governance system, usually say that these laws are non-Islamic and man made, and one is only obliged to abide by the laws of Allah!

In reality, this is a very immature understanding of Islam, for even an Islamic Khilafa government would implement laws that are the creation of their own minds and Ijtihad ... Then the case here is not between "Allah's laws" and "man made laws". Rather one must understand and deal with the issue more rationally and deeply.

When one lives in a particular country, one agrees verbally, in writing or effectively to adhere to the rules and regulations of that country. This, according to Shari'a, is considered to be a covenant, agreement and trust. One is obliged to fulfil the trust regardless of whether it is contracted with a friend, enemy, Muslim, non-Muslim or a government. The Messenger of Allah (Allah bless him & give him peace) and his Companions (Allah be pleased with them all) always stood by their word and did not breach any trust or agreement, as it is clear from the books of Sunnah and history.¹¹⁶



Australia has laws that prohibit discrimination against people on the basis of race and religion.

Discrimination

Racial and religious discrimination

Australia has laws that prohibit discrimination against people on the basis of race and religion. Some of these laws apply to all of Australia; for instance, the *Racial Discrimination Act 1975* does not allow a person to be discriminated against because of their race, colour, descent or national or ethnic origin.¹¹⁷ Other discrimination laws differ between states, especially where discrimination on the basis of religion is concerned.

Victoria is one state where it is prohibited to “vilify” a person because of their race or religion, that is to incite “hatred, serious contempt for, or revulsion or severe ridicule of a person or group of people because of their race or religion”.¹¹⁸ In Victoria it includes:

- speaking about a person’s race or religion in a way that could make other people hate or ridicule them
- publishing claims that a racial or religious group is involved in serious crimes without any proof
- repeated and serious spoken or physical abuse about the race or religion of another person
- encouraging violence against people who belong to a particular race or religion, or damaging their property
- encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, or using websites or email.¹¹⁹

However, in New South Wales there are no laws that specifically prohibit religious vilification.¹²⁰ In Queensland, it is unlawful to discriminate against someone because of their religious belief or religious activity.¹²¹

Gender discrimination

A number of laws in Australia prevent discrimination against women, such as the *Sex Discrimination Act 1984*. This prohibits discrimination against women in almost every area of life: when applying for a job, enrolling in an educational institution or course, when seeking out goods or services, when applying to live in a rental property, when buying land and even when joining a club. A woman cannot be refused access to these things simply because she is female.

There are a number of exceptions to these laws, however. These include exemptions that can be made on the basis of religious “doctrines, tenets or beliefs” to “avoid injury to the religious susceptibilities of adherents of that religion”.¹²² This means for instance, that a religious group that believes only a man should be a minister of religion (such as a priest, rabbi, or imam) does not have to accept a female applicant for that role.

Australia supports the principle of gender equality: the idea that all genders should be valued equally, treated equally and given equal access to opportunities.

According to Dar al-Ifta of Egypt, Islam too recognises the equal status of men and women and provides its reasoning as follows:¹²³

According to the Qur'an men and women share fundamental human dignity:

People, be mindful of your Lord, who created you from a single soul, and from it created its mate, and from the pair of them spread countless men and women far and wide. (Q. 4:1)

Men and women also have spiritual equality and share in the same rewards and punishment:

Whoever does evil will be repaid with its like; whoever does good and believes, be it a man or a woman, will enter Paradise and be provided for without measure. (Q. 40:40)

The only distinction God makes between people is on the basis of their piety:

People, We created you all from a single man and a single woman, and made you into races and tribes so that you should recognise one another. In God's eyes the most honoured of you are the ones most mindful of Him: God is all knowing, all aware. (Q. 49:13)



Australia supports the principle of gender equality: the idea that all genders should be valued equally, treated equally and given equal access to opportunities.

In the past, in certain cases, classical Islamic law gave different rights to men and women—for instance, when allocating inheritance and for divorce. Many Muslim scholars today acknowledge that this was due to the prevailing historical and cultural context that did not permit men and women to have full equal rights, rather than it being a principle that should be applied in all historical periods. The overall emphasis in both the Qur'an and the practice of Prophet Muhammad, these Muslim scholars argue, is on equal and fair treatment regardless of one's gender.

Sexual harassment

The *Sex Discrimination Act 1984* protects people from sexual harassment.¹²⁴ Sexual harassment means unwanted sexual behaviour which makes another person feel offended, humiliated or intimidated. The target of harassment can be any gender. It can include things such as:

- making comments about another person's private life or the way they look
- demonstrating sexually suggestive behaviour towards another person
- making sexual jokes
- requesting sex
- sending texts, emails or social media posts that have sexual content
- making unwelcome sexual advances
- engaging in other kinds of unwelcome conduct.¹²⁵

These acts can be penalised. Everyone is protected from sexual harassment—for example, while they are at work, while seeking employment, as a student, at sporting clubs and while receiving goods or services. An employer can also be penalised for failing to take reasonable steps to prevent harassment in the workplace. These laws do not apply within the home, but other laws—such as those about domestic and family violence—do apply.

Making a complaint about discrimination

If you believe you have been discriminated against because of your religion, race or sex, a report can be made to the human rights or equal opportunity commission in your state.

You do not usually need a lawyer to make a complaint and it does not cost any money to make a complaint. Complaints must be made in writing.

Part 4 has more practical information about dealing with Islamophobia. See *Islamophobia* on page 97.

