

THE HON T F BATHURST AC
CHIEF JUSTICE OF NEW SOUTH WALES
RAMADAN IFTAR DINNER
LAW SOCIETY OF NSW
WEDNESDAY 16 JULY 2014*

1. Distinguished guests, ladies and gentlemen. It is an absolute pleasure to have been invited by the Muslim Legal Network and the Law Society to offer a few remarks at this evening's Iftar Dinner. Tonight's Iftar is an important opportunity for members of the legal profession, both Muslim and non-Muslim, to come together and share a meal; to talk and to recognise the significance of this time for Australia's Muslim community. Because of this I will be very brief. I don't want to distract from the company, the conversation and especially the catering.

2. For the last three years – also with the assistance of the Muslim Legal Network – judges of the Supreme Court, other courts and members of the profession have attended a service at the Auburn Gallipoli Mosque to mark the opening of the new law term. Like this evening's Iftar, the service at Auburn is an occasion to celebrate the breadth of the legal profession and, more broadly, the multicultural diversity that sits at the heart of our society. It also provides an opportunity for members of the judiciary and the profession to learn more about the Islamic faith. I know many of the judges and their staff look forward to the service as an

* I express thanks to my Research Director, Haydn Flack, for his assistance in the preparation of these remarks.

important annual event on the Court's calendar. There is always great excitement about meeting members of the community, touring the Mosque and, admittedly, sampling the array of sweets that are on offer after the service.

3. The month of Ramadan is a time for giving thanks and for deepening faith; it is also a time to be spent with family members and the broader community. It is a privilege to be joining you in this third week of Ramadan to break the fast. As I understand it, Ramadan is not simply a period of religious devotion. It is a time for self-reflection, for strengthening social ties, for giving to people in need, and for encouraging each other to be charitable by reflecting on the hardship of those less fortunate. I look forward to learning more about Ramadan this evening.
4. Occasions such as tonight's Iftar provide a welcome opportunity for Muslim and non-Muslim Australians to eat together, to converse and to learn more about other cultures. It is wonderful to see news stories about the nightly food festival in Lakemba, or photographs of how Muslims around the world are marking and celebrating Ramadan. However, it is actually attending those festivities or an event like tonight's Iftar that is significant. Such occasions have the capacity to increase understanding and further break down social barriers. Our multicultural society can only be strengthened by conversations at events similar to this.
5. The Muslim community in Australia has a long and proud history. I'm sure many people would still be unaware that the first official Australian Muslim settlement

was in the early 1860s. For several decades thousands of camel drivers played an essential role in Australia's economic growth, transporting supplies across inhospitable landscapes and assisting in the construction of projects such as the overland telegraph line that ran from Port Augusta to Darwin.¹ It was during this period that Australia's first mosque was constructed in outback South Australia.

6. It is fair to say that despite their unique skills, as a general rule the cameleers were not welcomed into society. The White Australia Policy that persisted into the second half of the twentieth century was yet to be formalised in writing. However, the cameleers were often marginalised from mainstream society; while some settled, many worked in the outback for a few years before returning home.
7. A great deal has changed since that time. More than seven million people have migrated to Australia in the years since a federal immigration department was created in the latter months of the Second World War. This year Ramadan will be observed by members of Australia's Muslim community, which now numbers almost half a million people, many of whom have made distinguished contributions to the social and economic wellbeing of the community. While the nature of migration has shifted through the decades, multicultural diversity has been an enduring theme of Australia's growth: from the traditional Aboriginal and

¹ See B Cleland "The History of Muslims in Australia" in A Saeed and S Akbarzadeh (eds.), *Muslim Communities in Australia* (UNSW Press, 2001) 12-32. An exhibition regarding the contribution of Muslim cameleers, *Pioneers of the Inland: Australia's Muslim Cameleers 1860s - 1930s*, has toured locally and internationally. See http://www.cameleers.net/?page_id=779.

