****

**National Congress of Australia’s First Peoples**

**Position Paper: National Anti-Racism Partnership and Strategy**

**June 2012**

**Introduction**

The National Congress of Australia’s First Peoples (Congress) is a national representative body for Aboriginal and Torres Strait Islander Australians. Congress is an independent national voice, a leader, an advocate, and a source of advice and expertise for First Peoples. Drawing strength from culture and history, Congress aims to bring equality, freedom, opportunity and empowerment to all First Peoples. We acknowledge and pay respect to our ancestors, our Elders and all traditional owners of this ancient land.

Congress has more than 4000 individual members and 140 organisational members, collectively representing around 50,000 of their constituents across Australia.

Membership is spread across States, Territories, gender and age, and is a useful statistical sample of the Aboriginal and Torres Strait Islander population.

Congress welcomes the Australian Government’s commitment to the development of a National Anti-Racism Strategy as a key plank of its multicultural policy, *The People of Australia*, however notes that it was the Partnership rather than the Australian Government that extended the ambit of the Strategy to Aboriginal and Torres Strait Islander peoples.

Congress acknowledges that racism has a profound impact not only on Aboriginal and Torres Strait Islander peoples but also on culturally and linguistically diverse communities throughout Australia, and considers it essential that the National Anti-Racism Strategy be developed with the perspectives of both constituencies, and their opinions and suggestions taken into account.

In this context, Congress was pleased to be invited to join the Partnership as one of two key non-government representative bodies – along with the Federation of Ethnic Communities Councils of Australia (FECCA) – and looks forward to continuing to contribute to the development of the Strategy in this context.

**Defining racism and racial discrimination**

Congress supports the explanation of racism in the National Anti-Racism Partnership and Strategy discussion paper, which acknowledges that racism takes many forms:

In general, it is a *belief* that a particular race or ethnicity is inferior or superior to others. Racial discrimination involves any *act* where a person is treated unfairly or vilified because of their race, colour, descent, national or ethnic origin.  
  
Racism may take the form of stereotyping, name calling or insults, commentary in the media, speeches at public assemblies and abuse on the internet. It can include directly or indirectly excluding people from accessing services, employment, education or sporting activities.  
  
Racism can occur systemically, as the result of policies, conditions and practices that affect a broad group of people.

...  
  
In its most serious manifestation, racism is demonstrated in behaviours and activities that embody race hate, abuse and violence – particularly experienced by groups who are visibly different because of their cultural or religious dress, their skin colour or their physical appearance.  
  
Ultimately, racism is a tool to gain and maintain power. It is also inextricably linked with socio-economic factors, and frequently reflects underlying inequalities in a society.[[1]](#footnote-1)

**Aboriginal and Torres Strait Islander peoples’ experience of racism**

In acknowledging the existence of racism in Australia, Congress stresses the unique experience of racism faced by Aboriginal and Torres Strait Islander peoples, driven by the ongoing impact of colonialism and historical disadvantage.

From the initial engagement between First Peoples and Europeans, through more than two centuries of government legislation and policies, Aboriginal and Torres Strait Islander peoples have been discriminated against, denied their human rights and deprived of the opportunity to participate in Australian society as equal citizens.

Dispossessed of their lands under the erroneous concept of Terra Nullius, denied recognition in the nation’s founding document[[2]](#footnote-2), subjected to decades of controlling and /or exclusionary legislation and polices[[3]](#footnote-3) and the forcible removal of children from their families and communities[[4]](#footnote-4), Aboriginal and Torres Strait Islander peoples have a long and painful history of racism in this country.

While there have been positive developments in recent decades[[5]](#footnote-5), the systemic or institutional nature of much of this historical racism continues to resonate today. This lasting impact is borne out in responses to the 2010 *Australian Reconciliation Barometer*, which found that 91% of Indigenous people and 64% of other Australians agreed that previous race-based policies continue to affect some Aboriginal and Torres Strait Islander people today.[[6]](#footnote-6) The *Barometer* also found that 81% of Aboriginal and Torres Strait Islander respondents believe that discrimination was a factor in disadvantage.[[7]](#footnote-7)

The contemporary disadvantage experienced by Aboriginal and Torres Strait Islander people is well documented.[[8]](#footnote-8) It is equally clear that Aboriginal and Torres Strait Islanders continue to experience high levels of racism across multiple settings:

* In 2008, 27% of Aboriginal and Torres Strait Islander peoples over the age of 15 reported experiencing discrimination in the preceding 12 months. The most common settings included the general public (11%), police/security personnel/courts of law (11%), and at work or when applying for work (8%).[[9]](#footnote-9)
* In the 2010 *Australian Reconciliation Barometer*, 93% of Aboriginal and Torres Strait Islander respondents believed that non-Indigenous Australians hold ‘very high’ or ‘fairly high’ levels of prejudice towards them. Notably, 71% of other Australians respondents agreed with the statement that there were high levels of prejudice between the two groups.[[10]](#footnote-10)
* The Challenging Racism research, conducted by the University of Western Sydney, in March 2011 found that Aboriginal and Torres Strait Islander respondents reported much higher rates of experiences of racism. In relation to contact with police and seeking housing, their experiences of racism were four times that of non-indigenous Australians.[[11]](#footnote-11)

Aboriginal and Torres Strait Islander peoples are subjected to direct and indirect racial discrimination and racism, as well as racial vilification, or racial hatred.

**Direct racial discrimination** is when someone is treated less fairly than someone else in a similar situation because of their race, colour, descent, national or ethnic origin or immigrant status.[[12]](#footnote-12)

Aboriginal and Torres Strait Islander peoples regularly experience direct discrimination in a broad range of circumstances. For example:

when a real estate agent refuses to rent a home because the applicant is a Torres Strait Islander[[13]](#footnote-13)

when a pub refuses to serve a person because they are Aboriginal[[14]](#footnote-14)

when an Aboriginal or Torres Strait Islander person with identical qualifications and experience as a non-Indigenous person is not invited for an interview[[15]](#footnote-15)

when an experienced Aboriginal woman with glowing references is not offered a position after presenting for an interview[[16]](#footnote-16)

when a hostel refuses accommodation to a group of Aboriginal people[[17]](#footnote-17)

when an Aboriginal person does not receive the same access to services, such as health services and medical assistance.[[18]](#footnote-18)

**Indirect racial discrimination** is more obscure. Indirect or systemic discrimination is where a policy or rule appears to treat everyone in the same way, but has an unfair effect on more people of a particular race, colour, descent, or national or ethnic origin than others because they are unable or less able to comply with the rule.[[19]](#footnote-19)

Systemic racism, reflected in the policies and practices of the criminal justice system, has contributed to the incarceration of juvenile First Peoples at a rate 28 times higher than non-Aboriginal juveniles.[[20]](#footnote-20)

Another example is where workplace policies limit leave to people to attend a funeral if the person who died was a member of their immediate family such as their parent, child, brother or sister. Such policies often have an unequal effect on Aboriginal and Torres Strait Islander peoples because it does not take into account that in these communities it is important to attend the funerals of many relatives.[[21]](#footnote-21)

Racism extends to **racial vilification** or **racial hatred**: doing something in public – based on the race, colour, national or ethnic origin of a person or group of people – which is likely to offend, insult, humiliate or intimidate.[[22]](#footnote-22)

Examples of when Aboriginal and Torres Strait Islanders have experienced racial vilification[[23]](#footnote-23) include:

* racially offensive material on the internet, including blogs and social networking sites[[24]](#footnote-24)
* racially offensive comments or images in publications including newspapers, magazines or leaflets[[25]](#footnote-25)
* racist graffiti in a public place[[26]](#footnote-26)
* racially abusive comments at sporting events by participants, spectators, coaches or officials.[[27]](#footnote-27)

A range of studies highlight the widespread racism experienced by Aboriginal and Torres Strait Islanders, in settings such as the health system,[[28]](#footnote-28) in schools,[[29]](#footnote-29) in universities,[[30]](#footnote-30) in the provision of public housing[[31]](#footnote-31) and in legal and criminal justice systems.[[32]](#footnote-32) These reports document the institutional racism experienced by Aboriginal and Torres Strait Islanders. This experience is coupled with the daily reality for many: of being selectively asked to move on from a park, being served last in a shop, listening to a colleague tell a racist joke, being followed by a security guard in a shopping centre, hearing a television or radio report reinforcing negative and ill-informed stereotypes, being constantly stopped and searched by police, or reading racially abusive posts on a social media site. Racism towards Australia’s First Peoples is endemic.

**The impact of racism on Aboriginal and Torres Strait Islander peoples**

Racism has a debilitating individual impact on Aboriginal and Torres Strait Islander people, devaluing their cultural pride and identity and having adverse impacts on their physical and mental health.

