



Australian  
Human Rights  
Commission

Agenda for  
racial equality  
2012-2016

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# Commissioner's message



This document is released on the first anniversary of my appointment as Race Discrimination Commissioner – the first time in over a decade that there has been a dedicated, full time commissioner with a national role to promote racial equality and address racial discrimination.

Over the last year, I have travelled to every State and Territory, and met with community members from all walks of life. What I've seen and heard has given me a clearer picture of the state of racial equality in Australia today.

I have been encouraged by the good efforts being taken across Australia to promote racial equality. It is clear that there is a strong commitment to multiculturalism and that the majority of Australians are proud of our racial and ethnic diversity.

It is also clear, though, that inequality along racial lines still exists.

I am proud to be part of the partnership charged with formulating and implementing the *National Anti-Racism Strategy* that was launched in August 2012. Racism is a very real, and often daily experienced, issue in the lives of many Australians. Yet it is poorly understood by many of us: those who experience it often feel their experience is discounted or diminished by the wider community.

Recent debate about asylum seekers and refugees has too often authorised and enabled xenophobic and racist opinions to be aired. The tenor of many of these public conversations overshadows our successes and puts obstacles in the way of achieving our aspirations to racial equality.

**But racism is only part of the problem. It is my strong belief that we also need to focus on addressing inequality that exists along racial lines.**

Research tells us clearly that experiencing racism is hugely harmful to the health and wellbeing of individuals. But if racism tends to be experienced as acute incidents, inequality tends to be a chronic – often lifelong – condition.

Unlike specific acts of racism, entrenched inequality is rarely headline news. Unless we highlight and act against it consciously, we run the risk of both entrenching inequality, and rendering it invisible.

Inequality is detrimental to our society as a whole. When some people do not have the same access as others to employment, education, health care or other essential services by virtue of their race they are less able to contribute to the economy and the community.

We also need to tackle inequality because it is a pre-condition for racism. As long as our community accepts that some people will have poorer life outcomes because of their racial background, we lay the groundwork for an atmosphere in which it's acceptable to treat them unfairly.

So we need to focus not just on eliminating racism, but also on how to build racial equality.

**This document sets out a national agenda for achieving racial equality in Australia. It identifies key areas of effort and priorities for potential future action.**

This Agenda will guide my work as Race Discrimination Commissioner. I hope that it also provides a resource for others to review their own practice, to identify areas for effort and to understand how all parts of our social, economic and cultural landscape fit together to shape our achievement of equality for all.

By its nature, it is an aspirational document. It is focused on identifying and building on our strengths and addressing our key challenges. It is not exhaustive, but identifies both those initiatives that are already in place and can be built on, and those that are still needed, to progress racial equality with the aim of building a harmonious and cohesive society.

Australia is in a position to demonstrate to the rest of the world what a successful multicultural, inclusive and respectful – an equitable – society can look like. The milestones to racial equality that run along the foot of this document mark the progress we have made to date. We are well advanced already, and well-placed to build on this progress in future.

A handwritten signature in black ink, appearing to read 'Helen Szoke'.

Dr Helen Szoke  
Race Discrimination Commissioner.

## Milestones to racial equality

- **1606** – First recorded contact between Aboriginal peoples and Dutch traders.
- **1788** – The First Fleet arrives, marking the start of European colonisation of Australia on the basis that the land belongs to no-one ('terra nullius').
- **1839** – The first refugees arrive in Australia – Prussian

# Contents

Commissioner’s message .....	3
1 Setting the scene .....	6
2 About this Agenda .....	8
3 Agenda for racial equality .....	9
3.1 Ensuring social and economic outcomes .....	9
3.2 Building a strong legal framework .....	14
3.3 Preventing racism and racial hatred .....	16
3.4 Leadership in support of Australia’s diverse communities.....	18
4 Opportunities for change .....	19

Lutherans – who settle in South Australia.<sup>83</sup> • **1850’s** – The first gold rush brings large-scale immigration from Europe and Asia. By 1861, there were over 38 000  
Other states soon follow with similar laws. • **1863** – South Pacific Islanders are brought to Queensland (some forcibly) to work as labourers in cane fields. It is

## Summary of priorities

Aims	Areas of effort	Priorities
Ensuring social and economic outcomes	<b>Reducing inequality and improving life chances</b>	Advocate for Government policies and programs to be implemented in ways which protect and promote the human rights of all racial and ethnic groups in Australia
	<b>Supporting sustainable employment outcomes</b>	Identify opportunities to support and promote good practice initiatives to achieve employment outcomes for vulnerable racial and ethnic groups
	<b>Recognition of overseas qualifications</b>	Work with bodies that regulate professions to identify and address any systemic inequalities in the recognition of overseas qualifications
	<b>Supporting inclusive education</b>	Identify opportunities for partnerships to support the inclusiveness of the education system for young people of all racial and ethnic backgrounds
	<b>Investing in language proficiency and competency</b>	Engage with the settlement sector to address barriers to the use of qualified interpreters in service delivery
	<b>Improving cultural competence for appropriate and quality service provision</b>	Partner with public sector agencies to improve cultural competence in the delivery of government services
Building a strong legal framework	<b>Improving protections against discrimination</b>	Develop resources to help business understand and comply with their obligations regarding racial discrimination under Federal law
	<b>Constitutional Recognition of Aboriginal and Torres Strait Islander peoples</b>	Support the community education campaign for constitutional recognition of Aboriginal and Torres Strait Islander peoples
	<b>Implementation of the Declaration of the Rights of Indigenous Peoples</b>	Advocate for the implementation of the Declaration of the Rights of Indigenous Peoples
	<b>Protection of workplace rights for all people, including temporary migrant workers</b>	Work with employer bodies, unions and other regulators to identify and address practices which may contribute to employment discrimination
Preventing racism and racial hatred	<b>Raising awareness of racism and supporting responses to it</b>	Implement the National Anti-Racism Strategy with a particular focus on young people
	<b>Combating cyber racism as an emerging form of bullying and racial hatred</b>	Build on previous work of the Commission to improve industry, regulatory and community responses to cyber-racism
	<b>Improving responses to racial hatred and violence</b>	Contribute to any consideration of changes to Australia's legal protections in relation to racial hatred and violence
Leadership in support of Australia's diverse communities	<b>Encouraging leadership in employment to support equal participation at all levels</b>	Support initiatives to improve cultural diversity in the leadership of private and public sector agencies
	<b>Enhancing diversity of representation in the entertainment industry</b>	Identify opportunities to work with industry and its representative bodies to encourage its diversification
	<b>Building collaboration and cooperation through the media</b>	Work with the media industry and regulatory bodies to address reporting of race issues

Chinese living in Australia, 3.4 per cent of the total population.<sup>84</sup> • **1855** – Laws in Victoria require Chinese arrivals to live in designated 'Chinese Protectorates'.  
 s estimated around 46 000 arrived between 1863 and 1891.<sup>85</sup> • **1868** – An Australian cricket team travels to England to play a series of matches for the first

# 1 Setting the scene

Almost 65 years ago, in the wake of the devastation of the Second World War, the nations of the world united with common purpose and agreed the *Universal Declaration of Human Rights*. That Declaration lays down a clear mandate for pursuing racial equality.