Torres Strait Islander owners of the land, to a population boasting more than five million first generation Australians.²

8. Multicultural diversity continues to be a defining feature of modern Australia. The diverse communities that make up our nation – united by a strong commitment to our system of government under the Constitution, to equality and to the principles bound up in the rule of law – have together delivered social and economic benefits for all Australians. It is pleasing to see that a recent survey of social cohesion identified broad support for multiculturalism across Australia. It found that 84% of respondents agreed that multiculturalism has been good for Australia, while three quarters felt it had benefited our economic development.³
9. It is interesting to reflect on how far we have come as a nation of many cultures in what has been a relatively short period of time. This year marks the 50th anniversary of Donald Horne's influential critique of Australian society, *The Lucky Country*.⁴ While the title was originally meant as a warning about Australia having relied on luck, it is now generally misused as a saying to emphasise how fortunate we are.⁵ Putting that gripe aside, as Horne later acknowledged it is interesting that *The Lucky Country* doesn't refer to multiculturalism; that term was

² See generally Australian Bureau of Statistics, *Reflecting a Nation: Stories from the 2011 Census, 2012-2013* (2011.0, 21 June 2012); Australian Multicultural Council, *The Australian Community* (December 2013) at 9-11.

³ A Markus, *Mapping social cohesion 2013: the Scanlon Foundation surveys national report* (2013) at 34. Available at <http://www.scanlonfoundation.org.au/research.html>.

⁴ D Horne, *The Lucky Country* (Penguin Books Australia Ltd, 5th ed, 1998).

⁵ *Ibid*, xvii, 233.

yet to come. What it does suggest is that Australia (at that time) had managed to be an 'immigrant country for most of its history without even thinking about it'.⁶

10. We are now certainly conscious of the significant role played by multiculturalism and diversity in making Australia the country it is today. This appreciation is clearly reflected in the social cohesion survey that I mentioned. What the survey also confirms is that multiculturalism is a continuing part of Australia's national story. It is unfinished: a work in progress that requires our careful attention. One aspect of the report that is particularly concerning is a recent increase in the experience of discrimination on the basis of skin colour, ethnic origin or religion.⁷
11. What I would like to emphasise this evening is the ongoing need for civility in public discussions. What is to be expected in our diverse society is an equally diverse range of opinions. This is a good thing. I would simply say that debate about potentially divisive issues should be conducted with courtesy and respect. Too often, important conversations get lost among needlessly provocative words. This promotes disharmony which in turn leads to misunderstanding, discrimination and hostility. These are matters we should be careful to avoid.
12. What should always be remembered are the fundamental principles that bind together our diverse Australian community. The success of our multicultural society is a result of adherence to the rule of law, tolerance, equality, respect for

⁶ Ibid, 80.

⁷ A Markus, *Mapping social cohesion 2013: the Scanlon Foundation surveys national report* (2013) at 22-23. Available at <http://www.scanlonfoundation.org.au/research.html>.

democratic principles and our system of government under the Constitution. It is these essential foundations that underpin our society and which we, as members of the legal profession and the broader community, must uphold and promote.

13. Can I finish by saying once again that it is a great pleasure to join you for this evening's Iftar. I congratulate the Muslim Legal Network for their work in bringing together Muslim and non-Muslim lawyers and for organising tonight's celebration. It seems appropriate to conclude by mentioning the maiden speech of Mr Ed Husic, the first Australian Muslim elected to federal parliament. In his speech, Mr Husic referred to former High Court justice and Governor-General Sir William Deane, who once observed, and I quote:

*'I'm convinced that it is our multiculturalism which has made possible our national unity, notwithstanding that we Australians directly or indirectly come from all the regions, races, cultures and religions of the world.'*⁸

It is a fitting sentiment for this evening.

14. Thank you and Ramadan Mubarak.

⁸ House of Representatives, *Governor-General's Speech, Address in Reply* (Hansard), 28 October 2010 at 2044.