Research indicates that discrimination and racism are linked to a range of adverse health conditions among Aboriginal and Torres Strait Islander peoples, such as smoking, binge drinking, use of illicit substances, high levels of psychological distress and poor self-assessed health status.[[33]](#footnote-33) A 2008 study by VicHealth on the impact of ethnic and race-based discrimination on mental health and wellbeing has similarly found emerging evidence of links between discrimination and diabetes, obesity and high blood pressure.[[34]](#footnote-34)

The impact of racism on young Aboriginal and Torres Strait Islanders has been the subject of recent research. One study, focused on 16-20 years olds living in the Top End, found that racism is associated with anxiety, depression, suicide risk and overall poor mental health – and linked these difficulties in youth to adverse impacts on educational, social and health outcomes in subsequent years.[[35]](#footnote-35) Another study of young Aboriginal people in Melbourne found that self-reported racism was significantly associated with poor overall mental health and with poor general health, and marginally associated with depression.[[36]](#footnote-36)

Experience of racism can also undermine an individual’s confidence and trust in the broader community. The Australian Institute of Health and Welfare, for example, has reported that Indigenous Australians who had experienced discrimination were less likely to trust the police, their local school, their doctor and/or hospital and other people in general.[[37]](#footnote-37) The 2010 *Australian Reconciliation Barometer* similarly found that 85% of Aboriginal and Torres Strait Islander peoples have low levels of trust towards non-Indigenous Australians.[[38]](#footnote-38) The destructive impact of social dislocation caused by racism is clear in recent research that found that racism and cultural barriers led to some Aboriginal and Torres Strait Islander peoples not being diagnosed and treated for disease in its early stages, when treatment is most effective.[[39]](#footnote-39)

Congress notes that racism and the lack of trust it engenders is detrimental to reconciliation efforts in Australia. Reconciliation needs to be based on mutual trust, understanding and respect – not racism and discrimination towards Australia’s First Peoples.

**Congress recommendations for the National Anti-Racism Strategy**

**FOUNDATIONAL PRINCIPLES**

The systemic and institutional racism experienced by Aboriginal and Torres Strait Islander peoples highlights the need for deep institutional and structural reform in Australia. Congress therefore recommends that the National Anti-Racism Strategy should endorse and promote the following principles:

***Implementation of the United Nations Declaration on the Rights of Indigenous Peoples***

The *United Nations Declaration on the Rights of Indigenous Peoples* (Declaration), which has been supported by the Australian Government, guides the policy and operations of Congress. Critical to the functioning of the Declaration are processes to obtain the prior and informed consent of First Peoples in the making of laws and policies which affect them.

Unlike the seven core international treaties to which Australia is a signatory, the Declaration is seen within some sectors of Government as “an aspirational rather than binding document”[[40]](#footnote-40), despite its formal endorsement by the Australian Government in 2009.

Congress believes that the Australian Government has a moral obligation as a result of its endorsement of the Declaration, similar to its obligations to comply in the position as a signatory. Putting the legal and technical arguments of complicity to one side, what does it actually mean when the Australian Government commits to something like the Declaration? Congress firmly believes that the moral obligation on the Government due to its commitment to implementation is as valuable as its obligations under international law to treaties as a signatory.

Pursuant to the Australian Government’s stated commitment to Aboriginal and Torres Strait Islander rights, Congress recommends consideration of specific measures to implement the Declaration, including:

* Establishing communication and consultation protocols within all layers of Australian government to obtain the prior and informed consent of Aboriginal people in the making of laws and policies which affect them.
* An amendment to the Parliamentary Scrutiny (Human Rights) Act 2011 to require all new Bills submitted to Parliament to be accompanied by a “Statement of Compatability” to the Declaration, in addition to the seven core treaties currently listed under the Act.

***Constitutional recognition of Aboriginal and Torres Strait Islander peoples***

Congress considers that constitutional recognition of Australia’s First Peoples and the removal of racially discriminatory clauses in the constitution are fundamental steps in addressing the historical and institutional racism experienced by Aboriginal and Torres Strait Islander peoples.

Congress notes the Australian Government’s commitment to hold a referendum on the constitutional recognition of Aboriginal and Torres Strait Islander peoples, and the multi‐party support that exists for the proposition. Congress played a significant role in the deliberations of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples[[41]](#footnote-41) and supports the Panel’s report to Government in January 2012.[[42]](#footnote-42) Congress also notes the Australian Government’s commitment to the process of constitutional recognition with the establishment of a $10 million education campaign, and is partnering with Reconciliation Australia and the Australian Human Rights Commission to achieve this historic opportunity for our nation.[[43]](#footnote-43)

As Congress has previously stated, recognition of Aboriginal and Torres Strait Islander peoples has potential benefits beyond a sense of inclusion and well‐being, but for the nation as a whole – contributing to national identity, reconciliation and international reputation.[[44]](#footnote-44)

***Sustainability of a representative body for Australia’s First Peoples***

The National Congress of Australia’s First Peoples was established in 2010, following the report, *Our future in our hands – Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander Peoples*,[[45]](#footnote-45) with a role “to ensure our cultures and our human rights are protected, and so that our children can truly enjoy equal life chances to all other Australians.”

Fundamental to Congress fulfilling this role is a bipartisan commitment to a representative body for Aboriginal and Torres Strait Islander people, which in the words of the Steering Committee is “here for the long haul, and ‘government proof’.”

Congress acknowledges the Australian Government’s commitment to work with Congress to advance self-determination and improve consultation with Aboriginal and Torres Strait Islander peoples. While the Australian Government has committed $29.2 million over four years to establish Congress,[[46]](#footnote-46) a Government commitment to ongoing funding beyond 2013 is essential to support the continued existence of an independent national voice for First Peoples.

***No diminution of the protections in the Racial Discrimination Act***

Congress is monitoring the current process for the consolidation of Commonwealth Anti-Discrimination Laws and welcomes the Government’s commitment to no reduction in existing protections in federal anti-discrimination legislation through the consolidation process. Congress considers this commitment is particularly important regarding the *Racial Discrimination Act 1975* (Cth) (RDA), the first of Australia’s anti-discrimination Acts and an important signal that racial discrimination is not only unacceptable but unlawful in contemporary Australian society.

Congress supports the retention of the racial vilification provisions added to the Act in 1995 and recently tested in the landmark *Bolt* case. There is no room in a modern and responsible Australia for racial vilification. While we must fight to protect freedom of speech, freedom of speech is not a licence to foster intolerance and racial hatred.

Congress notes that under the RDA, complaints to the Australian Human Rights Commission can be lodged by a person aggrieved or an organisation on behalf of a person aggrieved by discrimination, but at the court stage complaints can only be made by a person or persons aggrieved. This limits the capacity for representative and third parties, such as advocacy organisations, to bring complaints in their own right in the public interest. Congress notes that bringing a complaint can be an intimidating process for an individual who has experienced racial discrimination, and to that end recommends that consideration be given to organisations with a special interest in a matter having standing to bring public interest cases. As the Australian Human Rights Commission has noted in its submission to the consolidation process: “standing for organisations better placed than disadvantaged individuals to purse systemic outcomes could be expected to have some impact in reducing societal and system costs overall by achieving broad negotiated or adjudicated outcomes in a single matter, compared to repeated individual complaints on the same issue.”[[47]](#footnote-47) Congress anticipates that such public interest cases may provide a greater opportunity for systemic change, rather than the more ad hoc complaints system that currently operates.

***Embedding human rights standards in legislation, policies and programs***

In tackling racism in Australian society, Congress considers that strong and consistent political leadership is key to shifting the attitudes and actions of everyday Australians. It is vital that Australia’s parliamentarians provide an example to the Australian people by rejecting legislation, policies and programs that are racially discriminatory.

Congress believes that acknowledgement of the serious discrimination faced by Aboriginal and Torres Strait peoples on an ongoing basis must be coupled with effective education programs to assist people to exercise their rights, and to be effective advocates for themselves, their families and their communities. However, Congress recognises that Aboriginal and Torres Strait Islander communities are historically unresponsive to government-led programs and require such work to be auspiced by organisations trusted by communities.

As a First Peoples organisation, run by and for Aboriginal and Torres Strait Islander peoples, Congress is in a position to be an effective voice in educative programs on human rights. However, Congress stresses that this would only be effective with additional government support.

Congress considers that the suspension of the RDA to allow for racially discriminatory legislation and policies affecting Aboriginal and Torres Strait Islander peoples to prevail, as occurred most recently with the Northern Territory Emergency Response legislation, is unacceptable.