More information

National

- Australian Human Rights Commission National Information Service
Telephone 1300 656 419
Email infoservice@humanrights.gov.au
Website humanrights.gov.au
- Fair Work Commission (if it relates to your work)
Telephone 1300 799 675
Website fwc.gov.au

Australian Capital Territory

- ACT Human Rights Commission
Telephone 02 6205 2222
Website hrc.act.gov.au

New South Wales

- Anti-Discrimination Board of NSW
Telephone 1800 670 812
Website antidiscrimination.justice.nsw.gov.au

Northern Territory

- Northern Territory Anti-Discrimination Commission
Telephone 1800 813 846
Website adc.nt.gov.au

Queensland

- Queensland Human Rights Commission
Telephone 1300 130 670
Website qhrc.qld.gov.au

Tasmania

- Equal Opportunity Tasmania
Telephone 1300 305 062
Website equalopportunity.tas.gov.au

Victoria

- Victorian Equal Opportunity and Human Rights Commission
Telephone 1300 292 153
Website humanrightscommission.vic.gov.au

Western Australia

- Equal Opportunity Commission
Telephone 1800 198 149
Website eoc.wa.gov.au
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Marriage and family

Getting married

Marriage is an important institution for many people in Australia and weddings are often large celebrations with family and friends. In general, two people can get married if they are over the age of 18, not close relatives and not married to anyone else. They must submit a “Notice of Intended Marriage” form to an authorised marriage celebrant at least one month before the wedding. In Australia, marriage can only be formalised by a marriage celebrant.¹²⁶

Marriage celebrants include ministers of religion, such as imams, who have been registered to conduct a marriage.¹²⁷

Some people in Australia choose not to have a wedding and just have their marriage legally registered at a civil registry. Each state has its own marriage registry office.



Islamic and civil marriages

In Australia, there can be a difference between a religious and civil marriage. While a wedding, where the Islamic rites of marriage are conducted, can be conducted at any time by an imam, it is only through the civil process of registering a marriage that two people can be considered legally married. The civil process of marriage is usually organised by the couple’s marriage celebrant

or imam. It involves completing the “Notice of Intended Marriage” form and having the marriage registered at one of the state or territory registries of Births, Deaths and Marriages. After the marriage is registered, the couple will receive a certificate of marriage.

Registering children born in Australia

It is important to register the birth of a child. This process enables the child’s name and parentage to be legally recognised and provides a birth certificate, which is a key document for proving a person’s identity. Registering your child is essential for accessing Medicare (Australia’s public health system), for obtaining an Australian passport and for enrolling children in childcare or school. The hospital or a registered midwife will provide the application for a birth certificate to the mother after she has given birth, and she can send it to the state or territory’s Registry of Births, Deaths and Marriages.

More information

Australian Capital Territory

- Births, Deaths and Marriages information at Access Canberra
accesscanberra.act.gov.au/app/answers/detail/a_id/1693/~/_/birth-registration#!tabs-2

New South Wales

- NSW Registry of Births, Deaths and Marriages
bdm.nsw.gov.au

Northern Territory

- Births, Deaths and Marriages
nt.gov.au/law/bdm/register-a-birth

Queensland

- Births, Deaths, Marriages and Divorces
qld.gov.au/law/births-deaths-marriages-and-divorces

South Australia

- Consumer and Business Services
sa.gov.au/topics/family-and-community/births-deaths-and-marriages/register-a-birth

Tasmania

- Births, Deaths and Marriages
justice.tas.gov.au/bdm/home

Victoria

- Births, Deaths and Marriages Victoria
bdm.vic.gov.au

Western Australia

- Registry of Births, Deaths and Marriages
bdm.justice.wa.gov.au



Getting relationship help

It is quite normal for couples to experience difficulties in their marriage from time to time. If help is needed to resolve an issue or to decide whether a marriage should continue, there are organisations and individuals who can provide counselling and advice. Many couples choose to see a family counsellor. Migrant resource centres and settlement service providers can also be very helpful. Some mosques also provide this service to the members of their congregation. Muslim women's associations, Muslim community organisations and psychologists can also usually assist.

More information

- Auburn Islamic Community Centre
aiccauburn.org.au/aboutus
- Family Relationships Online
familyrelationships.gov.au
- The Islamic Council of Western Australia
islamiccouncilwa.com.au/islamic-marriage-counselling-services
- Islamic Society of Darwin
isod.org.au/1/services/family-counseling-and-naseeha-advice
- Relationships Australia
relationships.org.au/what-we-do/services/counselling

Divorce and separation

The Qur'an gives the right of divorce to both men and women through different processes, which are outlined below.

Husband-initiated divorce (*talaq*)

The form of divorce given to men is called *talaq*. *Talaq* customarily involves a pronouncement of divorce (usually when the wife is not menstruating), followed by an approximately three-month waiting period, which allows for possible reconciliation.¹²⁸ After that time, the couple are considered Islamically divorced.

In Australia, the right to initiate divorce is given equally to husbands and wives. It is granted by the Family Court, and the only requirement is that the relationship has broken down “irretrievably” and the couple has been separated for more than 12 months.¹²⁹ There is no need to allocate “blame” to either party to get a divorce. Either one, or both, of the parties can start the process

by filling out a form and paying a fee. If there are children involved or financial arrangements to be made, the couple may need to go to court to settle these matters. However, most people do not need to go to court and are able to agree on arrangements themselves, or with help from a mediator.

In the case of *talaq*, organising a divorce under both Islamic law and Australian law can be straightforward. The husband can pronounce *talaq* during the twelve-month separation period, allowing the requirements of both laws to be easily met.

More information

- Family Relationships Online
familyrelationships.gov.au/separation



In Australia, the right to initiate divorce is given equally to husbands and wives.

Wife-initiated divorce (*khul'*) in Australia

In the case of divorce initiated by the wife, things can be more complicated. A wife has an equal right to initiate a divorce under Australian law. However, under Islamic law, the prevailing view is that a wife may need to ask a third party—that is, an Islamic authority, such as an imam or an Islamic organisation—to assist with the dissolution of the marriage, through a process known as *khul'*. This difference between Australian law and Islamic expectations can create a challenge for Muslim women whose husbands will not grant them a divorce, even if they have obtained a divorce through the Australian courts.

To address this issue, some Islamic bodies offer services to help women to secure a divorce; for instance, the Centre for Arbitration and the Resolution of Disputes of the Australian National Imams Council, and the Family Arbitration and Mediation Panel of the Board of Imams Victoria. This process is not perfect, however, and a number of Australian Muslims are advocating for another form of dispute resolution to protect the rights of Australian Muslim women. Many Australian Muslim women simply rely on the Family Court's granting of a divorce and do not attempt to go to an imam or other such Islamic authority to get a religious divorce, as they may not know any imams or they have found it difficult to obtain a divorce through an imam.