## Article 1 of the Universal Declaration of Human Rights

All human beings are born equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

In the years since, a comprehensive body of human rights instruments have been developed. These include:

- the International Convention on the Elimination of All Forms of Racial Discrimination;
- the International Covenant on Economic, Social and Cultural Rights; and
- the International Covenant on Civil and Political Rights.

The principles outlined in these instruments have guided the development of Australian laws - our federal anti-discrimination laws in particular. For example, Article 2 of the *Convention on the Elimination of All Forms of Racial Discrimination* states that Governments shall 'condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races.'

The *Racial Discrimination Act 1975* (Cth) gives effect to Australia's commitment under the *Convention on the Elimination of All Forms of Racial Discrimination*. It was Australia's first federal anti-

discrimination law, protecting individuals from discrimination on the grounds of race, colour, descent, national and ethnic origin.

Australia has been a leader in developing human rights standards, and is committed to these standards under international law. We have long held them to be integral components of our national ethos and commitment to a fair go for all. It is time for us to re-focus our attention on the importance of these foundational principles.

A number of the other 'building blocks' for equality are already in place. We can justly be proud of our robust democratic system, our advanced legal protections and our multicultural community. These are a solid basis for a society in which all people have the opportunity to flourish, with full respect for their rights and dignity.

However, when setting out an agenda for the future, we must acknowledge where we have come from.

We are a nation of immigrants and colonised peoples.

Aboriginal and Torres Strait Islander peoples lived on these lands and waters since time immemorial. They did not consent to the taking of their lands and were not compensated for their losses.

We have only recently begun to acknowledge, let alone grapple with the consequences of, this colonisation.

Aboriginal and Torres Strait Islander peoples could not vote until the 1960s; they were not counted as citizens until 1967; and it was not until the 1970s that we began to recognise traditional ownership by introducing land rights legislation. The connection of Aboriginal and Torres Strait Islander peoples to their lands and waters was not recognised by our courts until the Mabo decision in 1992: just 20 years ago.

time— all 16 players are Aboriginal.<sup>86</sup> • 1869 – The Victorian Aborigines Protection Act is passed, which allows the authorities to remove Aboriginal children from  
with inland exploration and the development of infrastructure projects across Australia. Between 1870 and 1900, it is estimated around 2000 cameleers from A

Aboriginal and Torres Strait Islander peoples continue to suffer the consequences of our history of colonisation. Disadvantage passed down through the generations manifests in over-representation in criminal justice processes, and care and protection systems. It continues with substantially poorer outcomes across all areas of life.

We have made great strides in addressing this legacy, but we continue to have 'unfinished business' as a nation.

Multiculturalism has been a prominent feature of our society since the early days of the British colonies. Immigrant populations from across the world have settled in Australia since the 1800s, with the hope of securing a peaceful and prosperous life.

Through the twentieth century, waves of migrants came to Australia under many circumstances and from many places. Each wave of migration challenged and ultimately changed us as a society.

This has not always been an easy journey. We have often regarded those who look and sound different to us with fear, confusion and hostility.

But the reality is that no culture on earth is static or remains unchanged over time. Embracing the changes that come with accepting migrants from many places gives us momentum, and the energy and opportunity to build on our successes as a nation.

Today, we are a nation drawn from over 300 ancestries.<sup>1</sup> As of 2011, 46 per cent of people living in Australia were born overseas or had at least one parent born overseas.<sup>2</sup> We have one of the highest proportions of overseas born residents in the world.<sup>3</sup>

Advanced societies strive to progress socially and economically. Accepting and embracing migrants from across the globe doesn't just continue our rich tradition of cultural diversity, it also contributes directly to our ongoing economic growth and prosperity.

If we are to succeed in achieving racial equality, it is fundamental that we:

- recognise the ongoing contribution of Aboriginal and Torres Strait Islander peoples to our nation's prosperity, character and cultural richness;
- address the historical legacy of treatment of Aboriginal and Torres Strait Islander peoples;
- strive to empower Aboriginal and Torres Strait Islander peoples by working with them to address the issues that they face rather than imposing solutions upon them;
- acknowledge the significant contribution that waves of migrants have made to our national character and to our prosperity;
- recognise that, as a community, we have been highly successful in evolving in response to the benefits and challenges presented by different cultures; and
- recognise that along with rights, all those in Australia have responsibilities to abide by the laws of this country to help build a cohesive society.

# 2 About this Agenda

## **This Agenda has a clearly defined focus on achievable change.**

Rather than attempting to canvas every race-related issue in detail, this Agenda identifies where change can be accelerated and where progress can be made towards racial equality.

It revolves around one central tenet: that difference should never be used to excuse inequity, disadvantage or discrimination, which diminish us as a country and as individuals.

## **This Agenda is based on sound principles of long standing.**

It draws its authority from Australia's obligations as a signatory to the *International Convention for the Elimination of Racial Discrimination*. The priority areas link directly to domestic legal requirements outlined in the *Racial Discrimination Act 1975* (Cth).

It employs a human rights framework to guide policy and program development, and ensure that we can objectively balance competing interests in a way that reflects the inherent dignity of all human beings.

## **This Agenda is central to the role and responsibilities of the Race Discrimination Commissioner.**

The Commissioner's responsibility to all people in Australia goes beyond an exclusive focus on racism: it extends into identifying opportunities and encouraging action to achieve racial equality.

The Commissioner also has a responsibility to communicate: both to build and advocate for understanding of the *Racial Discrimination Act 1975* (Cth) and its obligations, and to promote a stronger national understanding of the different cultural groups within our society, their challenges and the contributions they make.

Accordingly, this Agenda reflects consultation with people in all areas of life – and its execution will require further communication, consultation and collaboration.

## **This Agenda builds on and complements other national agendas which contribute to racial equality.**

The *Racial Discrimination Act 1975* (Cth) is currently being reviewed as part of the Australian Human Rights Framework, and will soon form one part of a consolidated anti-discrimination law. Under the Framework, a new federal parliamentary scrutiny committee on human rights has also been introduced.<sup>4</sup> All new federal legislation must now be accompanied by a statement of compatibility with Australia's human rights obligations, which is an important measure towards ensuring the elimination of systemic racial discrimination.

Other national policy frameworks of particular relevance to this Agenda include:

- The *Access and Equity Strategy*<sup>5</sup>
- The *Social Inclusion Agenda*<sup>6</sup>, and
- *The People of Australia – Australia's multicultural policy*.<sup>7</sup>

## **This Agenda requires leadership at all levels, and a bipartisan commitment to building racial equality.**

Achieving equality will help us protect the economic, social and political stability that is so strongly valued by Australian society. Realising equality requires support – and accountability – from leaders in all realms of our society.