Although the Government intends that the *Stronger Futures* legislation complies with the RDA, it is clear that the majority of people living in affected areas in which these regulations and laws will apply are Aboriginal, and we remain concerned that there are provisions in the legislation which will in effect discriminate against Aboriginal people. It is intolerable that Aboriginal and Torres Strait Islander peoples are subject to race-based and discriminatory laws unless, based on evidence, and with the consent of the people affected, these laws are clearly necessary and beneficial.

Congress has opposed the commencement of the *Stronger Futures* legislation until the Bills are shown to comply with the United Nations human rights treaties to which Australia is a party and the *United Nations Declaration on the Rights of Indigenous Peoples*, in accordance with the *Human Rights (Parliamentary Scrutiny) Act* (2011).[[48]](#footnote-48) The ‘Statement of Compatibility’ process provided for under the *Parliamentary Scrutiny* *Act* is an important step towards embedding human rights standards in Government legislation, policies and programs, and the *Stronger Futures* Bills must be withdrawn and reintroduced so they will be subject to the same human rights scrutiny as other bills.

Congress urges the consistent application of the ‘Statement of Compatibility’ process, which should be accompanied by robust processes to support the new parliamentary joint committee on human rights. These mechanisms will provide important opportunities for parliamentarians from all parties to demonstrate to the Australian community their commitment to a nation embracing human rights and racial equality.

**SPECIFIC STRATEGY RECOMMENDATIONS**

A positive approach to addressing racism towards our nation’s First Peoples starts with a recognition of the contribution that Aboriginal and Torres Strait Islander peoples make to Australian society.

Congress notes that the aim of the National Anti-Racism Strategy is “To promote a clear understanding in the Australian community of what racism is, and how it can be prevented and reduced.”[[49]](#footnote-49)

Congress considers that the prevalence of racism towards Aboriginal and Torres Strait Islanders demands an uncompromising response. Congress therefore recommends that the Strategy adopt a direct approach, focusing on explicitly acknowledging and rejecting racism. This direct approach should be complemented by strategies that seek to eliminate myths and stereotypes, encourage respect and understanding, support diversity, and celebrate the contribution of Aboriginal and Torres Strait Islanders and people from culturally and linguistically diverse backgrounds to the Australian nation.

In making recommendations for specific approaches to be adopted in the National Anti-Racism Strategy, Congress considers that a mix of strategies, aimed at both individual and broader societal approaches, is essential.

While Congress considers the extent of racism in Australia today requires vigilance in all areas, we consider that the priority settings for action should be:

* political leadership
* the media
* cyber-racism
* education

Congress also supports a broad-based community engagement campaign, focusing on an anti-racism message and driven by leaders across all sectors of the Australian community.

Notwithstanding these preferred priorities, Congress endorses the following suggestions for consideration in the National Anti-Racism Strategy.

***Leadership from the top***

Congress considers that racism is sometimes perpetuated, and frequently tolerated, by influential and authoritative figures in public life, whether they be political or business leaders, elite sportsmen and women or people in the media.

Congress has considered the suggestion that the National Anti-Racism Strategy develop a concept that enables people to pledge their support for a ‘racism free Australia’ and supports this approach as a means to use high-profile individuals as role models of anti-racist behaviors, harnessing their influence to shape community views.

*Political leadership*

Too often, political leaders dismiss concerns around racism, assuring Australians that we are not a racist country.

“I do not believe that racism is at work in Australia on these matters at all.”

Kevin Rudd, Prime Minister of Australia (2007-2010) in January 2010 in response to assaults on Indian international students[[50]](#footnote-50)

“I do not accept that there is underlying racism in this country.”

John Howard, Prime Minister of Australia (1996-2007) in December 2005 following the Cronulla riots[[51]](#footnote-51)

While electorally palatable, such denialism is unhelpful and sets a very poor example for other Australians.

Strong and unambiguous political leadership is vital in recognising, acknowledging and rejecting racism and discriminatory behavior. Positive and substantive political support for Australia’s diversity is equally important.

Aboriginal and Torres Strait Islander peoples who speak out against racism should be given the space to do so in a supportive environment, which includes the support of our political leaders. Dismissing these concerns undermines the legitimacy of what such people are saying.

Congress recommends that steps be taken within the National Anti-Racism Strategy to encourage greater understanding and awareness among federal parliamentarians and their staff, not only of the extent and impact of racism, but also countering myths and stereotypes. This could take the form of educational resources and / or programs being developed to target parliamentarians and encourage them to reject racism and embrace cultural diversity – in particular in their public statements and actions. Another mechanism may be to establish a parliamentary friendship group, across political parties, to promote a zero tolerance policy to racism.

Increased and encouraged use of formal traditional welcome to country ceremonies in official proceedings, and other activities of cultural significance in Parliament and as part of official ceremonies raises both awareness and pride in our country’s rich heritage. Such use of ceremonial traditions also positions Australia on the international stage as a nation that values and celebrates its unique history. This is also an important, oblique tool in combating racism in the general community.

Congress also recommends encouraging mainstream political parties to review their engagement strategies to encourage Aboriginal and Torres Strait Islander peoples as members, party officials, candidates and parliamentarians.

While Congress acknowledges this is a National Anti-Racism Strategy, supported by the Federal Government, we stress the need for similar initiatives to be implemented at State and Territory Government level. This is particularly significant as many of the Government services that Aboriginal and Torres Strait Islanders most frequently encounter – health, education, housing, police and justice officials – are the responsibilities of State and Territory governments.

*Aboriginal and Torres Strait Islander leadership*

Congress believes that Aboriginal and Torres Strait Islander leaders and role models are a powerful tool in combating negative stereotypes and supporting younger generations to grow with positive views of themselves and their backgrounds.

We stress the need for a wide pool of high profile Aboriginal and Torres Strait Islander peoples from all walks of life – academia, politics, sports, the media, the arts, the judiciary, business – to be encouraged by Government to enter into public discourse on a variety of issues relevant not just to First Peoples but the broader community to combat racism in everyday life.

*Public sector and business leadership*

Senior levels of Government and business, including public and private boards, do not represent and reflect the diversity of Australia today.

Congress acknowledges that the Australian Public Service (APS) has already made significant efforts to increase Indigenous representation in the APS through the Indigenous Employment Strategy, *Public Calling*.[[52]](#footnote-52) Similarly, many businesses have made concerted efforts to increase employment and career opportunities for Aboriginal and Torres Strait Islander peoples[[53]](#footnote-53) and develop Reconciliation Action Plans.[[54]](#footnote-54) However these efforts have not yet resulted in significant representation of First Peoples in the senior levels of the APS and business.[[55]](#footnote-55)

Congress considers that the National Anti-Racism Partnership, and in particular its three departmental members,[[56]](#footnote-56) should work with the Australian Public Service Commission (APSC) to encourage the career development and promotion of Aboriginal and Torres Strait Islanders within the APS, to increase the diversity of representation at senior levels. These efforts should be accompanied by detailed action plans, with targets and monitoring procedures.

Public sector entities – statutory boards, authorities, councils and committees appointed by the federal government – offer a further opportunity for the public sector to provide leadership. In the appointment and reappointment to these entities, Ministers and the bureaucracy could take the opportunity to put forward candidates that demonstrate the diversity of Australia’s population – both Aboriginal and Torres Strait Islanders and those from culturally and linguistically diverse communities. This would replicate current arrangements where gender representation on statutory entities is noted during the appointment / reappointment process. Congress recommends that the National Anti-Racism Partnership explore how these arrangements may be extended with relevant Ministers and the APSC.

Congress notes that the National Anti-Racism Partnership, with the Diversity Council of Australia, has already held a roundtable with business leaders in relation to the development of this Strategy. Congress recommends that the Partnership continue to engage with the business sector to encourage the career development and promotion of Aboriginal and Torres Strait Islanders to more senior levels, and promote diversity of representation in Australia’s boardrooms. We believe the National Anti-Racism Partnership should also engage with Government around incentives that may be offered to business in this regard – for example, an employment diversity strategy as a prerequisite for government funding.

***Tackling racism in the media***

Congress strongly endorses strategies that seek to improve media coverage of issues related to Aboriginal and Torres Strait Islander peoples. Too often, media outlets in Australia perpetuate myths and ill-informed or false stereotypes about Australia’s First Peoples, which in turn influence public opinion in unfavourable ways. On other occasions, the media unnecessarily emphasise the identity of Aboriginal and Torres Strait Islanders in a way not experienced by other Australians.