Another option for Muslim women is to include a clause in their marriage contract that allows them the same right of divorce as their husband. Although no-one enters a marriage expecting to get divorced, this kind of clause can make things easier and clearer if needed, especially in an Australian legal context.

Polygyny

In some Muslim-majority countries, a Muslim man is allowed to be married to up to four wives. However, in Australia, being married to more than one person at the same time is a criminal offence, known as “bigamy”. Under section 94 of the *Marriage Act 1961* (Cth), a person who is married and goes “through a form or ceremony of marriage with any person” or a person who goes “through a form or ceremony of marriage with a person who is married” can face up to five years in prison.¹³⁰

However, polygamous marriages that have been entered into overseas are recognised as marriages in Australia under the *Family Law Act 1975* (Cth).¹³¹ In addition, it is not illegal in Australia for a man or woman to be formally married to one person and to have another “de facto” relationship at the same time.¹³² In legal terms, a de facto relationship in Australia is a relationship between two people who have lived together domestically for more than two years, but who are not legally married.¹³³ Such a relationship may be less legally or financially secure than a marriage, and may affect important issues such as inheritance claims, division of assets and child custody.

Old age, death and inheritance

Residential aged care

Many Australians face difficult decisions about how to care for their elderly parents. They may find that the time comes when their parents’ care needs are too great to be met at home, and it is necessary to consider residential aged care (also known as nursing homes). For many Muslims, it is even more difficult because Muslim cultures traditionally expect children to care for parents in the later years of their lives. Despite this, increasing numbers of elderly Muslims live in Australian residential aged care facilities.

Ultimately, this is a decision for each family. It may be impossible often for a single person or a working couple to adequately look after their parents, especially if they can no longer feed or clean themselves. This makes residential

care a humane option. Or, an elderly person may have no surviving relatives and may wish to live in a residential facility so they can have better care and access to activities and social opportunities.



Death

The death of a loved one is a very difficult experience. A number of mosques are able to assist with the process of washing and shrouding the deceased's body, performing the *janaza* (funeral) prayer, conducting the burial and issuing a death certificate.

More information

- Australian Muslim Janaza and Community Services
muslimjanaza.org.au
- Board of Imams, Victoria
boiv.org.au/services
- The Islamic Council of Western Australia
islamiccouncilwa.com.au/muslim-burials-and-cemeteries
- Islamic Society of ACT
isact.org.au/funeral-services
- Lebanese Muslim Association
lma.org.au/community-services/funeral-services
- Muslim Funeral Services
mfs.asn.au

Inheritance

Australian law determines how a deceased person's wealth and property will be divided based on their will. A will is a document that gives instructions about what a person wants to happen to their property ("estate") after they die. For a will to be valid, it must be written and signed by two or more witnesses using the same pen on each page of the document.¹³⁴

There is no requirement under Australian law to divide property or assets in any particular way; however, if a person does not have a will when they die, the laws of the state will determine how their property is to be distributed.

In Victoria, for example, this is governed by the *Administration and Probate Act 1958*. According to the Act, a person's estate goes firstly to their spouse or domestic partner, then their children and then to other relatives according to the order set out in the legislation.

Under Islamic law, inheritance is usually determined based largely on Qur'an 4:11, which establishes a certain share of a deceased person's estate for various family members and kin.

There is nothing in Australian law to prevent a Muslim writing a will that divides his or her assets and belongings according to the Qur'an's teachings. In this way, both Australian legal requirements and Islamic norms can be satisfied.

Many Muslim lawyers, as well as organisations such as the Australian National Imams Council, can help Muslims write a will that is both Islamically acceptable and in conformance with the requirements of Australian law.

Criminal justice issues

Part 4 has practical information about Australia's courts. See *The justice system* on page 93.

Summary offences

In Australia, crimes can be categorised into summary (or minor indictable) offences and more serious (indictable) crimes. The type of offence will determine which court the matter is heard at. Summary offences include things such as driving offences (including drink driving), property damage and minor types of assault. They are crimes punished by less than two years in prison (five years for multiple offences) or by a fine.¹³⁵ These offences are determined by a magistrate in the Magistrates' Court, not by a judge and jury. Indictable offences are usually heard in the County or Supreme Courts before a judge and jury. They include offences such as sexual assault, drug trafficking offences, armed robbery and murder.

Serious crimes and deportation

Some new residents fear that if they commit a minor offence in Australia, such as getting a parking fine, they will be sent back to their country of origin. This fear may stem from previous experience with government officials or law enforcement officers in their home country.

In Australia, non-citizens can be deported in certain circumstances. These include, for instance, “entering by deception, or without a visa, or over-staying, committing offences or being of bad character”.¹³⁶ The kinds of offences that might lead to deportation include “crimes of violence, offences involving injury to or corruption of young people, sex offences against children, and trafficking in or distribution of drugs”. In certain circumstances, the Minister for Immigration can also cancel a temporary or permanent visa—for example, if there is a concern about risk to “the health, safety or good order of the Australian community or a segment of the Australian community”¹³⁷ or if a person is serving a prison sentence of 12 months or more or has committed a sexual offence against a child.¹³⁸

The *Migration Act 1958* (Cth) states that a visa may also be cancelled if a person does not pass the character test because of a criminal conviction (in Australia or overseas);¹³⁹ if a person is suspected of involvement in criminal acts such as people smuggling, genocide, war crimes, crimes against humanity;¹⁴⁰ or because there is a risk a person may “represent a danger to the Australian community or to a segment of that community, whether by way of being liable to become involved in activities that are disruptive to, or in violence threatening harm to, that community or segment, or in any other way”.¹⁴¹

In Australia, some visa cancellation decisions can be appealed. If the visa is cancelled on character grounds, following a “Notice of Intention to Consider Cancellation”, an appeal can be made to the Administrative Appeals Tribunal within nine days of the decision being made.¹⁴² However, if the visa is mandatorily cancelled (for example, if a sexual offence has been committed) then there is no right of appeal.