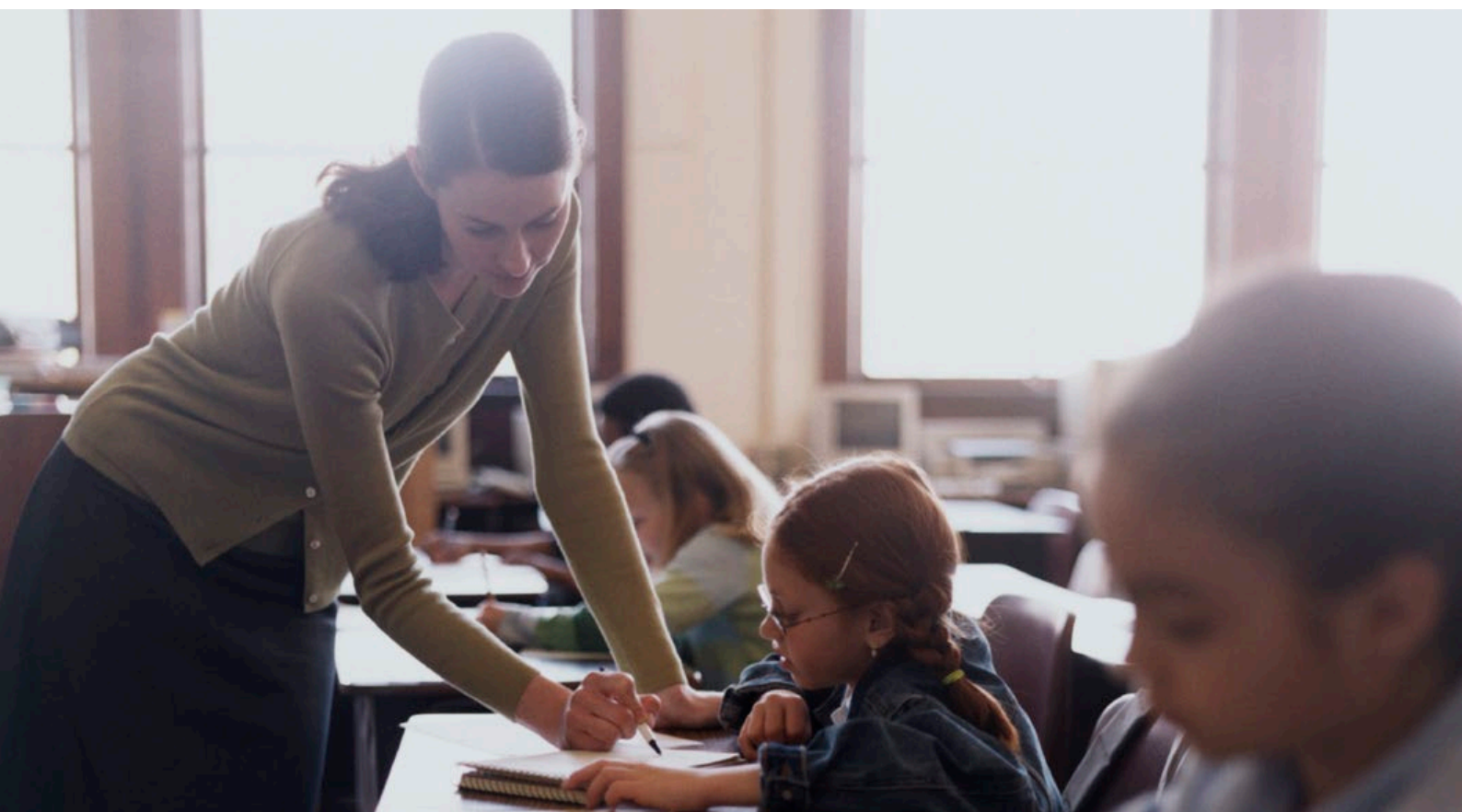
This Agenda can help to guide the work of leaders, organisations and communities that aspire to advance racial equality.

the power to make laws for all Australians except Indigenous peoples, who are left in the control of the states. The *Immigration Restriction Act 1901* is introduced and citizens of German and Austrian origin are held in camps during the war. • **1937** –The Commonwealth Government holds a national conference that agrees



# 3 Agenda for racial equality

## 3.1 Ensuring social and economic outcomes



We know there is a correlation between discrimination and disadvantage. Research shows that racial discrimination contributes to social and economic disadvantage;<sup>8</sup> likewise, social and economic exclusion can exacerbate experiences of racial discrimination.<sup>9</sup>

Racial equality requires that opportunities for social and economic inclusion are available to people of all races and ethnicities. Barriers to inclusion prevent Aboriginal and Torres Strait Islander peoples and people from culturally and linguistically diverse backgrounds from achieving equality.

We know that people in different parts of the country face different barriers and challenges.<sup>10</sup> We must use a range of solutions and tools to achieve equality: there is no single approach that will work in all situations.

### (a) Reducing inequality and improving life chances

Adequate housing, nutritious food, mental and physical health and wellbeing, and income security are recognised as fundamental human rights. Without them, it is almost impossible for individuals to achieve an adequate standard of living, let alone contribute fully to the social and economic life of our country.

uced. The *Pacific Island Labourers Bill* is also introduced to deport all South Sea Islanders from Australia.<sup>88</sup> • **1914** – World War I begins. Australian residents see that Aboriginal people ‘not of full blood’ should be ‘assimilated’ into the population.<sup>89</sup> • **1939** – World War II begins. Australian residents who were born in



emerging migrant groups such as African-Australian communities experience particular challenges in accessing affordable and appropriate housing, in health and wellbeing and, particularly for young people, in their interactions with the justice system.<sup>13</sup>

Specific policy and program approaches by all levels of government are required, so that all individuals have an equal opportunity to achieve their potential and contribute to the prosperity of the whole community.

At times, special measures will be necessary to ensure that people of a particular race enjoy rights and freedoms equally with others.<sup>14</sup>

The Council of Australian Governments (COAG) has made significant commitments to address Aboriginal and Torres Strait Islander disadvantage through the *Closing the Gap* strategy.<sup>15</sup> The Government has also committed to develop and implement a *National Human Rights Action Plan* to improve the protection and promotion of human rights, building in indicators to ensure that we can measure progress.<sup>16</sup> Efforts in these areas are to be commended.

However, to be effective, the *National Human Rights Action Plan* will need to complement and reinforce the *Closing the Gap* strategy, as well as other national strategies to address issues such as housing affordability, homelessness and violence against women and children.

A commitment by the Federal Government to engage with Aboriginal and Torres Strait Islander and culturally and linguistically diverse communities in the implementation of these strategies will also be critical to ensure that specific human rights issues experienced by these communities are addressed.

