

Chapter 9: **Race Discrimination**

Statement from the Commissioner

This report covers my second year acting as Race Discrimination Commissioner. It also coincides with the 30th year of the *Racial Discrimination Act* (RDA). As with any anniversary, the 30th anniversary of the RDA in October 2005 provided an opportunity to reflect on the achievements of the RDA, as well as the political and social changes that such legislation signifies.



Mr Tom Calma
*Acting Race Discrimination
Commissioner*

The RDA, implemented in October 1975, was Australia's first federal law dealing with human rights. It implemented a basic principle of international law: the principle prohibiting discrimination against people on the basis of their race, colour, or national or ethnic origin.

In 2005 I chose to reflect on the significance of this legislation in a number of ways. First, I developed a range of educational resources to ensure a broad understanding of the normative principles on which the legislation is based. One such resource was the production of a new edition of *Face the Facts*, a publication which provides factual, easy-to-read information about refugees and asylum seekers, migration and multiculturalism and Indigenous people.

Second, I felt it was important to bring together the stories of a diverse range of Australians and provide an opportunity for them to tell their personal histories of race relations over the past thirty years. This has been done in the *Voices of Australia* magazine. While some of the stories capture the pain of racism, over all, *Voices of Australia* is about people's strength and hopefulness – it's about the day-to-day process of getting on with each other and growing together as individuals and as a nation.

About the same time as HREOC was celebrating the anniversary of the RDA and by way of contrast to the optimistic tone of many of the stories in the *Voices* magazine, another completely different story was unfolding in the Cronulla area of Sydney.

What started off on the morning of 11th December 2005 as a call for locals to show unity against violence at the beach, turned into a 5 000 strong crowd participating in what is now known as the Cronulla riots. What the nation witnessed on national news that night was the brutal attack of people perceived as being of 'middle-eastern appearance' or simply of 'ethnic origin'. Extremist white supremacists seized the day and used it as a platform for distributing anti-multiculturalism, anti-immigration and anti-Muslim literature.

Reprisal attacks followed the riot with 2 000 people gathering outside Sydney's largest mosque seeking revenge. From the mosque many drove to Cronulla and surrounding beachside suburbs smashing parked cars and shop windows, bashing locals and in one instance stabbing a man outside a local golf club.

The story of the Cronulla riot is one that many are still trying to make sense of. Is it simply a local tale in which a close knit community, relatively homogenous in their anglo-celtic origins, came together to protest against Lebanese and Arab young people, whom they accused of engaging in antisocial behaviour? Or is it a story with much deeper ramifications for race relations in Australia? In the opinion pieces and speeches I have delivered on this topic in the past year I express the view that we should not look at local issues in isolation from national and international factors. By understanding the interaction of the local and the global we come to understand how, what might start out as a conflict around antisocial behaviour or simply ways of playing games on a beach, transforms into something far more sinister dividing entire sections of a society.

It was the search for this understanding of the relationship between the local and the global that led HREOC to undertake the *Ismaʿ* project back in 2003, (*Ismaʿ* is Arabic for listen). The consultations on which this project was based revealed a disturbing increase in the level of discrimination and vilification against Arab and Muslim Australians following the September 11 attacks in America in 2001. I have continued the work of the *Ismaʿ* project in the current reporting period, particularly through the *Engaging Muslim Communities and Police* project and the Muslim Women's project.

In both of these projects I aim to inform Muslim community members of the legal avenues and services available to them as victims of racial and/or religious hatred. Unfortunately for Muslim Australians living in NSW, SA, WA, and NT I must tell them there is no legal redress against attacks on them based on their religion. Nor has federal legislation been enacted to provide such redress. In a time when many in the community are feeling under attack for their religious beliefs this is a significant gap in Australia's laws and I will continue, in the coming year, to argue forcefully for the federal Government to fill this legal vacuum.

This is just some of the work I will be doing in the coming year to support the Muslim community in defending themselves against religious abuse and hatred. While this targeted work is necessary to ensure the concerns of particular communities are addressed, it is equally important that there are strategies in place to educate the general community about the principles of non-discrimination enshrined in the RDA.

One such strategy I will be developing in the coming year is the Sport and Racism strategy. Our work to date in this area, largely research based, has been directed to gaining a thorough understanding of the current strategies adopted by sporting bodies and government agencies towards addressing racism in sport. With this knowledge I will be in a good position to position HREOC's future work in this area. I am keen to develop future policy strategies aimed at both addressing racism within sport as well as promoting an inclusive and non-discriminatory attitude by players, supporters and the broader viewing public.

Research and Policy

Review of Commonwealth Government's Multicultural Policy

On 22 August 2005 the Commission made a submission to the Commonwealth Government's review of its multicultural policy. The submission responds to questions posed by the Government's review committee. In summarising the current climate of race relations in Australia the Commission identified four of the most significant issues:

- the impact of terrorism and national security measures on Muslim and Arab communities
- the treatment of refugees and newly arrived immigrants
- the disparity between Indigenous and non-Indigenous people in their respective enjoyment of economic, social and cultural rights
- racial discrimination in employment.