Standing or bowing before a judge in court

While this is not an issue for most Muslims, a few Muslims have found the idea of standing or bowing before a judge Islamically unacceptable, arguing that standing is a sign of respect that should only be given to God or the Prophet.

Taha Jabir Al-Alwani of the International Institute of Islamic Thought says in this regard:

There is nothing wrong in standing in front of a judge in a non-Muslim court or a Muslim court. Standing is a form of showing respect not necessarily to the judge himself [or herself], but to the values he/she carries, which are the values of justice ...

To respect and follow the regulations and laws of a country in which a Muslim accepts to live in is one of the Muslim characteristics, as long as it does not contradict or oppose an Islamic rule that has been supported by obvious and clear text from the Qur'an, or an authentic Hadith said by the Prophet (peace and blessings be upon him) ... Here, standing up does not contradict the Islamic law.¹⁴³

The Australian National Imams Council also advises:

... there is also no prohibition or restraint on a Muslim, when entering or leaving a courtroom, to stand and lower their head in a mark of respect. To do so is also consistent with the established custom of the court room ...

In this regard, examples are given in the Holy Qur'an when persons were directed to lower their heads to creation: for instance, see Chapter 2 at [34]; Chapter 12 at [100]. These examples relate to the angels being directed to prostrate to Prophet Adam, and the parents of Prophet Joseph bowing to him as he sat on the throne. One can also find such customs of respect in ordinary interactions, for instance, in practices pertaining to certain martial arts.¹⁴⁴



Domestic and family violence

Family violence, also known as domestic violence, is not tolerated in Australia and cannot be justified by religious practices or arguments. Family violence does not just include physical violence such as hitting, pushing or kicking. In Australia it generally means any behaviour that creates fear and control over another family member, partner or ex-partner. It can include:

- sexual assault (meaning any unwanted sexual contact, including forcing your spouse to have sex)
- verbal abuse
- threats of violence
- emotional abuse
- economic or financial abuse (such as withholding money)
- social abuse (such as controlling who the person sees, specifying when they can go out or stopping them from keeping connections with their cultural or spiritual practices).¹⁴⁵



Family violence, also known as domestic violence, is not tolerated in Australia and cannot be justified by religious practices or arguments.

Family violence can take place against a woman, man or child. Even if the child is not the direct target, exposing children to any form of family violence in the home is also prohibited and is considered child abuse.¹⁴⁶

Anyone who feels unsafe should call the police by telephoning 000, Australia's national emergency number. If the police are called, they will come quickly to the home to assess the situation. They will speak to each person on their own and may speak to children. Allegations of family violence are taken very seriously and if necessary, the police can take a person suspected of committing violence out of the home or immediately prevent them having contact with the victim(s) by issuing an interim order. If an interim order is issued, the matter will be referred to the state's Magistrates' Court, where permanent orders can be made. Family violence can attract a range of penalties, including fines, prison, community correction orders, and/or an order not to go near or communicate with a victim. Breaching a family violence order is a criminal offence.

Family violence is also un-Islamic. The Australian National Imams Council has stated:

It is a religious obligation to stand against all forms of violence in the home that targets women, children and aging parents. Islam came to honour women ... any form of abuse towards them is a direct abuse to the Islamic teachings and its principles.

...

In Islam, marriage is defined as a relationship of love and mercy. Allah says, “And of His signs is that He created for you from yourselves mates that you may find tranquillity in them; and He placed between you affection and mercy. Indeed, in that are signs for a people who give thought.” (Q. 30:21). However, some fail in living up to that. Domestic violence is an extreme example of that failure, and it is a major sin in Islam.¹⁴⁷

The Islamic Supreme Council of Canada states:

There is no justification for honour killings, domestic violence and misogyny in Islam. These are crimes in the court of law and in the sight of Allah ...¹⁴⁸

Part 4 has practical information about support services for people experiencing domestic and family violence. See *Domestic and family violence support services* on page 98.

Forced and child marriages

Forced marriages

A forced marriage is a marriage that is contracted without both parties giving their free and full consent. This may be because one or both people have been tricked, persuaded or threatened into the marriage. Or, they may not have the capacity to understand what marriage means—for example, if they are a child.

It is important to note that a forced marriage is not the same as an arranged marriage. An arranged marriage can take place after someone introduces a couple to each other, but both people must be old enough to be married and must give their full and free consent.

Forced marriages are a criminal offence. Anyone who encourages or helps to organise a forced marriage (including family members, religious leaders or marriage celebrants) can face up to nine years in prison. If someone is taken overseas to be married against their will, those responsible can face up to 25 years in prison.¹⁴⁹

In Islam, a key principle in marriage is the consent of both parties. One of the reforms Prophet Muhammad (PBUH) introduced regarding the rights of women in seventh-century Arabia was that women should not be forced into a marriage against their will:

Khansa bint Khidam al-Ansariya narrated that her father gave her in marriage when she was a matron [a previously married woman] and she disliked that marriage. So she went to Allah's Messenger and he declared that marriage invalid

Sahih al-Bukhari

The Prophet Muhammad also said:

A previously married woman should not be given in marriage except after her permission; and a virgin should not be given in marriage except after her permission.

Sahih al-Bukhari

Although women were given the right to enter into and sign marriage contracts on their own behalf under Islamic law, it is unfortunately the case that forced marriages were and are still practised in some parts of the Muslim world.

The Board of Imams Victoria has stated:

Marriage in Islam is a sacred contract between a Muslim man and a woman entered into with consent of both the bride and groom, and a firm pledge in the name of Allah Almighty following the tradition of the Prophet Muhammad.

...