**Priority:** *Advocate for Government policies and programs to be implemented in ways which protect and promote the human rights of all racial and ethnic groups in Australia*

**(b) Supporting sustainable employment outcomes**

**Aboriginal and Torres Strait Islander peoples**

Our Aboriginal and Torres Strait Islander peoples comprise 2.5 per cent of our overall population.<sup>17</sup> Yet they experience a disproportionately high rate of unemployment: 16 per cent of Aboriginal and Torres Strait Islander Australians are unemployed, compared with a rate of around 5 per cent of the general population.<sup>18</sup>

In reality, different racial and ethnic groups in Australia enjoy these rights to differing degrees – often as a result of structural and systemic discrimination.

Aboriginal and Torres Strait Islander peoples experience demonstrable inequality. Compared to other Australians, they experience poorer outcomes in housing, health, income security and life expectancy,<sup>11</sup> higher rates of family violence and over-representation in the criminal justice system.<sup>12</sup>

Barriers to equality and to full participation also exist in culturally and linguistically diverse communities. For example, new and

enemy countries are interned in camps.<sup>90</sup> Jewish refugees fleeing Europe were also interned as ‘enemy aliens’. • **1945** – Post-war migration program is set **1947** – Australia signs an agreement with the International Refugees Organization to accept 12 000 displaced people per year from Europe.<sup>92</sup> This marks the s

Improving the employment participation of Aboriginal and Torres Strait Islander peoples is a key factor in reducing individual and family disadvantage, and it benefits the population as a whole. Research has shown that increasing the proportion of the Aboriginal and Torres Strait Islander population in the workforce, particularly in skilled and well-remunerated positions, will make a significant contribution to the national economy.<sup>19</sup>

Different approaches to support Aboriginal and Torres Strait Islander peoples in gaining and sustaining employment are needed, to reflect differences between communities. While around a third of Aboriginal and Torres Strait Islander peoples live in major cities, about a quarter live in remote or very remote communities in which the employment and education options are very different.<sup>20</sup>

Partnerships between public and private sector employers, communities and education providers to deliver training, mentoring and job opportunities have the potential to lead to real, systemic outcomes for Aboriginal and Torres Strait Islander peoples and communities. Where these approaches are successful, they should be built on and shared.<sup>21</sup>

### Refugees and new migrant groups

In 2011-12, Australia granted 184 998 permanent visas, which included 125 755 from the skill stream and 58 604 from the family reunion stream. In addition, 13 759 people were granted visas under Australia's humanitarian program.<sup>22</sup>

The economic benefit of migration is well established.

Modelling by Access Economics has indicated that the cohort of migrants arriving in Australia in any one year contributes \$535 million to the federal budget in their first 12 months. This rises to \$1.3 billion by their 20th year.<sup>23</sup>

Humanitarian settlement in regional and rural areas has led to the filling of critical labour shortages in agriculture and primary industries, and the revitalisation of areas experiencing population decline.<sup>24</sup>

Businesses are increasingly recognising the benefits of building a workforce that includes migrants: they attract high quality staff from a broader talent pool, increase their ability to cater for new national and international markets, and improve their public image.<sup>25</sup>

Many migrants come to Australia with high levels of employability – indeed many arrive specifically to fill positions in occupations where there are skill shortages.

However, research indicates that some vulnerable groups find the employment pathway challenging – most notably those who arrive through the humanitarian and family reunion programs.<sup>26</sup>

Government has made a great deal of investment in developing avenues to employment for these groups. The recently launched Migration Council of Australia will assist in building partnerships between corporate Australia, the community sector and Government, which will be valuable in consolidating that investment.<sup>27</sup>

Nevertheless, newly arrived refugee and migrant groups can face a range of systemic barriers in gaining sustainable employment. Research demonstrates the consequences of these barriers not only for their financial security but for health and wellbeing.<sup>28</sup>

Continued investment in settlement services, training and employment programs and support for businesses and employers will help create sustainable employment outcomes and support these communities' financial independence.<sup>29</sup> It will also increase the already substantial contribution that migrants and their families make to the Australian economy.

**Priority:** *Identify opportunities to support and promote good practice initiatives to achieve employment outcomes for vulnerable racial and ethnic groups*

### (c) Recognition of overseas qualifications

The need to improve processes for recognition of overseas qualifications is a persistent theme in consultations with culturally and linguistically diverse communities, and is an issue that has been raised in complaints to the Commission.

Where people with qualifications gained overseas are unable to have these recognised in Australia, their opportunities to achieve meaningful and sustainable employment are severely limited. This strongly affects their ability to make a productive contribution to the Australian community and places them at risk of long-term economic disadvantage.

Balancing the standards required in professions and industries in Australia with the potential skills that can be brought into different sectors can be enormously complex.

There is merit in working collaboratively with regulatory bodies to identify any institutional practices that may unfairly discriminate on the basis of race.

Addressing any such barriers would help to ensure that the skills of people who migrate to Australia are fully utilised, and in turn, benefit them, their families and the community as a whole.

**Priority:** *Work with bodies that regulate professions to identify and address any systemic inequalities in the recognition of overseas qualifications*

#### **(d) Supporting inclusive education**

Education is a critical factor for ensuring that young people have the skills and capacity to shape their own futures and make a strong and positive contribution to the community.

It is important that all educational settings are inclusive of, and responsive to, children and young people from all racial and ethnic backgrounds and that the school curriculum adequately reflects Australia's history.

Much work is already being done to progress this through the creation of a National Curriculum. The curriculum will give special attention to Aboriginal and Torres Strait Islander histories and cultures and Australia's engagement with Asia.<sup>30</sup>

Including human rights in the National Curriculum would help to create a stronger foundation for specific programs to prevent bullying and discrimination, and promote inclusion and respect for diversity.<sup>31</sup> This work has the potential to be extended across our educational system, from pre-school and primary to secondary levels.<sup>32</sup>

Improving educational achievement and completion rates for year 12 are key factors in improving outcomes for Aboriginal and Torres Strait Islander young people.<sup>33</sup> We also know that there are significant challenges facing young people who arrive in Australia through humanitarian settlement channels.<sup>34</sup>

Again, these issues are complex. On the one hand, schools are a gateway: they prepare and equip students to seize their future

opportunities. At the same time, though, all schools must manage immediate competing demands – many of which arise from the diversity of student backgrounds, and relate directly to a young person's wellbeing.

Research showing that a number of young people across Australia have experienced racism at school is cause for concern.<sup>35</sup> However, many positive initiatives are taking place to build culturally competent and inclusive schools.

Some schools and education departments have adopted specific anti-racism strategies to complement efforts to deal with bullying and harassment.<sup>36</sup> Others have created curriculum tools that support multicultural classrooms.<sup>37</sup> These initiatives should be supported and shared, as they contribute to ensuring that all young people can enjoy equality of opportunity at school.