As was reported at an Australian Human Rights Commission community consultation in Orange, NSW, in 2001: “People feel threatened by Aboriginal people ... because the image they have portrayed to them every day is one of Aboriginals as criminal, violent, wanting to take back people's land, their young kids up to no good, drunks and social security cheats.”[[57]](#footnote-57)

There has been little improvement over the past decade. The 2010 *Australian Reconciliation Barometer* found that only 9% of Indigenous respondents agreed that the media provides a balanced view of Indigenous Australia.[[58]](#footnote-58) The media’s significant influence was also borne out in this survey, which identified that 38% of the general community respondents nominated the media as the source of their attitudes to Indigenous people, with only 35% nominating personal experience as the source of their views.[[59]](#footnote-59)

Congress supports the National Anti-Racism Partnership conducting or commissioning research on racism and cultural diversity in the Australian media, including highlighting good practices, in order to produce a discussion paper to lobby media proprietors and/or provide the basis for a public campaign.

Congress supports the development of resources to correct the myths and stereotypes about Aboriginal and Torres Strait Islanders so often perpetuated by the media. A publication like the Australian Human Rights Commission’s *Face the Facts* may provide a good foundation for these resources.[[60]](#footnote-60) A toolkit, similar to the *Diversity Toolkit for Factual Programmes in Public Service Television* developed by the European Union Agency for Fundamental Rights, may assist in promoting accurate reporting promoting cultural diversity.[[61]](#footnote-61) This information could be disseminated to media professionals through anti-racism awareness training and/or workshops on good practice in representing cultural diversity – delivered through university journalism courses and / or Media, Entertainment and Arts Alliance (MEAA) training courses.

Congress considers that the introduction of awards or prizes for media reporting and programs that advance racial equality and tolerance, or for positive reporting on indigenous or multicultural issues, may raise the profile of these issues and have an encouraging impact on media coverage.

Congress notes that there are a broad range of codes of conduct, standards and guidelines of relevance to the reporting of issues regarding Aboriginal and Torres Strait Islander peoples.[[62]](#footnote-62) We further note that there have been a number of recent inquiries and reports impacting on media regulation, which are currently being considered by Government.[[63]](#footnote-63) Congress strongly supports a project within the National Anti-Racism Strategy that identifies and promotes good practice in existing or prospective regulatory regimes, with a view to strengthening anti-racism messages and reporting practices across media outlets. The fact that the Australian Press Council’s *Race Reporting Guidelines* have not been updated for more than a decade demonstrates the pressing need for this work to be undertaken.[[64]](#footnote-64) This project should include efforts to improve reporting mechanisms for complaints of racism received by media outlets, to increase transparency and drive attitude change. The project could also include consideration of the development of a ‘Quick Response Media Monitoring’ mechanism, which may provide for individuals and organisations to monitor, share and respond to racially offensive media coverage.

***Combating cyber-racism***

As noted above[[65]](#footnote-65), the Australian Human Rights Commission has conciliated a number of complaints where websites have contained video footage, photos and derogatory comments about Aboriginal people. Congress has identified increasing concern around the prevalence of racist commentary and imagery on the internet and in social media, and recognises the destructive potential this material can have in spreading falsehoods, reinforcing racist stereotypes and undermining social cohesion.

While there is limited research currently available about the extent and impact of this material on individuals and the broader community, and on regulatory and other strategies to combat cyber-racism, we consider that this work should be prioritised within the National Anti-Racism Strategy. Congress understands that the Australian Human Rights Commission is a partner organisation in an Australian Research Council Linkage Grant proposal on cyber-racism and believes this project could be appropriately supported within the National Anti-Racism Strategy.

Congress believes it is particularly important to identify effective strategies to combat the existence and expansion of cyber-racism. Congress notes that social media is an important tool for effective contemporary campaigns. We therefore support the development of an online toolkit to assist individuals and communities to engage with media organisations and Internet Service Providers when they encounter racist material.

***Influencing public opinion – education in schools, communities and workplaces***

Congress strongly believes that education is key to shifting attitudes towards First Peoples and in undermining racism and discrimination in our community. We therefore support the implementation of a proactive anti-racism program at all levels of the education system, complemented by the development of workplace-based programs for older Australians and initiatives in the broader community. Congress believes these programs should promote a zero tolerance policy to racism.

All anti-racism education programs under the National Anti-Racism Strategy should incorporate accurate information about Aboriginal and Torres Strait Islander peoples and Australia’s culturally and linguistically diverse communities, to challenge myths and counter stereotypes in the wider community. In both schools and workplaces, it is vital that all curricula and programs include an accurate recounting of First Peoples history, highlighting the positive contribution of First Peoples to the development of this nation. Congress considers this particularly important for older Australians who were likely taught unbalanced accounts when they were at school.

In our view these education programs should include:

* Public messages about the impact of racism and the importance of addressing racism in Australia.
* Rights-based training for individuals and communities experiencing racism, including information about remedies to address racism. For example, clarity and guidance about whether a victim of race discrimination or vilification should make a complaint to the Australian Human Rights Commission or a State or Territory Anti-Discrimination Board or Equal Opportunity Commission. Congress notes that there is considerable confusion about this issue within our communities, which may contribute to the underuse of these remedies by Aboriginal and Torres Strait Islander peoples.[[66]](#footnote-66)
* The promotion of education models and initiatives that support Aboriginal children and adults’ knowledge of their history, culture, languages, connections to country and identity as a tool to building community wellbeing as a firm basis for combating racist attitudes and behaviours.
* The development and promotion of models and strategies to empower individuals and communities to act when they witness racism: so-called ‘bystander’ strategies. Congress notes that many light-skinned Aboriginal and Torres Strait Islanders are deeply offended and hurt when people make racist comments in their presence, but often feel ill-equipped to effectively respond. The development of bystander strategies will be of particular assistance to this part of our community.

Congress is aware of some existing resources for schools, and workplace based cultural awareness and cultural competency programs, that could be adopted and / or endorsed by the National Anti-Racism Strategy.[[67]](#footnote-67) We also note that the development of tools, guidelines and education materials for students, teachers, employers and employees could complement the resources we suggest be developed for media professionals, above.[[68]](#footnote-68) An excellent outcome would be for the National Anti-Racism Strategy to develop a portal of best-practice information and strategies which could be used across a range of settings.

Congress also supports the establishment within the National Anti-Racism Strategy of an annual grants program for community led anti-racism programs and campaigns, with a distinct Aboriginal and Torres Strait funding stream.

***Sports***

While the sports arena has been the setting for some extremely damaging instances of racism[[69]](#footnote-69), Congress acknowledges the efforts made by many sporting codes, particularly at the elite level, to address racism.[[70]](#footnote-70) We consider the utilisation of high profile sportsmen and women to combat racism to be a very effective strategy, and recommend that the National Anti-Racism draw on the lessons of these campaigns in implementing strategies in other settings.

***Arts and Culture***

The history of dispossession of Aboriginal and Torres Strait Islander peoples includes a long struggle to retain language, ceremony, traditional knowledge, and the land which underpins culture. Much has been lost, but much has remained to fuel the modern explosion of cultural reconnection and revitalisation which includes expression of traditional and contemporary-style Aboriginal and Torres Strait Islander visual and performing arts.

That reconnection with culture and the telling of our stories and histories – whether at a family and community level or through expression in national and international showcases such as the Deadly Awards and the Sydney 2000 Olympics – make a significant contribution to strengthening pride, identity, positive promotion and unity of Aboriginal and Torres Strait Islander peoples. The national expression of Aboriginal and Torres Strait Islander cultures builds reconciliation with other Australians and is the source of a uniquely Australian identity.

In submissions on both the proposed National Cultural Policy and to the Inquiry into Language Learning in Indigenous Communities conducted by the House of Representatives Aboriginal and Torres Strait Islander Affairs Committee, Congress has raised the need for immediate action by Government in order to slow the rapid loss of this uniquely Australian heritage.[[71]](#footnote-71)

Congress also stresses that recognition of, and support for, the value of the evolution of traditional cultures and the ability of First Peoples to adapt and develop our cultures to sustain both identity and spirituality through the generations is also vital to both the wellbeing of our peoples, and the broader Australian heritage.

Tony Abbott, Leader of the Opposition, has been quoted by Noel Pearson, Director of the Cape York Institute as saying “Because it is unique to our country, support for Aboriginal culture is a responsibility of Australian government.”[[72]](#footnote-72) Mr Pearson himself has said that if Aboriginal and Torres Strait Islander languages and cultures are not saved, the "wellbeing of our people will never be achieved," and that it is “a question of national wellbeing and national identity.”[[73]](#footnote-73)

Congress recognises the positive impact that festivals, exhibitions, cultural performances and celebrations which embrace positive portrayals of Aboriginal and Torres Strait Islanders can have on perceptions in the broader Australian community.