Underage marriages are illegal in Australia. Imams are advised to meet both the bride and groom in person prior to the Nikah ceremony to ensure that they are of marriageable age and both are consenting to the marriage. As Australian Muslims we are required to observe and respect the laws of Australia.¹⁵⁰

The Islamic Council of Victoria has issued a separate statement, agreeing with the Board of Imams.¹⁵¹

The Islamic Supreme Council of Canada also issued a fatwa signed by 36 imams across Canada and the United States of America to remind Muslims that forced marriages and marriages with underage people (discussed in Part 4) are today to be considered un-Islamic actions:

*We know very well that there are a few parents who believe they can force their daughters to marry only men of the parents' choosing, and there are a few Muslims who believe marrying underage girls is permissible. However, based upon the guidance in the Holy Qur'an and the teachings of Prophet Muhammad (peace be upon him), these are very un-Islamic, criminal actions. Such marriages are forbidden (haram) in Islam.*¹⁵²

More information

- My Blue Sky is one Australian organisation which can provide support and advice for women concerned about a marriage (either for themselves or another person). They are contactable through their website: mybluesky.org.au
- 1800RESPECT is another organisation that can provide advice and counselling by telephone: 1800 737 732.
- If a person is in danger, the police can be called by phoning 000, Australia's national emergency number.
- If a person is at risk of being taken to another country to be married, the Australian Federal Police can be contacted by phoning 131 237.

Child marriages

In Australia, the minimum age for marriage is 18 years. However, in certain rare circumstances a person who is 16 or 17 can get married if the Family Court of Australia and their parents give their consent.¹⁵³ It is illegal for a person younger than 16 to get married in Australia. Marriages entered into overseas with someone under the age of 16 are also not valid in Australia. Child marriages are illegal because a person of that age is not considered physically or psychologically ready for the responsibilities of marriage or raising a family. Child marriages also take away children's opportunities to complete their education, limiting their opportunities later in life.

Some Muslims believe that child marriages are permissible today, based on the Prophet's marriage to A'isha when she was a child. However, while child marriages were historically and culturally acceptable at the time when the Qur'an was revealed (early seventh century CE), that is no longer the case now in most parts of the world, including Australia.

In 2019, the Deputy Grand Imam of Al-Azhar, Salah Abbas, made a statement at the first African Summit on Female Genital Mutilation and Child Marriage:

*Marriage in Islam is based on the consent of both parties, particularly the young woman. Such consent requires the young woman to have reached the age of maturity and reason, so that her consent is validly given. The age of 18 marks the stage at which a woman can validly express her will to marry.*¹⁵⁴

Female genital mutilation

Female genital mutilation, also known as FGM, is illegal in Australia. This practice has many different names, such as female circumcision or ritual female surgery, but basically, it refers to the deliberate cutting or altering of the female genital area for no medical reason.

Female genital mutilation is considered by the World Health Organization to be unnecessary and harmful to women's health.¹⁵⁵ It can also affect the ability of a woman to give birth.

In Australia, it is illegal to send someone overseas to have this done, to encourage someone to have it done and to organise the procedure.¹⁵⁶ There have been cases where parents and religious leaders have been imprisoned because they have helped to organise the surgery. Female genital mutilation cannot be justified in Australia on religious or cultural grounds.¹⁵⁷

Dar al-Ifta of Egypt convened an international conference in 2006 on the topic of female genital mutilation. After hearing from scientists, scholars of Islamic law and researchers, it determined:

*One of the highest values of Islamic law is the Prophetic command to neither inflict nor accept harm ... In light of this reality, and because of the significant physical and psychological harm to young girls (and later women) caused by FGM, all measures must be taken to put a halt to this unacceptable tradition.*¹⁵⁸

More information

Female Genital Mutilation/Cutting (Australian Government Department of Social Services)
dss.gov.au/sites/default/files/documents/02_2019/female-genital-mutilation-and-cutting-english.pdf



Female genital mutilation cannot be justified in Australia on religious or cultural grounds.

Terrorism

Terrorist acts and the act of joining or supporting a terrorist organisation are criminal offences in Australia.

According to the *Criminal Code Act 1995* (Cth), a “terrorist act” is an act or threat that is intended to advance a political, ideological or religious cause by coercing or intimidating an Australian or foreign government or the public.¹⁵⁹ This action is one which causes or threatens serious harm to people or property, creates a serious risk to the health and safety of the public, or seriously disrupts trade, critical infrastructure or electronic systems.¹⁶⁰ It does not include advocacy, protest, dissent or industrial action that is not intended to cause serious harm, death or endanger life or safety.¹⁶¹

Terrorism has been widely condemned by authoritative Muslim religious leaders and institutions. In response to the 9/11 attacks on the World Trade Center in the United States in 2001, Muslim leaders made public statements. For instance, in a 2001 fatwa, Yusuf al-Qaradawi, with a number of other prominent Muslim scholars, declared:

*All Muslims ought to be united against all those who terrorize the innocents, and those who permit the killing of non-combatants without a justifiable reason. Islam has declared the spilling of blood and the destruction of property as absolute prohibitions until the Day of Judgment. [Q. 5:32]*¹⁶²

In a statement, more than 45 prominent Muslim scholars and politicians declared:

*We condemn, in the strongest terms, the [terrorist] incidents ... which are against all human and Islamic norms. This is grounded in the Noble Laws of Islam which forbid all forms of attacks on innocents. God Almighty says in the Holy Qur'an: "No bearer of burdens can bear the burden of another." (Q. 17:15)*¹⁶³

Shaykh Muhammad Sayyid al-Tantawi, of Cairo, Egypt, affirmed:

*Attacking innocent people is not courageous, it is stupid and will be punished on the day of judgement ... It's not courageous to attack innocent children, women and civilians. It is courageous to protect freedom; it is courageous to defend oneself and not to attack.*¹⁶⁴

The *Amman Message*, proclaimed by more than 200 Islamic scholars from 50 countries at a conference in Amman, Jordan, and later endorsed by hundreds of other Islamic scholars and the Organisation of Islamic Cooperation, states that:

*Islam recognizes the noble station of [human] life, so there is to be no fighting against non-combatants, and no assault upon civilians and their properties, children at their mothers' bosom, students in their schools, nor upon elderly men and women. Assault upon the life of a human being, be it murder, injury or threat, is an assault upon the right to life among all human beings. It is among the gravest of sins; for human life is the basis for the prosperity of humanity: "Whoever kills a soul for other than slaying a soul or corruption upon the earth it is as if he has killed the whole of humanity, and whoever saves a life, it is as if he has revived the whole of humanity." (Q. 5:32)*¹⁶⁵

In 2014, Abdulaziz Al al-Sheikh, Grand Mufti of Saudi Arabia stated:

*Extremist and militant ideas and terrorism which spread decay on Earth, destroying human civilisation, are not in any way part of Islam, but are enemy number one of Islam, and Muslims are their first victims.*¹⁶⁶

However, some Muslims who hold to a certain view of jihad may believe such actions can be sanctioned by Islamic teachings. On this matter Dar al-Ifta of Egypt states:

Combative jihad [armed struggle, war] is primarily a collective duty. It can only be declared by the ruler [state] and its organization is the responsibility of those in authority and the concerned state institutions who, from their divinely appointed positions, are best able to calculate the consequences of such a crucial decision. They examine the extent of the necessity that calls for defensive jihad and their decision is based on a meticulous study that carefully balances interests against harms ...