**Priority:** *Identify opportunities for partnerships to support the inclusiveness of the education system for young people of all racial and ethnic backgrounds*

#### **(e) Investing in language proficiency and competency**

English proficiency is a key to accessing education and employment opportunities, and building social cohesion. At the same time, though, we must protect against the loss of culture and identity that can arise when individuals lose the language of their origins. This is especially true for Aboriginal and Torres Strait Islander peoples.

The majority of Aboriginal and Torres Strait Islander populations report speaking English at home (83 per cent in the 2011 census).<sup>38</sup> For this group, the critical issue is loss of indigenous languages: only 9 per cent spoke both English and an indigenous language well.

For migrants from non-English speaking countries, though, the issue is different. Research indicates that the employment rate for people with low English proficiency is very low: around 36 per cent.<sup>39</sup>

Investing in support for newly arrived communities to increase English proficiency is essential for both social and economic participation. New and emerging communities, such as those recently arrived from Africa, clearly identify the need for increased English language training as central to their participation in vocational training and employment.<sup>40</sup>

signs the *International Convention on the Elimination of All Forms of Racial Discrimination* (which it ratifies in 1975). • **1967** – 92 per cent of Australians support  
announces that the national immigration policy will not discriminate on the basis of nationality.<sup>94</sup> • **1975** – *Racial Discrimination Act 1975* (Cth) passes, prohibi

Coupled with this is the need for effective and accessible translation and interpreter services that allow people to participate in an informed way in decisions that affect their lives. This is of concern both to migrant communities and for Aboriginal and Torres Strait Islander communities in remote parts of Australia. Around 47 per cent of Aboriginal peoples speak an Indigenous language at home in remote areas, compared to only 0.5 per cent in major cities.<sup>41</sup>

Agencies face a number of difficulties in providing such services, including lack of adequate funding, lack of training on identifying the need for interpreters, insufficient time to engage interpreters, unavailability of interpreters, and client lack of awareness of interpreter services.<sup>42</sup>

It is vital that we continue to improve access to quality accredited interpreting and translation services to build the capacity of individuals, communities and services.

**Priority:** Engage with the settlement sector to address barriers to the use of qualified interpreters in service delivery

#### **(f) Improving cultural competence for appropriate and quality service provision**

Cultural competence has been defined as: “A set of congruent behaviours, attitudes, and policies that ... enable [a] system, agency or those professions to work effectively in cross-cultural situations”.<sup>43</sup>

It requires much more than awareness of cultural beliefs and practices: it demands the integration of culture into the delivery of services. To become culturally competent, a system needs to:

- acknowledge and value diversity, both within and between cultures
- have the capacity for cultural self-assessment
- be conscious of the dynamics that occur when cultures interact
- institutionalise cultural knowledge
- adapt policies, practices and service delivery to reflect the diversity between and within cultures.<sup>44</sup>

Cultural competency is a concept that is generally not well understood – let alone consistently applied – by service providers.<sup>45</sup>

When it is applied, it ensures that services and supports delivered by government, non-government and private organisations are appropriate and accessible to all people, regardless of race. This is particularly important where there is a risk of significant breaches of human rights– such as in delivery of health services or engagement with the law and justice system.

At the federal level, there is a pressing need to better employ cultural competence to improve service delivery and interface with specific communities.<sup>46</sup>

**Priority:** Partner with public sector agencies to improve cultural competence in the delivery of government services



## 3.2 Building a strong legal framework

Legal protections form a strong basis for efforts to achieve racial equality in Australia.

We have had domestic legal protections against racial discrimination in place since the *Racial Discrimination Act 1975* (Cth) was introduced. Our ratification of the *Convention on the Elimination of All Forms of Discrimination* provides the foundation for these protections, and Australia's periodic reporting under the Convention provides opportunities to assess our progress. However, there is more that we can achieve.

### (a) Improving protections against discrimination

At the time of developing this Agenda, the Australian government is moving to consolidate all federal anti-discrimination laws into one domestic law. This means that the current provisions of the *Racial Discrimination Act 1975* (Cth) will be built into a single anti-discrimination law. The Federal Government has made it clear that existing protections will be upheld through the consolidation process.<sup>47</sup>

Anti-discrimination legislation promotes equality of access to the areas of public life that are essential for social and economic inclusion, such as employment, housing and provision of goods and services. These laws have been in place since the 1970's and demonstrate Australia's strong, and bipartisan, commitment to prevent and reduce discrimination in all areas of public life.

The development of a consolidated anti-discrimination act will ideally serve to make federal discrimination laws easier to understand, enforce and comply with, and thus more effective.<sup>48</sup>

It also provides an important opportunity for the Commission to work closely with organisations in the private and public sphere, and support them to meet their obligations to prevent discrimination on the basis of race and other attributes.

**Priority:** *Develop resources to help business understand and comply with their obligations regarding racial discrimination under Federal law*

### (b) Constitutional Recognition of Aboriginal and Torres Strait Islander peoples

In late 2010 the Prime Minister established an Expert Panel to look at possible reform to formally recognise Aboriginal and Torres Strait Islander peoples in the Constitution.

The report and recommendations arising from the Expert Panel's extensive consultative process were handed to the Prime Minister on 19 January 2012.<sup>49</sup> The question of when a referendum will be held on this important issue is yet to be determined by the Government.

The Panel has made a number of recommendations to address the lack of recognition of Aboriginal and Torres Strait Islander peoples in Australia's Constitution, and the constitutional authorisation of racial discrimination.

These are historical legacies which were not addressed at the time of the 1967 constitutional referendum, which gave Federal Parliament the power to make laws in relation to Aboriginal and Torres Strait Islander peoples and allowed for Aboriginal and Torres Strait Islander peoples to be included in the census.

The Commission has expressed strong support for the Expert Panel's recommendations.<sup>50</sup>

If change is to be achieved, we must build community understanding of the proposed constitutional amendments and their significance as a priority. Although this work is being led by other agencies, the *Racial Discrimination Act 1975* (Cth) creates a clear mandate for the Commission to support all efforts to gain equality for Aboriginal and Torres Strait Islander peoples.<sup>51 52</sup>

**Priority:** *Support the community education campaign for constitutional recognition of Aboriginal and Torres Strait Islander peoples*

### (c) Supporting the implementation of the Declaration of the Rights of Indigenous Peoples

The Declaration, formally supported by Australia in April 2009, recognises the rights of indigenous peoples across the world.

It incorporates the rights to self-determination; participation in decision-making and free, prior and informed consent; respect for and protection of culture, and equality and non-discrimination.

While the Declaration is a non-binding instrument, it provides a valuable framework to inform the work of government in all of its dealings with Aboriginal and Torres Strait Islander peoples.