The Commission stated that political and community leaders at a federal, state, territory and local level should encourage Australians to uphold the principles of multiculturalism, including respect for the right of all Australians to express their own culture and beliefs and responsibility to support the basic structures and principles of Australian society that guarantee freedom and equality for all.

Muslim Community Projects

In March 2006 the Department of Immigration and Multicultural Affairs (DIMA) approved two Muslim community projects. These projects are part of a number to be carried out by government agencies and funded by DIMA following the Prime Minister's Summit with Muslim community leaders on 23 August 2005. The first project to be undertaken by HREOC is the September 2006 Muslim Women's Forum, which will focus on human rights and responsibilities.

The second project, *Engaging Muslim Communities and Police*, aims to facilitate dialogue between Muslim communities and police to assist police in responding to incidents of racial or religious hatred and abuse. The project is being conducted

in NSW and Victoria and has involved extensive consultations with community representatives, police and Muslim communities. The project will culminate in two forums, in Victoria and NSW, in August 2006. The Commission will also develop resources to assist police and the Muslim community in dealing with discrimination.

Education and Promotion

Voices of Australia



Launch of *Voices* at Parliament House Canberra. Left to right (back row): Tom Calma, John von Doussa, Dean Widders, Margaret Donaldson, Simone Krauss and Omeima Sukkarieh, with teachers and students of Arawang Primary School, Waramanga ACT

To celebrate the 30 year anniversary of the *Racial Discrimination Act 1975*, the Commission produced a magazine and CD entitled *Voices of Australia – 30 years of the Racial Discrimination Act 1975-2005*. This is a collection of true stories about Australians living together. It includes a history of the Racial Discrimination Act, a timeline of Australia's race relations history and a plain English guide to the Racial Discrimination Act. The magazine and CD were launched by the Federal Attorney-General at Parliament House Canberra on 31 October 2005. Over 30 000 copies of *Voices* have been distributed nationally.

As part of the project the Commission and the National Rugby League produced a poster featuring well known rugby league players of diverse cultural backgrounds working together as friends and equals on the sporting field. The poster promoted the *Voices of Australia* project and aimed to encourage people to combat racism. Over 18 000 posters have been distributed. In addition the stories of ten high profile national rugby league players were included in the *Voices* magazine and are available on the HREOC and NRL website.



Face the Facts



On 28 October 2005 the Commission launched the fourth edition of its publication *Face the Facts*. This booklet provides facts to counter common misconceptions and provides answers to some of the most common questions about Indigenous people, migrants and refugees in Australia. It is aimed at educating media representatives, school students and the general community. Over 30 000 copies of the booklet have been distributed nationally to schools, media outlets, community organisations and government agencies.

The online version of *Face the Facts* is designed for teachers and students to access detailed statistical information and further reading sources. The Commission has produced an educational module for secondary schools based on the *Face the Facts* booklet.

Sport and Racism project

The Department of Immigration and Multicultural Affairs (DIMA) funded the Commission to survey and compile a list of the existing strategies to combat racism within sport that have been adopted by selected national sporting organisations, codes, government and non-government sporting agencies and human rights institutions.

The project also aims to gather any available baseline data on the level of participation by culturally and linguistically diverse communities and individuals in sport and gather any information on any projects which aim to increase Indigenous and CALD participation.

The project's report (due in November) will provide the basis for DIMA to consider future policy strategies aimed at both addressing racism within sport, as well as promoting an inclusive and non-discriminatory attitude by players, supporters and the broader viewing public.

Speeches

A selection of public addresses made by the acting Race Discrimination Commissioner and his senior staff during 2005–06 is listed below. Speeches can also be accessed on the Commission's websites at: www.humanrights.gov.au/speeches/race-discrim/index.html

A seminar hosted by NEEOPA (National Equal Employment Opportunity Practitioners Association) and attended by Equal Opportunity Practitioners in private industry and government was addressed by Director of the Race Discrimination Unit, Sydney, 26 October 2005.

2005 edition of *Face the Facts* launched by Commissioner Calma at the NSW Fire Brigade, Sydney, 28 October 2005.

The *Voices* Magazine and Audio CD were launched by the Attorney-General, the President and Commissioner Calma in Old Parliament House, Canberra, 31 October 2005.

National Symposium *Responding to Cronulla: Rethinking Multiculturalism* organised by Griffith University and University of the Sunshine Coast addressed by Commissioner Calma, Brisbane, 21 February 2006.

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Launch of *A Media Guide: Islam and Muslims in Australia* as part of Harmony Day, Director of the Race Discrimination Unit was a key speaker, Melbourne, 17 March 2006.

SAVE – Australia Inc seminar titled “Diversity, Disadvantage, Discrimination: Migrants, Refugees, and Racism in Australia” addressed by Commissioner Calma, Sydney, 31 March 2006.

A roundtable of key stakeholders in the *Muslim Community and Police* Project addressed by Commissioner Calma, Sydney, 27 April 2006.

2006 National Civics and Citizenship Education Forum addressed by Commissioner Calma, Canberra, 1 June 2006.