Congress also considers these to be ideal settings to increase personal engagement between Aboriginal and Torres Strait Islander peoples and other Australians. As noted above, the 2010 *Australian Reconciliation Barometer* found that only 35% of general community respondents nominate their own personal experiences as their main source of information about Indigenous people.[[74]](#footnote-74) However, the survey also found that Australians wanted more contact with Indigenous people, with 15% of respondents wanting frequent contact and 46% wanting occasional contact with Indigenous people.[[75]](#footnote-75)

Congress supports financial assistance being provided to existing programs celebrating Aboriginal and Torres Strait Islander cultures, such as activities associated with NAIDOC week. The establishment of an annual grants program for community led anti-racism programs and campaigns, as noted above, could also be utilised in this setting.

***Law enforcement and criminal justice***

Systemic or institutionalised racism affects the success of service delivery to Aboriginal and Torres Strait Islander people and communities. The law enforcement and criminal justice sectors are powerful examples of this.

While Congress acknowledges that the National Anti-Racism Strategy is a Federal Government initiative, and does not formally involve State and Territory Governments, endemic racism experienced by First Peoples in law enforcement and criminal justice systems around Australia[[76]](#footnote-76) compels us to raise the acute need for strategies to be implemented to reduce discriminatory behaviours and practices in these settings.

Congress encourages the National Anti-Racism Partnership to engage with State and Territory counterparts – for example, the State and Territory Anti-Discrimination Boards and Equal Opportunity Commissions – to work towards improving professional standards among law enforcement and criminal justice personnel, and improve fair treatment of Aboriginal and Torres Strait Islander peoples.

***Local Government***

Similarly recognising that the National Anti-Racism Strategy does not formerly involve Local Government, Congress nevertheless notes the important grass-roots connections councils have with their local populations. Congress particularly recommends local community activities that promote a zero tolerance policy to racism and aim to build strong, cohesive communities.

Congress encourages the National Anti-Racism Partnership to engage with the Australian Local Government Association to build on existing initiatives in many local council areas promoting reconciliation and diversity. Initiatives that could be considered in relation to local government are:

* Welcoming communities initiatives – partnerships between local government and non government organisations to promote welcoming environments.
* Strategies to promote representation of Aboriginal people at local government level and improving council recruitment and retention rates for Aboriginal and Torres Strait Islander staff.
* Cultural awareness training for local government employees.
* Frameworks to support ongoing formal or informal consultation with local Aboriginal and Torres Strait Islander communities, for example, the creation of Aboriginal advisory groups.
* Plans for improving service delivery to Aboriginal and Torres Strait Islander clients.

**Conclusion**

The National Congress of Australia’s First Peoples reiterates its strong support for the development of a National Anti-Racism Strategy and looks forward to its continuing involvement in the development of the Strategy through the National Anti-Racism Partnership.

Congress cannot stress strongly enough the need for this Strategy. But it needs to go beyond a modest four year funding commitment from the Federal Government. The Strategy cannot be a “band-aid” solution. Rather it needs to be a concerted well-funded national effort, pitched at a generational shift in attitudes and behaviours. Congress calls on Australia’s political leaders, of all persuasions, to get behind this Strategy and ensure that the current initiative is sustainable for the long term.

1. Australian Human Rights Commission (AHRC), *National Anti-Racism Partnership and Strategy – Discussion Paper*, March 2012. Accessed at <http://www.humanrights.gov.au/antiracism/discussion_paper-p3.html#bodytext> (viewed 3 June 2012). [↑](#footnote-ref-1)
2. At the formation of the Commonwealth of Australia in 1901 it was determined that Aboriginal and Torres Strait Islander peoples were not to be counted in the Census (s 127) and that the Commonwealth did not have the power to make laws for them under the Constitution: see Creative Spirits, ‘Aboriginal Timeline (1900-1969)’: see <http://www.creativespirits.info/aboriginalculture/history/aboriginal-history-timeline-early-20th.html> (viewed 3 June 2012). [↑](#footnote-ref-2)
3. From the late 1800s and through most of the twentieth century, State and Territory Governments implemented successive policies restricting the control that Aboriginal and Torres Strait Islander peoples had over their lives. Under Protection Acts, Aboriginal and Torres Strait Islander peoples had little control over who they could marry, where they could live and work, and the payment of wages, pensions and endowments. Later policies tried to assimilate those of mixed-race into non-Indigenous society: see Australian Institute of Aboriginal and Torres Strait Islander Studies, *The Little Red Yellow Black Book: An introduction to Indigenous Australia*, 2008, Aboriginal Studies Press, Canberra. [↑](#footnote-ref-3)
4. In its 1997 *Bringing Them Home* Report, the Human Rights and Equal Opportunity Commission (now the Australian Human Rights Commission) estimated that between one in 10 and one in three of all Aboriginal and Torres Strait Islander children were forcibly removed from their homes between approximately 1910 and 1970: see Human Rights and Equal Opportunity Commission, *Bringing them home* Report*,* Part 2: Tracing the History, ‘Estimating the numbers removed’, <http://www.hreoc.gov.au/social_justice/bth_report/report/ch2_part2.html#Heading26> (viewed 3 June 2012). [↑](#footnote-ref-4)
5. In 1962 the Commonwealth Electoral Act was amended to give the vote to all Aboriginal and Torres Strait Islander peoples at Federal elections.

   In 1965, Charlie Perkins began the ‘Freedom Rides’ throughout regional New South Wales to raise awareness about the discriminatory barriers which existed between Aboriginal and non-Indigenous residents.

   In 1967, in part as a result of the awareness raised by the Freedom Rides, 90 per cent of the Australian population voted ‘Yes’ in the referendum to give the Australian Government the power to make laws for Aboriginal and Torres Strait Islander peoples and to include them in the Census.

   In 1975 the *Racial Discrimination Act 1975 (Cth)* was passed, which protects all Australians from discrimination on the grounds of race, colour, descent or ethnic origin.

   In 1992, then Prime Minister Paul Keating delivered the Redfern speech in which he urged Australians to recognize the injustices that had been committed against Aboriginal and Torres Strait Islander Australians.

   In 1992, the High Court in the Mabo case overturned the doctrine of Terra Nullius, recognised the traditional rights of the Meriam people to their islands in the eastern Torres Strait and held that native title existed for all Indigenous people in Australia prior to the establishment of the British Colony of New South Wales in 1788: *Mabo and others v. Queensland* (No. 2) [1992] HCA 23; (1992) 175 CLR 1 F.C. 92/014 (3 June 1992)

   In 1997, the ‘Bringing them Home Report’ on Australia’s Stolen Generations was launched at the Australian Reconciliation Conference and in 1998 National Sorry Day was commemorated for the first time on 26 May.

   In 2008 the then Prime Minister Kevin Rudd formally apologised to the Stolen Generations on behalf of past governments.