The Declaration also informs the particular protections the *Racial Discrimination Act 1975* (Cth) offers to Aboriginal and Torres Strait Islander peoples, such as the right to equality and non-

war. By the 1981 census, the Vietnamese population had grown to over 121 000.<sup>95</sup> • **1978** – The first federal multicultural policies are implemented. These include the Equity Strategy to ensure equitable access to government services for migrants. • **1987** – The Royal Commission into Aboriginal Deaths in Custody established

discrimination. For example, the Declaration recognises that while Indigenous peoples are equal to all other peoples, they have the right to be different, and to be respected as such.<sup>53</sup>

To this end, the Declaration is a valuable tool for pursuing the realisation of racial equality for Aboriginal and Torres Strait Islander peoples.

**Priority:** *Advocate for the implementation of the Declaration of the Rights of Indigenous Peoples.*

**(d) Protection of workplace rights for all people, including temporary migrant workers**

Current public debate about workplace shortages and skills has not adequately canvassed the options for maximising the use of existing labour, including the contributions of those who have recently settled in Australia.

The fact that this debate is taking place at a time when economic conditions and financial insecurity raise concern about the protection of jobs within the Australian workforce has led to a worrying tone of xenophobia in many instances.<sup>54</sup>

In fact, economic stability and opportunity for Australian workers is best safeguarded when all employees' rights are protected. That includes the rights of migrant workers, including temporary overseas workers.

There is a broad need to ensure that rights of all workers and the obligations of all employers are clearly communicated and upheld. This is particularly critical where overseas workers may not be aware of domestic protections, or may be concerned about the ramifications of asserting their workplace rights.<sup>55</sup>

While these issues remain the primary responsibility of other federal regulators such as Fair Work Australia, potentially discriminatory practices or barriers that exist for any workers contribute to social and economic inequality.

**Priority:** *Work with employer bodies, unions and other regulators to identify and address practices which may contribute to employment discrimination*



clude the establishment of SBS as the national broadcaster for linguistically diverse communities. • 1985 – The Federal Government releases the Access and d. Its report, released four years later, made 339 recommendations.<sup>96</sup> • 1991 –The Report of National Inquiry into Racist Violence is tabled in Federal Parliament.

### 3.3 Preventing racism and racial hatred

Racism is poorly understood in Australia. Many people are very cautious about naming racist behaviour - research shows that those who do not experience racism believe that it involves major incidents or acts of violence on a scale that is, thankfully, rarely seen in this country.<sup>56</sup> Few recognise that seemingly low-level behaviour can escalate into – or at least soften the environment for – acts of harassment, intimidation or violence.<sup>57</sup>

If we are to achieve racial equality, we must work to prevent racism, racial hatred and racial violence. In order to do this, we first need to acknowledge that racism does exist in Australia and learn to name racist behaviour when it occurs. The *National Anti-Racism Strategy* provides an important opportunity to progress this.

#### (a) Raising awareness of racism and supporting responses to it

Key objectives of the National Anti-Racism Strategy are to create awareness of racism and its impacts and to empower individuals and communities to prevent and respond to racism where it occurs, with a specific focus on youth engagement.

Racism comes in many forms and can have serious consequences for the people who experience it. The experience of racism can directly reduce an individual's ability to contribute to, and participate fully in, community life, which can further entrench inequality.<sup>58</sup>

We need to create better community understanding about the damaging effects of racism and encourage all sectors of the community to play a role in addressing it. There are many encouraging initiatives taking place around Australia which provide a strong foundation for this work.<sup>59</sup>

There is also potential to build on the Australian work that is starting to identify what bystanders can do in response to racism. There is scope for development of targeted initiatives to support bystanders in all areas of life – schools, sport, workplaces, public spaces – to speak up when they witness racism and provide support to the person experiencing it, in a similar way to approaches to address bullying.<sup>60</sup>

**Priority:** *Implement the National Anti-Racism Strategy with a particular focus on young people*

#### (b) Combating cyber racism as an emerging form of bullying and racial hatred

Almost one quarter of racial hatred complaints to the Commission in 2010-2011 focused on material conveyed over the internet, including through email, webpages and chat-rooms.<sup>61</sup>

It is important that we work to both build a greater understanding of the harm caused by cyber-racism and to identify ways to combat it.

Social media and social marketing provide opportunities to harness the positive potential of the internet, to educate the community about racism and how to respond to it, and to empower internet users to participate in positive social change.

The Commission is currently building its expertise in this area through the BackMeUp cyber bullying project, which aims to help young people safely utilise online technologies.<sup>62</sup> We will continue to collaborate with industry and other stakeholders to develop new approaches.

Consideration also needs to be given to strengthening regulation and to co-operative work between industry and regulators to improve responses to cyber-racism. The Commission has undertaken work in this area in the past on which there is potential to build in the future.<sup>63</sup>

**Priority:** *Build on previous work of the Commission to improve industry, regulatory and community responses to cyber-racism*

#### (c) Improving responses to racial hatred and violence

There has recently been an increased public focus on balancing the right to freedom of expression with the prohibition of racial hatred in the *Racial Discrimination Act 1975* (Cth).

Freedom of expression is an important human right that underpins a robust democracy. Like most other human rights, it is not absolute. When freedom of expression intersects with the right to equality and non-discrimination, the law must provide a means of resolving that conflict.

We know that racial abuse, harassment, intimidating and threatening behaviour and public commentary that inflames hostility towards people of certain racial or ethnic backgrounds has a real impact on individuals and communities in Australia.<sup>64</sup>

• **1992** – High Court overturns the doctrine of *Terra Nullius*, finding that all Aboriginal peoples have the right to claim ownership of their traditional land (the *Mabo* decision). • **1995** – The *Racial Discrimination Act 1975* (Cth) is amended to make racial vilification unlawful. • **1998** – The One Nation party wins 22 per cent of votes in the Queensland state election.





However, it is important to ensure that laws intended to address such conduct are effective in achieving their objectives.

The office of the Race Discrimination Commissioner has a key role to play in dialogue with government and with the broader community on these issues.

Guided by our obligations under the *Convention on the Elimination of All Forms of Racial Discrimination*, it is also important that we develop mechanisms to better understand and address racial violence.

In 1991 the then Human Rights and Equal Opportunity Commission released a comprehensive report on the findings of the National Inquiry into Racist Violence. The report concluded that racist violence exists in Australia at a level that is cause for concern and should be addressed.