*The people's interest and livelihoods will surely be disrupted if a group of individuals wage jihad [war] without being mobilized by the ruler ...*¹⁶⁷

The European Council for Fatwa and Research has also ruled that terrorism goes against the principles of coexistence that come from a universal framework of Islamic values. These principles include:

Rejecting and criminalizing according to law everything leading to violence, radicalism and terrorism expressed in words or actions. Allah forbids killing and oppression. Allah says: “My Lord has forbidden repugnant acts, whether open or disguised, sin and unjust oppression.” (Q. 7:33) And also: “whosoever kills a human being, except [as punishment] for murder or for spreading corruption in the land, it shall be like killing all humanity; and whosoever saves a life, saves the entire human race.” (Q. 5:32)¹⁶⁸





PART 4

USEFUL PRACTICAL INFORMATION FOR NEW MIGRANTS



Government services

Contact information

Centrelink

- Provides social security payments and support services.
servicesaustralia.gov.au/individuals/centrelink

Medicare

- Australia's health care scheme. It provides health and hospital services at low or no cost.
health.gov.au/health-topics/medicare

MyGov

- An online portal for accessing services provided by the Australian Government.
my.gov.au/LoginServices/main/login?execution=e1s1
-

State Islamic councils

State Islamic councils are bodies that represent Muslims and Islamic organisations in each state. Many provide information and services that are helpful for new Muslim migrants to Australia. The state Islamic councils listed below are those that have a website.

Contact information

Australian Capital Territory

- Islamic Society of the Australian Capital Territory
isact.org.au

New South Wales

- Islamic Council of New South Wales
icnsw.org.au

Queensland

- Islamic Council of Queensland
icq.org.au

Victoria

- Islamic Council of Victoria
icv.org.au

Western Australia

- Islamic Council of Western Australia
islamiccouncilwa.com.au
-

Settlement support and resources

These links and resources are for new migrants to Australia. They have helpful information for newcomers to Australia and links to different services.

Contact information

National

- AMES Australia
ames.net.au
- Beginning a Life in Australia
immi.homeaffairs.gov.au/settling-in-australia/settle-in-australia/beginning-a-life-in-australia
- Life in Australia: Australian Values and Principles
immi.homeaffairs.gov.au/support-subsite/files/life-in-australia/lia_english_full.pdf

Northern Territory

- Multicultural Service Organisations
nt.gov.au/community/multicultural-communities/support-for-communities/multicultural-service-organisations

Queensland

- Migrant Support
migration.qld.gov.au/migrant-support

South Australia

- Settlement support services
migration.sa.gov.au/support-services/settlement-support-services

Tasmania

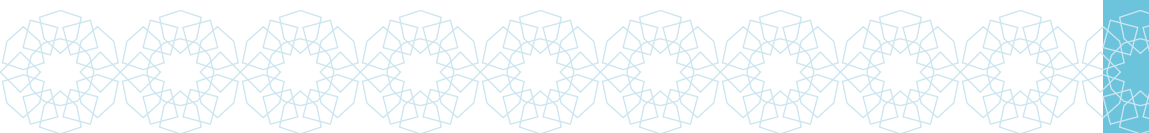
- Migration Tasmania
migration.tas.gov.au

Victoria

- Live in Melbourne
liveinmelbourne.vic.gov.au/migrate/relocation-assistance/settlement-support-for-skilled-migrants

Western Australia

- Settlement Services Western Australia
migration.wa.gov.au/services/settlement-services



Australian visas

Migrants come to Australia on different types of visas. The main categories of visas are:

- **Visitor visas:** These temporary visas allow a person to visit Australia for a period of time for tourism, to see family or to conduct business.
- **Studying and training visas:** These visas allow a person to live in Australia while they complete a course of study or do workplace training.
- **Family and partner visas:** These visas allow a family member (child, parent or other close family member) or spouse to live either temporarily or permanently in Australia.
- **Working and skilled visas:** These visas allow a person to conduct business or investment in Australia, to use their skills in the workforce or to fill a temporary skill shortage. They can be either temporary or permanent visas.
- **Refugee and humanitarian visas:** These visas allow a person who is facing discrimination, human rights abuses or persecution in their home country to apply to live permanently in Australia.



Government

Structure of government

In Australia, there are three levels of government that make law: the federal, state/territory and local council levels.

1. The **federal** parliament makes laws that apply to all of Australia. The *Australian Constitution* sets out the areas of law that the federal government has lawmaking power over. These include immigration, taxation and defence.
2. Each **state/territory** has its own parliament that makes laws for that state or territory. State governments have lawmaking power over areas such as education, health and policing.
3. Each **local council** or municipality makes laws (by-laws) that apply in their specific area. There are more than 500 local councils across Australia.

More information

“The roles and responsibilities of the three levels of government” (Parliamentary Education Office)
peo.gov.au/understand-our-parliament/how-parliament-works/three-levels-of-government/the-roles-and-responsibilities-of-the-three-levels-of-government/

Registering to vote

In Australia, it is compulsory for all Australian citizens to enrol to vote and to vote in an election. To enrol to vote in a federal or state election a person must be 18 years of age (or soon to turn 18) and have lived at the same address for more than a month. They must also prove their identity, either with an Australian passport or drivers licence, or by having an enrolled person verify their identity.