   In 2010 Prime Minister Julia Gillard 2010 established an Expert Panel to explore constitutional recognition of Aboriginal and Torres Strait Islander peoples. The Panel’s report was provided to Government in January 2012. [↑](#footnote-ref-5)
6. Reconciliation Australia, *Australian Reconciliation Barometer 2010: Comparing the Attitudes of Indigenous People and Australians Overall*, 4 June 2010, p.14. Accessed at <http://www.reconciliation.org.au/home/archived-pages/barometer2010> (viewed 3 June 2012). [↑](#footnote-ref-6)
7. As above, p.51. [↑](#footnote-ref-7)
8. See, for example: Australian Bureau of Statistics (ABS), *The Health and Welfare of Australia’s Aboriginal and Torres Strait Islander Peoples,* Catalogue No. 4704.0. Accessed at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4704.0/> (viewed 3 June 2012); Australian Bureau of Statistics (ABS), *National Aboriginal and Torres Strait Islander Social Survey 2008,* Catalogue No. 4714.0. Accessed at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4714.0/> (viewed 3 June 2012); Australian Institute of Health and Welfare (AIHW), *The Health and Welfare of Australia’s Aboriginal and Torres Strait Islander Peoples: an overview 2011*, 5 May 2011, Cat. no. IHW 42. Canberra: AIHW. Accessed at <http://www.aihw.gov.au/publication-detail/?id=10737418989&tab=2> (viewed 3 June 2012); Close the Gap Campaign Steering Committee, *Shadow Report: On Australian governments’ progress towards closing the gap in life expectancy between Indigenous and non-Indigenous Australians*, February 2012. Accessed at <http://resources.oxfam.org.au/pages/view.php?ref=687> (viewed 3 June 2012); Australian Government, Productivity Commission, *Overcoming Indigenous Disadvantage Key Indicators 2011 Overview*, 25 August 2011. Accessed at <http://www.pc.gov.au/gsp/indigenous/key-indicators-2011> (viewed 3 June 2012). [↑](#footnote-ref-8)
9. AIHW, *The Health and Welfare of Australia’s Aboriginal and Torres Strait Islander Peoples: An overview 2011*, as above. [↑](#footnote-ref-9)
10. Reconciliation Australia, *Australian Reconciliation Barometer 2010*, p.9, n.6. [↑](#footnote-ref-10)
11. Challenging Racism Project, *Challenging Racism: the Anti-Racism Research Project*, 2011, <http://www.uws.edu.au/ssap/school_of_social_sciences_and_psychology/research/challenging_racism/findings_by_region> (viewed 3 June 2012). [↑](#footnote-ref-11)
12. Australian Human Rights Commission (AHRC), ‘Information sheets: Complaints under the Racial Discrimination Act’, <http://www.hreoc.gov.au/complaints_information/infosheet_guide_RDA.html> (viewed 3 June 2012). [↑](#footnote-ref-12)
13. The Anti-Discrimination Commission in Queensland cites a case when a Torres Strait Islander man alleged he was told a property was taken when he visited a real estate office. He phoned his sister from the car to check its availability. When she phoned back to say the house was still vacant, he asked her to check a second time. However, when he immediately re-entered the real estate office the property was still unavailable. He was very upset as he had an exemplary rental record but thought he was not even considered because of his race. The respondents were unable to field a satisfactory explanation. The matter settled for $3000. See Anti-Discrimination Commission Queensland, *Race – Case Studies,* <http://www.adcq.qld.gov.au/Cases/Race.htm> (viewed 3 June 2012). [↑](#footnote-ref-13)
14. The operators and security firm of the Newcastle 'Sydney Junction Hotel' were ordered by the Administrative Decisions Tribunal to pay $15,000 each to a group of six Aboriginal people, for denying them access to the hotel in 2004 because they were Aboriginal. The hotel had a 'no coons' policy: 'Racist pub sued for $90,000', *Sunday Telegraph* 16 December 2007, <http://www.dailytelegraph.com.au/news/sydney-news/racist-pub-sued-for-90000/story-e6freuzi-1111115124687> (viewed 3 June 2012). [↑](#footnote-ref-14)
15. In a 2009 Australian National University study, researchers submitted over 5000 fictional applications with Indigenous, Chinese, Middle Eastern and Italian sounding names for entry-level jobs in Sydney, Melbourne and Brisbane. The study found that an Indigenous person must submit 35 percent more applications in order to get as many interviews as an applicant with an Anglo name: Alison Booth, Andrew Leigh, Elena Varganova, ‘Does Racial and Ethnic Discrimination Vary Across Minority Groups? Evidence from a Field Experiment’, Research School of Economics, Australian National University. Accessed at <http://apo.org.au/research/does-racial-and-ethnic-discrimination-vary-across-minority-groups-evidence-three-experiment> (viewed 3 June 2012). [↑](#footnote-ref-15)
16. The Anti-Discrimination Commission in Queensland cites a case when an Aboriginal woman with considerable hotel/hospitality experience was interviewed for a full-time receptionist position with a local Hotel. The complainant became suspicious about the interview, as she believed she had all the experience and skills necessary to do the job, and further was told by her previous employer that he had provided a glowing referee report to the interviewer of her work performance to date. The woman became concerned when, after being informed that she was unsuccessful for the position, she saw the very same position advertised again a week later. After contacting the Hotel for an explanation, the woman lodged a complaint of discrimination on the ground of race, as she alleged the interviewer displayed surprise that she was Aboriginal when she turned up for the interview for the position. In conciliation the respondent paid her compensation of $1,000 for hurt and humiliation, provided a written apology and agreed to include a reference to Equal Employment Opportunity (EEO) in advertising and to incorporate EEO in future vacancy selections and interviewing: see Anti-Discrimination Commission Queensland, *Race – Case Studies,* n.13. [↑](#footnote-ref-16)
17. In March 2008 a group of young Aboriginal people attending a Royal Lifesaving Society course were asked to leave the Haven Backpackers in Alice Springs. The group were asked to leave shortly after checking in, because Japanese tourists were "afraid of Aboriginal people": Eric Tlozek ‘Young Aboriginal lifesavers claim racism after being kicked out of their accommodation’, *Lateline*, Australian Broadcasting Commission, 10 March 2008, <http://www.abc.net.au/lateline/content/2007/s2185689.htm> (viewed 3 June 2012).