The report made a number of recommendations including enacting provisions at the Federal level which criminalise racial violence and incitement to racial hatred, and removing Australia's reservation to Article 4(a) of the *Convention on the Elimination of All Forms of Racial Discrimination* which requires that state parties implement such provisions.<sup>65 66</sup>

However, Australia's reservation to Article 4(a) of the *Convention on the Elimination of All Forms of Racial Discrimination* remains in place and there are no criminal provisions relating to racial violence or incitement to racial hatred in Federal law.<sup>67</sup> While some states and territories have laws which criminalise serious racial vilification or take account of whether other crimes are motivated by racial hatred or prejudice, these laws are inconsistent across the country.<sup>68</sup>

Further, there is currently no comprehensive process in Australia for collecting data on crimes motivated by racial hatred or prejudice. Building our knowledge and understanding of the nature and incidence of racially motivated violence can:

- inform policy responses by different levels of government to ensure the safety of vulnerable groups;
- better equip law enforcement agencies to deal with these issues; and
- contribute to the development of law reform initiatives at state and federal level.<sup>69</sup>

The particular harm to the individual, their community and broader Australian society caused by crimes motivated by racial hatred or prejudice has been recognised in cases in which they have been prosecuted.<sup>70</sup> In order to adequately address racial violence it is important to strengthen the legal framework and responses by law enforcement agencies across the country.

The Federal Government has committed, in response to the United Nations Universal Periodic Review process, to review all reservations under international conventions.<sup>71</sup> The review of Australia's reservation to 4(a) of the *Convention on the Elimination of All Forms of Racial Discrimination* will be an important step in progressing these objectives.

**Priority:** *Contribute to any consideration of changes to Australia's legal protections in relation to racial hatred and violence*

abo decision). • **1992** – Mandatory immigration detention is introduced for all unauthorised arrivals. • **1995** – The *Racial Hatred Act* is passed, amending the Act on a platform of immigration restrictions, and the repeal of multicultural policies and the Racial Discrimination Act.<sup>97</sup> • **1998** – The Federal Government's

## 3.4 Leadership in support of Australia's diverse communities

Promoting cultural diversity and supporting racial equality depends on leadership at the political, business and community levels. There are many areas of public life that would benefit from a greater connection to the full, diverse extent of talent available to us as a country.

Sport provides excellent examples of adopting inclusive practices and zero tolerance of racism – and the resulting business benefits of new talent and expanded spectator markets that can follow.<sup>72</sup>

Some gains have also been made in other spheres: such as employment in the public and private sectors, and in the arts. But the diversity of our community is not yet reflected in senior levels of management or on boards, or in the faces of our media and entertainment industries.<sup>73 74</sup> There is still a cultural glass ceiling.

### (a) Encouraging leadership in employment to support equal participation at all levels

Identifying barriers to equal participation in employment, including racism in the form of unconscious bias, is important even for those workplaces which have comprehensive diversity programs.

The lack of cultural diversity in the senior ranks of companies and on boards highlights the fact that equality must focus on progression as well as recruitment, and become part of overall business planning.

Businesses prosper when they reflect the characteristics of their markets in their management profile.<sup>75</sup> Diversity also leads to innovation: a critical attribute for Australian businesses at a time when the world economy is being reshaped.

There is a need to continually build the business case for promoting equality and tackling racism. This work will rely on constructive, collaborative partnerships with the private sector.

**Priority:** Support initiatives to improve cultural diversity in the leadership of private and public sector agencies

### (b) Enhancing diversity of representation in the entertainment industry

Social cohesion would be reinforced and supported if our entertainment industry better reflected and represented the many cultures of the Australian community.<sup>76</sup>

The importance of the entertainment industry is often underestimated; however, it plays a crucial role in shaping the public's values and opinions. It has been recognised internationally that protecting and recognising cultural diversity in the entertainment industry is an important element of building strong and resilient communities.<sup>77</sup>

We are increasingly hearing calls for people from different racial backgrounds to be visibly represented in the entertainment industry, in recruitment, casting and programming activities.<sup>78</sup>

Ideally, these goals should be realised through a voluntary process that builds on successful cultural diversity programs overseas. Programs developed through alliances between industry and its representative bodies can build an industry that better reflects the market that it serves.

**Priority:** Identify opportunities to work with industry and its representative bodies to encourage its diversification

### (c) Building collaboration and cooperation through the media

Recent consultations conducted by the Commission identified racial stereotyping by the media as an ongoing issue.<sup>79</sup> Of greater concern are accusations that certain sections of the industry have inflamed public hostility towards certain racial and ethnic groups.<sup>80 81 82</sup>

Freedom of the press is a key element of a robust and strong democracy. However, public debate should never be protected at the expense of stigmatising a group in the community on the basis of their race or ethnicity.

The portrayal of racial and ethnic groups and the use of race descriptors by the media require attention to ensure that particular groups are not negatively stereotyped or vilified in the process of reporting specific incidents.

There exist precedents developed in co-operation with media providers to guide responsible reporting of incidents such as suicide. Similar initiatives may be valuable in relation to reporting incidents which have a racial or ethnic dimension. These should be developed in collaboration with industry so that they are appropriate and sustainable.

**Priority:** Work with the media industry and regulatory bodies to address reporting of race issues

'Living in Harmony' program is implemented. • 2000 – Corroboree 2000 is held. Hundreds of thousands of Australians across the country show their support for Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance is held in Durban, South Africa. • 2005 – Violence against people of

# 4 Opportunities for change

This Agenda presents a very broad range of opportunities for addressing racial inequality. That breadth means that many different groups will need to be involved in its realisation – all levels of government, business, different sectors of the community, and of course, the Commission.

This work will achieve the best outcomes when it is done in partnership. We will need the contribution of many different individuals and organisations if we are to get the range of experience, understanding and information we need to progress racial equality.

Successful societies adapt to change and are enriched by it. Australia is a rare country in that it has a strong history of generally peaceful cultural and social evolution, in line with the principles of a free, secular and democratic society. We now need to build on this history, in the pursuit of achieving equality.

Encouraging changes are already taking place in many areas.

There is a broad community movement in support of a referendum on constitutional recognition of Aboriginal and Torres Strait Islander peoples.

Partnerships between employers, communities and education providers are creating positive employment, education and training opportunities for young people from different backgrounds around the country.

The National Human Rights Action Plan holds out the promise of a strong framework that can materially improve the economic and social inclusion of Aboriginal and Torres Strait Islander communities and people from culturally and linguistically diverse backgrounds.

I will support these efforts wherever possible in my capacity as Race Discrimination Commissioner as well as driving change in the particular areas highlighted in this Agenda.