The Australian Electoral Commission maintains the Australian enrolment register. A person can register to vote online or collect a form from the post office and send it to the commission with their supporting documents.

Contact information

Australian Electoral Commission
aec.gov.au/enrol

Police and national security agencies

Types of police

Australia has two police services. The Australian Federal Police (AFP) is responsible for enforcing national criminal law and for dealing with crimes that are complex and go beyond state boundaries. This includes, for instance, crimes concerning national security (such as terrorism), organised crime, drug trafficking, people smuggling and money laundering. The AFP also carries out state-level policing duties in the Australian Capital Territory.

State and territory police, on the other hand, are responsible for the day-to-day safety and protection of the community. They enforce state criminal law, provide community assistance, ensure peace and order on the streets, enforce traffic laws and respond to missing person reports.

Contact information

“Police services—states and territories” (Australia.gov.au)
australia.gov.au/information-and-services/public-safety-and-law/police-and-crime-prevention/police-services-states

State and territory police forces

- Australian Capital Territory Policing
police.act.gov.au
- New South Wales Police
police.nsw.gov.au
- Northern Territory Police, Fire and Emergency Services
pfes.nt.gov.au/police
- Queensland Police Service
police.qld.gov.au
- South Australia Police
police.sa.gov.au
- Tasmania Police
police.tas.gov.au
- Victoria Police
police.vic.gov.au
- Western Australia Police Force
police.wa.gov.au

Dealing with the police or national security organisations

If you are approached by the police, it does not necessarily mean you are in trouble. In Australia, police are allowed to approach people and talk with them at any time. You can ask them why they would like to talk to you. Be polite and respectful.

Sometimes the police may ask you for some identification or for your name and address. In some circumstances, you **must** give your name and address to a police officer: for instance, if they believe you have committed a crime or are about to break the law; if you have been stopped while driving or pulled over for a breath test; or if the police believe you have graffitied (or are about to) or are carrying an illegal weapon.

It is against the law to give a false name or address in these circumstances.¹⁶⁹ Apart from giving your name and address, you do not have to say anything more.

Your rights

Police have encounters with the public in many situations, including the following.

Move on: In some circumstances, the police can ask a person to leave a public area for 24 hours. This is called being told to “move on”. The police can use these powers if they believe that someone is:

- disturbing the peace
- likely to disturb the peace
- acting in a way that may be dangerous to public safety
- behaving in a way that is likely to cause injury or damage to property or people.¹⁷⁰

Search: Police can search someone they believe is carrying drugs, weapons or a piece of equipment used in drug-taking. They can also search a person or their car or house if they have a warrant (from a court) allowing them to do that.¹⁷¹

Arrest: A police officer can arrest a person they think has committed a crime or is about to, or if they have a warrant.¹⁷²

The police can also detain you under a preventative detention order (a short-term order to detain you) if they believe you are going to commit a terrorist act or if a terrorist act has just happened, for the purpose of collecting evidence. Under federal law, the police can only detain you for 48 hours, but under state law, a person can be preventatively detained for up to 14 days. In preventative detention, you have the right to contact your family, to arrange a lawyer and to have an interpreter if necessary. Children under 16 years cannot be put in preventative detention.¹⁷³

Control orders can also be issued by a court to prevent a terrorist attack. Control orders can stop a person leaving Australia, prevent a person from being in a certain place or contacting certain people, or stop a person doing certain things, like using the internet.



A police officer can arrest you if they think you have committed a crime or are about to or if they have a warrant.

Australian Security Intelligence Organisation

The Australian Security Intelligence Organisation (ASIO) also has power to question or detain a person in relation to a terrorist incident. However, ASIO needs a warrant from a judge in order to do so.¹⁷⁴

More information

Australia's Counter-Terrorism Laws (Australian Government Attorney-General's Department)
ag.gov.au/NationalSecurity/Counterterrorismlaw/Pages/Australiascounterterrorismlaws.aspx

The justice system

The justice system includes all the agencies and organisations that work towards upholding the rule of law, protecting peoples' rights and ensuring justice. It includes courts, tribunals, dispute resolution processes, prisons, corrections, parole, legal aid, penalties and fines and support for victims.

There are four main federal courts: the High Court of Australia (the final court of appeal), the Federal Court of Australia (which hears appeals on decisions as well as matters such as bankruptcy, corporations, industrial relations, native title, taxation and trade practices cases), the Family Court of Australia (which hears family law cases) and the Federal Circuit Court of Australia (which hears disputes about family law, child support, administrative law, copyright, human rights, industrial law, migration and privacy).¹⁷⁵

Each state and territory has its own court system as well.

Contact information

Justice systems of the states and territories

- Australian Capital Territory
justice.act.gov.au
- New South Wales
correctiveservices.justice.nsw.gov.au/Documents/fh-chapter-1-understanding-the-nsw-criminal-justice-system.pdf
- Northern Territory
localcourt.nt.gov.au/#
- Queensland
qld.gov.au/law/court
- South Australia
courts.sa.gov.au/OurCourts/Pages/default.aspx
- Tasmania
courts.tas.gov.au
- Victoria
justice.vic.gov.au/justice-system
- Western Australia
supremecourt.wa.gov.au/C/court_system_in_western_australia.aspx

Work and social security

Health Care Cards

A Health Care Card is a card issued by the Australian Government that can be used to obtain cheaper prescription medicines and other discounts. It is provided to people with a low income.

There are several ways you can apply for a Health Care Card. If you have access to the internet, you can apply for the card online. You need a MyGov account linked to Centrelink to submit an online application: humanservices.gov.au/individuals/services/centrelink/low-income-health-care-card/how-claim/setting-online-accounts

You can also apply for a Health Care Card by printing out a form and taking it to a Centrelink office with supporting documentation, or you can telephone Centrelink on 132 490 to organise the application.

More information

Services Australia

servicesaustralia.gov.au/individuals/services/centrelink/low-income-health-care-card

Finding work

There are many different strategies you can use to find work. Some examples are given below.