    The Northern Territory's Anti-Discrimination Commissioner subsequently reported that this was not an isolated case: Sarah Smiles, ‘Hostel eviction of Aborigines “not isolated”’, *The Age*, 12 March 2008, <http://www.theage.com.au/news/national/hostel-eviction-of-aborigines-not-isolated/2008/03/11/1205125911267.html> (viewed 3 June 2012). [↑](#footnote-ref-17)
18. A paper by the Cooperative Research Centre for Aboriginal Health in 2008 cited research indicating that, compared to non-Indigenous patients with the same medical needs, Indigenous patients were about one-third less likely to receive appropriate medical care across all conditions, as well as for particular diseases such as lung cancer and coronary procedures, and that Indigenous Australians were three times less likely to receive kidney transplants than other Australians with the same level of need: Yin Paradies, Ricci Harris, Ian Anderson, *The impact of racism on Indigenous health in Australia and Aotearoa: towards a research agenda,* March 2008, Cooperative Research Centre for Aboriginal Health: Discussion paper series No. 4, p. 9. [www.lowitja.org.au/files/crcah\_docs/Racism-Report.pdf](http://www.lowitja.org.au/files/crcah_docs/Racism-Report.pdf) (viewed 3 June 2012). [↑](#footnote-ref-18)
19. AHRC, ‘Information sheets: Complaints under the Racial Discrimination Act’, n.12. [↑](#footnote-ref-19)
20. Australian Institute of Criminology (AIC), ‘Juvenile detention statistics’, [www.aic.gov.au/statistics/criminaljustice/juveniles\_detention.aspx](http://www.aic.gov.au/statistics/criminaljustice/juveniles_detention.aspx) (viewed 3 June 2012). [↑](#footnote-ref-20)
21. Anti-discrimination Board of NSW, ‘Know your rights: A guide for Aboriginal and Torres Strait Islander people’, Accessed at <http://www.lawlink.nsw.gov.au/lawlink/adb/ll_adb.nsf/pages/adb_indigenous> (viewed 3 June 2012). [↑](#footnote-ref-21)
22. Australian Human Rights Commission (AHRC), *Know Your Rights: Racial Discrimination,* 2012,<http://www.humanrights.gov.au/pdf/race_discrim/rda_guide.pdf> (viewed 3 June 2012). [↑](#footnote-ref-22)
23. AHRC, *Know Your Rights: Racial Discrimination,* as above; Australian Human Rights Commission (AHRC), *What is the Racial Hatred Act?* <http://www.humanrights.gov.au/racial_discrimination/media_guide/whatis.html> (viewed 3 June 2012). [↑](#footnote-ref-23)
24. The Australian Human Rights Commission has conciliated a number of complaints where websites have contained video footage, photos and derogatory about Aboriginal people. After being contacted by the Commission, the websites have removed the offending material and in some cases issued warnings against the person responsible for posting the material: see Australian Human Rights Commission (AHRC), *Conciliation Register: Racial Discrimination Act 1975, For complaints conciliated and finalised in the period of Jan-June 2010,* <http://www.humanrights.gov.au/complaints_information/register/rda/rda_jan_june10.html#racial> (viewed 3 June 2012). [↑](#footnote-ref-24)
25. In September 2011, the Federal Court found that Herald Sun columnist Andrew Bolt had breached the Racial Discrimination Act when he wrote that a number of light-skinned Aboriginal people chose an Aboriginal identity in order to further their careers: *Eatock v Bolt* [2011] FCA 1103 (28 September 2011), <http://www.austlii.edu.au/au/cases/cth/FCA/2011/1103.html> (viewed 3 June 2012). [↑](#footnote-ref-25)
26. In March 2012 gravestones in an Aboriginal community’s cemetery at Fingal Head were spray-painted with the words 'white power', the letters 'KKK' and a swastika: Elloise Farrow-Smith and Samantha Turnbull, ‘Racist vandalism of burial site’, *ABC North Coast NSW* website, 8 March 2012, <http://www.abc.net.au/local/stories/2012/03/08/3448730.htm> (viewed 3 June 2012). [↑](#footnote-ref-26)
27. Racial slurs toward Aboriginal people have long been common in the sporting arena: for example, in AFL, then-Collingwood AFL president Allan McAlister’s 1991 remark that Aboriginal people were welcome at the club as long as they conducted themselves like white people; Nicky Winmar’s reaction to abusive spectators in 1993 and Damian Monkhorst's racist taunt of Michael Long in 1995: Greg Baum, ‘Rules of the game: no place for racism in today’s AFL’, *The Age*, 28 June 2011, <http://www.theage.com.au/afl/afl-news/rules-of-the-game-no-place-for-racism-in-todays-afl-20110627-1gnmi.html#ixzz1S84FUaOV> (viewed 3 June 2012). More recently in Australian Rugby League, in 2010, Andrew Johns, the assistant coach of the NSW Origin team, resigned after calling an opposition Aboriginal player a "black c\*\*t" at a team camp: Andrew Webster, David Riccio and Peter Badel, ‘Inglis racial slur is unacceptable’, *The Sunday Telegraph*, 13 June 2010, <http://www.dailytelegraph.com.au/sport/nrl/inglis-racial-slur-is-unacceptable/story-e6frexv9-1225878945387> (viewed 3 June 2012). [↑](#footnote-ref-27)
28. For example see Paradies, Harris, Anderson, *The impact of racism on Indigenous health in Australia and Aotearoa: towards a research agenda*, p. 6, n.18. [↑](#footnote-ref-28)
29. For example see Loretta de Plevitz, ‘Systemic racism: the hidden barrier to educational success for Indigenous school students’, Australian Journal of Education, Vol.51, No.1, 2007, pp 54-77. Accessed at [www.acer.edu.au/documents/AJE\_51-1\_Plevitz\_e.pdf](http://www.acer.edu.au/documents/AJE_51-1_Plevitz_e.pdf) (viewed 3 June 2012). [↑](#footnote-ref-29)
30. For example see National Indigenous Unit, National Tertiary Education Union, *I'm Not Racist But … Report on Cultural Respect, Racial Discrimination, Lateral Violence and related Policy at Australia's Universities*, 18 November 2011. Accessed at <http://www.nteu.org.au/indigenous/publications> (viewed 3 June 2012). [↑](#footnote-ref-30)
31. For example, see Equal Opportunity Commission of Western Australia, *Finding a Place:* *An Inquiry into the Existence of Discriminatory Practices in Relation to the Provision of Public Housing and Related Services to Aboriginal People in Western Australia – Report 2004*, Equal Opportunity Commission of Western Australia, Perth, 2004*.* Accessed at <http://www.eoc.wa.gov.au/complaintsandinvestigations/FindingAplace.aspx> (viewed 3 June 2012). [↑](#footnote-ref-31)
32. For example, see Anna Ferrante, Harry Blagg, Neil Morgan, Chris Cunneen, *Systemic Racism as a Factor in the Overrepresentation of Aboriginal People in the Victorian Criminal Justice System*, Equal Opportunity Commission of Victoria, Melbourne, 2005. Accessed at <http://deathsincustody.org.au/sites/default/files/Systemic%20Racism%20as%20a%20factor%20in%20Aboriginal%20Incarceration%20in%20Vic.pdf> (viewed 3 June 2012). [↑](#footnote-ref-32)
33. For example see Yin Paradies, ‘A systematic review of empirical research on self-reported racism and health’, *International Journal of Epidemiology*, August (2006) 35(4): 888-901, p 1. Accessed at <http://ije.oxfordjournals.org/content/35/4/888.full.pdf> (viewed 3 June 2012); AIHW, *The Health and Welfare of Australia’s Aboriginal and Torres Strait Islander Peoples: An overview 2011*, n. 8. [↑](#footnote-ref-33)
34. VicHealth, ‘Ethnic and race-based discrimination as a determinant of mental health and wellbeing’, 2008. Accessed at <http://www.vichealth.vic.gov.au/en/Publications/Freedom-from-discrimination/Ethnic-and-race-based-discrimination-as-a-determinant-of-mental-health-and-wellbeing.aspx> (viewed 3 June 2012). [↑](#footnote-ref-34)
35. Naomi Priest, Yin Paradies, Wendy Gunthorpe, Sheree Cairney and Sue Sayers, ‘Racism as a determinant of social and emotional wellbeing for Aboriginal Australian youth’, *Medical Journal of Australia*, Vol 194, No 10, 16 May 2011, pp 546-550. Accessed at <https://www.mja.com.au/journal/2011/194/10/racism-determinant-social-and-emotional-wellbeing-aboriginal-australian-youth> (viewed 3 July 2012). [↑](#footnote-ref-35)
36. Naomi **Priest, Yin Paradies, Paul Stewart, Joanne Luke**, ‘Racism and health among urban Aboriginal young people’, BMC Public Health, Vol 11, no 3, July 2011-Sept 2011, p 568, <http://www.biomedcentral.com/1471-2458/11/568> (viewed 3 June 2012). [↑](#footnote-ref-36)
37. AIHW, *The Health and Welfare of Australia’s Aboriginal and Torres Strait Islander Peoples: An overview 2011*, n. 8. [↑](#footnote-ref-37)
38. Reconciliation Australia, *Australian Reconciliation Barometer 2010*, p.9, n.6. [↑](#footnote-ref-38)
39. Paradies, Harris, Anderson, *The impact of racism on Indigenous health in Australia and Aotearoa: towards a research agenda,* n.18. [↑](#footnote-ref-39)
40. Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), *International Indigenous Issues – Declaration on the Rights of Indigenous Peoples*, <http://www.fahcsia.gov.au/sa/indigenous/progserv/engagement/Pages/InternationalIssues.aspx>

    (viewed 3 June 2012). [↑](#footnote-ref-40)
41. The Co‐Chairs of the Congress were ex‐officio members of the Expert Panel and were involved in a number of the consultations that have been held across the country. [↑](#footnote-ref-41)
42. Report of the Expert Panel, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution*, January 2012. Accessed at <http://www.youmeunity.org.au/final-report> (viewed 3 June 2012). [↑](#footnote-ref-42)
43. National Congress of Australia’s First Peoples, media release, *Bi-partisan commitment and Recognition needed to Close the Gap*, 15 February 2012, <http://nationalcongress.com.au/bi-partisan-commitment-and-recognition-needed-to-close-the-gap/> (viewed 3 June 2012). [↑](#footnote-ref-43)
44. National Congress of Australia’s First Peoples, *Statement to the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples*, p.4, <http://nationalcongress.com.au/wp-content/uploads/2011/09/CongressStatementtoExpertPanel.pdf> (viewed 3 June 2012). [↑](#footnote-ref-44)
45. Report of the Steering Committee for the creation of a new National Representative Body, *Our future in our hands - Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander peoples*, 2009. Accessed at <http://www.hreoc.gov.au/social_justice/repbody/report2009/index.html> (viewed 3 June 2012). [↑](#footnote-ref-45)
46. The Hon. Jenny Macklin MP, Minister for Families, Community Services and Indigenous Affairs, Media release: *A Voice for Australia’s First Peoples*, 9 June 2011, <http://www.jennymacklin.fahcsia.gov.au/mediareleases/2011/Pages/voice_4_aus_first_ppl_09062011.aspx> (viewed 3 June 2012). [↑](#footnote-ref-46)
47. Australian Human Rights Commission (AHRC), Submission to the Attorney-General’s Department, *Consolidation of Commonwealth Discrimination Law*, 6 December 2011, para 299, [http://www.humanrights.gov.au/legal/submissions/2011/20111206\_consolidation.html#](http://www.humanrights.gov.au/legal/submissions/2011/20111206_consolidation.html) (viewed 3 June 2012). [↑](#footnote-ref-47)
48. National Congress of Australia’s First Peoples, ‘New NT Legislation must comply with Human Rights Obligations’, Media release, 8 February 2012, <http://nationalcongress.com.au/wp-content/uploads/2012/02/CongressStrongerFutures.pdf> (viewed 3 June 2012). [↑](#footnote-ref-48)
49. AHRC, *National Anti-Racism Partnership and Strategy – Discussion Paper*, n. 1. [↑](#footnote-ref-49)
50. Nick O’Malley and Matt Wade, 'In denial over a deep vein of hate', *Sydney Morning Herald*, 6 February 2010, <http://www.smh.com.au/national/in-denial-over-a-deep-vein-of-hate-20100205-niqm.html> (viewed 3 June 2012). [↑](#footnote-ref-50)
51. ‘PM refuses to use racist tag’, *Sydney Morning Herald*, 12 December 2005, <http://www.smh.com.au/news/national/pm-refuses-to-use-racist-tag/2005/12/12/1134235985480.html> (viewed 3 June 2012). [↑](#footnote-ref-51)
52. Australian Public Service Commission (APSC), *Welcome to Public Calling – APS Indigenous* careers, http://www.apsc.gov.au/indigenous (viewed 3 June 2012). [↑](#footnote-ref-52)
53. For example: Rio Tinto, <http://www.riotintoironore.com/ENG/careers/183_indigenous_employment.asp> (viewed 3 June 2012); Woodside, <http://www.woodside.com.au/Careers/Opportunities/Indigenous-Employement/Pages/default.aspx> (viewed 3 June 2012); Commonwealth Bank, <http://www.commbank.com.au/about-us/in-the-community/community-partnerships/indigenous-australians/employment/> (viewed 3 June 2012); NAB, <http://www.nab.com.au/wps/wcm/connect/nab/nab/home/About_Us/1/13/5/> (viewed 3 June 2012); Australia Post, <http://auspost.com.au/working-with-us/supporting-indigenous-australians.html> (viewed 3 June 2012). [↑](#footnote-ref-53)
54. ” Since the launch of the RAP program some 300 Australian corporations, governments and community organisations have joined the RAP community and now 11 of Australia's top 20 businesses have RAPs”: Reconciliation Australia, *Reconciliation Action Plans,* <http://www.reconciliation.org.au/home/reconciliation-action-plans> (viewed 3 June 2012). [↑](#footnote-ref-54)
55. For example, in 2011, Indigenous Australians represented 2.1% of ongoing employees of the APS. However, the number of ongoing Indigenous Senior Executive Service employees, which increased slightly over the year (from 13 to 15) – represents only 0.6% of SES employees. Executive Level (EL) employees also increased, from 405 to 421 – 1% of EL employees. Indigenous employees are still concentrated at lower classification levels, accounting for 28.5% of all trainees and 6.7% of all APS 1–2s at June 2011: Australian Public Service Commission, *State of the Service Report 2010-11*, Chapter 7 – Diversity. Accessed at <http://www.apsc.gov.au/about-the-apsc/parliamentary-reports/state-of-the-service/state-of-the-service-2010> (viewed 3 June 2012). [↑](#footnote-ref-55)
56. The Department of Families and Housing, Community Services and Indigenous Affairs (FaHCSIA), the Attorney General’s Department (AGD) and the Department of Immigration and Citizenship (DIAC). [↑](#footnote-ref-56)
57. Australian Human Rights Commission (AHRC), *Racism and civil society: A community consultation held at the Apple City International Motor Inn, Orange NSW, on 24 July 2001*,

