



# Islamic Council of the Northern Territory Inc.

Assoc No: IA02554  
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Ms. Sarah Witham  
 Director, Legal Policy  
 Department of the Attorney-General and Justice  
 GPO Box 1722  
 DARWIN NT 0801  
 E-mail: Policy.AGD@nt.gov.au

Date: Wednesday, January 24, 2018

**Sub: Submission of Islamic Council of Northern Territory Inc (ICNT) on behalf of the Muslims of Northern Territory for the plan of modernization of Anti-Discrimination Act of NT.**

Dear Ms. Witham,

Thanks for giving the opportunity to the Muslims of Northern Territory for this submission into the proposed modernization of Anti-Discrimination Act of NT. Islamic Council of Northern Territory (ICNT) appreciate the initiative of NT Government for this timely process. ICNT also appreciate the understanding of NT Government regarding the spread of Islamophobia in the wider community. Legislation like this will give the Muslims of NT the assurance of legal protection against any such discrimination.

Following are the understanding and suggestion of ICNT regarding the proposed changes:-

- ICNT welcome the amendment to create protection against vilification under the NT Act. This will help the community to take their complaint to local authority rather than to NSW.
- Though the discussion paper is not clear about the mechanism on the representation of individual by the organization but any such responsibility given to our three societies and ICNT will be helpful. In past, we have seen many of our members are reluctant in taking their cases to the authorities due to the fear of further abuse.
- Current exemptions for religious organizations as we understand are as below:-
  1. Appointment or training of Imam (Sec 51)
  2. Conducting of religious services and ceremonies (Sec 51)
  3. Admission of students in our School. (Sec 51)
  4. Accommodation of Imam, caretaker, teacher of religious schools (Sec 40)
  5. Access to our Mosque by others (Sec 43)
  6. Employment of Imam, teacher (Section 37A)
  7. Permits religious schools to exclude prospective students who are not of that religion. 30(2).

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- Currently, the religious organizations are protected under the act for all seven of the above. It is proposed that no. 1 & 2 will be kept in the new legislation as same but 3 to 7 will be removed. It is also proposed that 3 to 7 will be applied to the organization on the basis of need or case by case basis. The mechanism of such determination and administration of the same is not clear.
- ICNT will request to maintain exemptions 3 to 7 under the new act. ICNT strongly believes that together with the proposed changes to many definitions and removing of the exemptions Muslims of Darwin will be facing a difficult situation in maintaining harmony among a very diverse Muslim population from 28 nationalities and with the larger communities.
- Proposed new definition of the worker which will now include the volunteers is supported by ICNT in principle. But with the removal of exemption, this will put all our religious activities into difficulties of litigation and conflict. Religious organizations like our three societies (Islamic Society of Darwin, Islamic Society of Palmerston & Alice Springs Islamic Society) heavily depend on the volunteers for their everyday activities in three mosques. These volunteers come from the different ethnic background of as many as 28 countries. Bringing people under one umbrella due to their cultural and national differences entangled into religious practices is always a difficult proposition for the Muslim leadership. Exempting the religious organization from considering volunteers as worker currently protecting us from expensive litigations.
- The proposed definition of the club will now capture religious organizations also. By default, a religious organization is not a club and these two need to be clearly isolated in the definition. Otherwise, there are strong possibilities that this might be misinterpreted and a religious organization will be considered as a club and thus the application of the exemption will be in question.
- Service at this moment is only defined as service to the customer but now it is proposed that this will be extended to the worker. With the new definition of the worker which includes the volunteers and removing of the exemptions, this will put our religious organization into a difficult situation as explained above.
- With the removal of the exemption and change in attributes to cover "failure to accommodate a special need" will also create a problem for our societies. Due to our religious beliefs, we are not allowed to use alcohol, pork etc. These are a sensitive religious issue for the community and we do not allow consumption of any such products in our community hall. Removal of exemption and changes of the attributes will put us into a situation where we could be challenged for any such policy drawn by us according to the religious requirement as explained above.
- The definition of sacred site & place of worship is not made clear in the definition. With the removal of exemption and non-clarification of this definition which is not clearly capturing other facilities in the premises or facilities in close proximity like our community hall at Darwin

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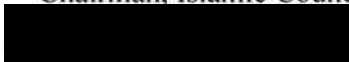


mosque, even the application of current exemptions is not clearly explained. Clarifying the definition will help any conflict in future.

Thank you.



Chowdhury Md SADARUDDIN  
Chairman, Islamic Council of NT (ICNT)



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