Using personal networks

You can ask friends or other people you know to let you know if they hear of any jobs available.

Contacting employers directly

You can approach companies, organisations or businesses that you would like to work for to ask if they have any work available.

Joining networking groups

Facebook, LinkedIn, Meetup and other forums have groups for local employers or for people with common interests. Joining these groups will expand your personal networks and allow you to hear of any job opportunities in your local area or in your area of interest

Volunteering

Volunteering is a way to demonstrate your skills and experience in the workplace. Volunteering can lead to experience or referees who can support you in the job application process.

Checking advertised jobs

Many job opportunities are advertised in newspapers such as *The Age*, *The Australian* and the *Herald Sun*. They are generally advertised in dedicated sections in the print versions of the newspapers. Some newspaper websites also have a job advertisement section.

Using online jobseeker sites

There are also many online jobseeker websites, networks or apps where you can find out about new job opportunities. If you don't have internet access at home, most local libraries have computers with internet access that can be used for free. Centrelink offices also have computers that can be used for jobseeking.

Contact information

- All Jobs
alljobs.com.au
- Career Jet
careerjet.com.au
- Indeed
au.indeed.com
- Job Search
jobsearch.com.au
- LinkedIn
au.linkedin.com
- Seek
seek.com.au

Safety

E-safety

While new technology and the internet have opened up new worlds of information and opportunity for most people, new dangers have also arisen through their use. These include, for example, cyberbullying, identity fraud, online scams, breaches of privacy, and children's access to inappropriate content. In Australia, there are resources for parents and carers with advice about cyber safety for children, and there are complaint mechanisms where concerns can be lodged about unsafe content or behaviour online.

More information

Office of the eSafety Commissioner

This is the government body responsible for online safety. The Commissioner's website has links to resources, advice and complaint mechanisms.
esafety.gov.au

Bullying No Way

This website offers advice for parents on cyber safety and online bullying.
bullyingnoway.gov.au/RespondingToBullying/GetHelpandMoreInformation/Pages/Online-safety.aspx

Online safety links

The Australian Government website also has further advice about online safety for women and young people and information about spam, fraud and online scams.
australia.gov.au/information-and-services/public-safety-and-law/online-safety



Islamophobia

If you or someone you know has experienced anti-Muslim sentiments—such as hostility, discrimination or vilification for being a Muslim—there are several ways such incidents can be reported.

A visit can be made to the local police station to report the incident. In an emergency situation, the police can be contacted to give immediate assistance by telephoning 000.

The Islamophobia Register is a national website for reporting Islamophobia or anti-Muslim sentiments. This information is used to gain a clearer picture of Islamophobia in Australia: visit islamophobia.com.au.

State equal opportunity or human rights commissions receive complaints about discrimination and harassment. They can also provide advice about how to seek justice or support.

Contact information

- *Islamophobic Incident Toolkit* (Islamic Council of Victoria)
icv.org.au/new/wp-content/uploads/2019/04/Islamophobic-Incident-Toolkit.pdf
- Australian Capital Territory Human Rights Commission
hrc.act.gov.au
- New South Wales: Anti-Discrimination Board of NSW
antidiscrimination.justice.nsw.gov.au
- Northern Territory Anti-Discrimination Commission
adc.nt.gov.au
- Queensland Human Rights Commission
qhrc.qld.gov.au
- South Australia: Equal Opportunity Commission
eoc.sa.gov.au
- Tasmania: Equal Opportunity Tasmania
equalopportunity.tas.gov.au
- Victorian Human Rights and Equal Opportunity Commission
humanrightscommission.vic.gov.au
- Western Australia: Equal Opportunity Commission
eoc.wa.gov.au

Domestic and family violence support services

Domestic and family violence is prohibited in Australia. There are many support services for those who have experienced or are experiencing domestic and family violence in Australia. These services can give advice or help with practical needs such as legal advice, financial support, accommodation or counselling. They can also refer families to other forms of support.

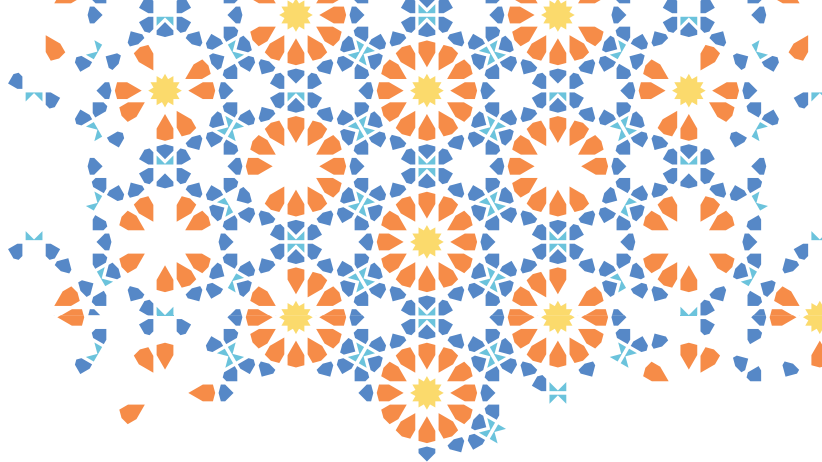
Contact information

National services

- 1800RESPECT
1800respect.org.au
- White Ribbon Australia
whiteribbon.org.au/find-help/domestic-violence-hotlines

Services offered by state and territory governments

- Australian Capital Territory
communityservices.act.gov.au/women/womens_directory/domestic__and__family_violence
- New South Wales
facs.nsw.gov.au/domestic-violence
- Northern Territory
nt.gov.au/law/crime/domestic-and-family-violence
- Queensland
qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/domestic-family-violence
- South Australia
sa.gov.au/topics/family-and-community/safety-and-health/domestic-violence-and-sexual-assault/support-services
- Tasmania
dhhs.tas.gov.au/service_information/children_and_families/family_violence_counselling_and_support_service
- Victoria
vic.gov.au/family-violence-support
- Western Australia
wa.gov.au/service/community-services/counselling-services/domestic-violence-support-and-advice



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