    <http://www.hreoc.gov.au/racial_discrimination/conferences/worldconference/consultations/orange.html> (viewed 3 June 2012). [↑](#footnote-ref-57)
58. Reconciliation Australia, *Australian Reconciliation Barometer 2010*, p.40, n.6. [↑](#footnote-ref-58)
59. As above, p.12. [↑](#footnote-ref-59)
60. Australian Human Rights Commission, *Face the Facts*, 2008 edition accessed at <http://www.hreoc.gov.au/racial_discrimination/face_facts/index.html> (viewed 3 June 2012). [↑](#footnote-ref-60)
61. European Union Agency for Fundamental Rights, *A Diversity Toolkit for Factual Programmes in Public Service Television*, 2008, <http://fra.europa.eu/fraWebsite/media/materials_trainings/diversity_toolkit_en.htm> (view 3 June 2012). [↑](#footnote-ref-61)
62. For example, Australian Broadcasting Commission, *ABC Code of Practice 2011*, <http://www.abc.net.au/corp/pubs/documents/codeofpractice2011.pdf> (viewed 3 June 2012); Special Broadcasting Service (SBS), *SBS Charter*, <http://www.sbs.com.au/aboutus/corporate/index/id/25/h/SBS-Charter> (viewed 3 June 2012); Special Broadcasting Service (SBS), *Codes of Practice*, 2006, <http://media.sbs.com.au/home/upload_media/site_20_rand_2138311027_sbscodesofpractice2010.pdf> (viewed 3 June 2012); Special Broadcasting Service (SBS), *The Greater Perspective: Protocol and Guidelines for the Production of Film and Television on Aboriginal and Torres Strait Islander Communities*, 1997, <http://media.sbs.com.au/home/upload_media/site_20_rand_1000072370_the_greater_perspective_sbs.pdf> (viewed 3 June 2012); Commercial Radio Australia, *Codes of Practice and Guidelines*, 2011, <http://www.commercialradio.com.au/files/uploaded/file/Commercial%20Radio%20Codes%20&%20Guidelines%20%205%20September%202011.pdf> (viewed 3 June 2012); Australian Press Council, *Race Reporting Guidelines*, 2001, <http://www.presscouncil.org.au/document-search/guideline-reporting-of-race/?LocatorGroupID=662&LocatorFormID=677&FromSearch=1> (viewed 3 June 2012). [↑](#footnote-ref-62)
63. Most notably, the Independent Inquiry into Media and Media Regulation (see <http://www.dbcde.gov.au/digital_economy/independent_media_inquiry> (viewed 3 June 2012)) and the Convergence Review (see <http://www.dbcde.gov.au/digital_economy/convergence_review> (viewed 3 June 2012)). [↑](#footnote-ref-63)
64. Australian Press Council, *Race Reporting Guidelines*, n. 62. [↑](#footnote-ref-64)
65. See n. 24. [↑](#footnote-ref-65)
66. In 2010-11, there were just 34 complaints made by Indigenous persons under the Racial Discrimination Act 1975 (RDA) (Cth) to the Australian Human Rights Commission. This represented less than 1% of the 422 complaints under the RDA in 2010-11. See: Australian Human Rights Commission, *Annual Report 2010-11*, Appendix 2, Tables 9 and 11. Accessed at <http://www.hreoc.gov.au/about/publications/annual_reports/index.html> (viewed 3 June 2012). [↑](#footnote-ref-66)
67. See, for example, the racismnoway website, <http://www.racismnoway.com.au/> (viewed 3 June 2012); the Play by the Rules website, <http://www.playbytherules.net.au/> (viewed 3 June 2012); and Reconciliation Australia’s School resources*,* <http://www.reconciliation.org.au/home/resources/school-resources> (viewed 3 June 2012). [↑](#footnote-ref-67)
68. See n. 60 and n. 61. [↑](#footnote-ref-68)
69. See n. 27. [↑](#footnote-ref-69)
70. For example, see the Australian Football League’s (AFL) *AFL Player Rules* to combat racial and religious vilification: see <http://www.afl.com.au/news/newsarticle/tabid/208/newsid/82025/default.aspx> (viewed 3 June 2012) and the International Cricket Council’s Anti-Racism Policy, <http://icc-cricket.yahoo.net/the-icc/anti_racism.php> (viewed 3 June 2012). [↑](#footnote-ref-70)
71. National Congress of Australia’s First Peoples, *Statement to the Minister for the Arts on the proposal for a National Cultural Policy,* December 2011, <http://nationalcongress.com.au/wp-content/uploads/2011/12/CongressStatementNationalCulturalPolicy.pdf> (viewed 3 June 2012). National Congress of Australia’s First Peoples, *Statement to the Australian Government on the Inquiry Into Language Learning in Indigenous Communities Conducted by the Aboriginal and Torres Strait Islander Affairs Committee*, December 2011, <http://nationalcongress.com.au/wp-content/uploads/2011/12/111214-CongressSubmissionLanguageIndigenousCommunities.pdf> (viewed 3 June 2012). [↑](#footnote-ref-71)
72. Noel Pearson, *Right crucial to Aboriginal reforms, The Australian*, 11 September 2010, <http://www.theaustralian.com.au/news/opinion/right-crucial-to-aboriginal-reforms/story-e6frg6zo-1225917681598> (viewed 3 June 2012). [↑](#footnote-ref-72)
73. Noel Pearson, ‘Indigenous Australians are coming to their Meji moment: How to pursue development and keep their cultures’, *Griffith Lecture*, Griffith University, Brisbane, 25 October, 2011. Accessed at: <http://video.griffith.edu.au/info.php?pk1=1161> (viewed 3 June 2012). [↑](#footnote-ref-73)
74. See n.59. [↑](#footnote-ref-74)
75. Reconciliation Australia, *Australian Reconciliation Barometer 2010*, p.12, n.6. [↑](#footnote-ref-75)
76. Although First Peoples make up only approximately 2.5% of the population, Aboriginal and Torres Strait Islander peoples comprised 26% of the full time adult prison population in Australia in 2010. The national imprisonment rate for Aboriginal and Torres Strait Islander adults is 14 times higher than for non-Indigenous adults: Australian Bureau of Statistics, *Corrective Services Australia – Summary of findings, December Quarter 2010,* Catalogue No. 4512.0, 17 March 2011. Accessed at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4512.0> (viewed 3 June 2012). [↑](#footnote-ref-76)