**Midway through my term in 2014, and again at the conclusion of my term of Race Discrimination Commissioner in 2016, I will report on progress against the priorities identified in this Agenda. I will also report on Australia's progress more broadly in addressing the issues outlined in this Agenda.**

# (Endnotes)

- <sup>1</sup> Australian Bureau of Statistics, *Cultural Diversity in Australia: reflecting a Nation: Stories from the 2011 Census*, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2071.0main+features902012-2013> (viewed 1 July 2012)
- <sup>2</sup> Australian Bureau of Statistics, *Cultural Diversity in Australia: reflecting a Nation: Stories from the 2011 Census*.
- <sup>3</sup> Australian Bureau of Statistics, *Migration 2009-10* (16 June 2011), p39. At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/3412.0>
- <sup>4</sup> Attorney-General's Department, *Australia's Human Rights Framework*. At: <http://www.ag.gov.au/Humanrightsandantidiscrimination/Australiahumanrightsframework/Pages/default.aspx> (viewed 17 August 2012)
- <sup>5</sup> The Access and Equity framework was implemented to improve access to all government services for culturally and linguistically diverse communities. Since 2005, it commits all Australian Government agencies to regularly report on how their services work for culturally and linguistically diverse communities in terms of responsiveness, communication, accountability and leadership. See: Department of Immigration and Citizenship, *Accessible Government Services for All Annual Report* (2006). At [http://www.immi.gov.au/about/reports/accessible\\_government/](http://www.immi.gov.au/about/reports/accessible_government/)
- <sup>6</sup> The Social Inclusion Agenda was implemented in 2008 as part of a whole-of-government response to addressing disadvantage, also works to improve the quality of government services. It focuses on improving the life chances of children at greatest risk of long term disadvantage; reducing the incidence of homelessness; improving outcomes for people living with disability or mental illness and their carers; closing the gap for Indigenous Australians; and breaking the cycle of entrenched and multiple disadvantage in particular neighbourhoods and communities. See: Department of the Prime Minister and Cabinet, *A Stronger, Fairer Australia* (2009), p17. At <http://www.socialinclusion.gov.au/resources/aust-govt-publications>
- <sup>7</sup> In February 2011, the Government announced its multicultural policy, The People of Australia. Initiatives under the policy include: establishing the Australian Multicultural Council; a review of the Access and Equity Framework; implementing the Multicultural Youth Sports Partnership Program; and developing a National Anti-Racism Partnership and Strategy. See: Australian Government, *The People of Australia: Australia's Multicultural Policy*, launched on 16 February 2011. At <http://www.immi.gov.au/living-in-australia/a-multicultural-australia/multicultural-policy>
- <sup>8</sup> Y Paradies, L Chandrakumar, N Klocker, M Frere, K Webster, M Burrell, & P McLean, *Building on our strengths: a framework to reduce race-based discrimination and support diversity in Victoria: Full report* (2009).
- <sup>9</sup> M Ruteere, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2012) UN Doc. HRC/20/33
- <sup>10</sup> Australian Human Rights Commission, *National Anti-Racism Strategy consultation report* (2012).
- <sup>11</sup> Australian Bureau of Statistics, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples* (29 October 2010). At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4704.0>
- <sup>12</sup> In 2011, Aboriginal and Torres Strait Islander peoples made up 26% of the prisoner population. Australian Bureau of Statistics, *Prisoners in Australia 2011* (2011). At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4517.0/>
- <sup>13</sup> Australian Human Rights Commission, *In our own words: African Australians: A review of human rights and social inclusion issues* (2010). At <http://www.hreoc.gov.au/africanaus/review/index.html>
- <sup>14</sup> Australian Human Rights Commission, *Guide to the RDA – Special Measures*. At: [http://www.humanrights.gov.au/racial\\_discrimination/guide\\_law/special\\_measures.htm](http://www.humanrights.gov.au/racial_discrimination/guide_law/special_measures.htm) (viewed 17 August 2012)
- <sup>15</sup> Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap*, <http://www.fahcsia.gov.au/our-responsibilities/indigenous-australians/programs-services/closing-the-gap> (viewed 3 August 2012).
- <sup>16</sup> Attorney-General's Department, *Australia's National Human Rights Action Plan*. At <http://www.ag.gov.au/Humanrightsandantidiscrimination/Australiahumanrightsframework/Pages/NationalHumanRightsActionPlan.aspx> (viewed 17 August 2012)
- <sup>17</sup> Australian Bureau of Statistics, *Aboriginal and Torres Strait Islander Peoples profile*, Cat no. 2002.0 (2011).
- <sup>18</sup> Australian Bureau of Statistics, *Labour Force Characteristics of Aboriginal and Torres Strait Islander Australians, Estimates from the Labour Force Survey* (released 26 July 2012). At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6287.0/>
- <sup>19</sup> Access Economics, *An overview of the economic impact of Indigenous disadvantage* (2008), vi. At <http://www.reconciliation.org.au/home/archived-pages/strong-economic-case-for-closing-the-gap>
- <sup>20</sup> Australian Bureau of Statistics, *4705.0 - Population Distribution, Aboriginal and Torres Strait Islander Australians*, 2006. At <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4705.0Main+Features12006?OpenDocument>
- <sup>21</sup> For example, GenerationOne is a not-for-profit organisation that aims to provide employment and education opportunities for Aboriginal and Torres Strait Islander peoples (<http://generationone.org.au/about/>); and the Australian Employment Covenant, a national industry-led initiative to close the gap in employment (<http://www.fiftythousandjobs.org.au/>).
- <sup>22</sup> Department of Immigration and Citizenship, *2011-12 Migration Program Report* (2012), p16. At <http://www.immi.gov.au/media/statistics/pdf/report-on-migration-program-2011-12.pdf>
- <sup>23</sup> Access Economics, *Migrants Fiscal Impact Model: 2008 Update* (2008), ii. At <http://www.immi.gov.au/media/publications/research/>
- <sup>24</sup> Refugee Council of Australia, *Economic, civic and social contributions of refugee and humanitarian entrants* (2010), p15. At <http://www.refugeecouncil.org.au/settlement/resources.php>
- <sup>25</sup> The European Commission, *The Business Case for Diversity: Good practices in the Workplace* (2005). At <http://ec.europa.eu/social/main.jsp?catId=370&langId=en&featuresId=25>

passed in response to the Northern Territory Government's *Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, or 'Little Children are Sacred' Declaration on the Rights of Indigenous Peoples is adopted by the United Nations. • 2008 – The Australian government formally apologises to Aboriginal and Torres Strait Islander peoples.

- <sup>26</sup> The study showed that 31% of humanitarian visa holders were employed five years after arrival in Australia, compared to 84% of skilled migrants. A significant proportion of humanitarian entrants were engaged in study. Department of Immigration and Citizenship, *Settlement outcomes of new arrivals* (2011), p27. At <http://www.immi.gov.au/media/publications/research/>.
- <sup>27</sup> Migration Council of Australia, *Migration Council Australia launched*, media release, 1 August 2012
- <sup>28</sup> 35% of humanitarian visa holders said that they often used their highest qualification in their main job. Only 2.7% of humanitarian visa holders reported earning over \$62,605, compared to 38% of skilled migrants. Department of Immigration and Citizenship, *Settlement outcomes of new arrivals* (2011), p30 and 32. Research also indicates that new migrants who are overqualified for their jobs are more likely to suffer from mental illness if they are unable to secure meaningful employment after 3.5 years. Western Australian Institute for Medical Research, 'Skilled Migrants in Low Paid Jobs Risk Depression' (2012). At [http://www.waimr.uwa.edu.au/news/2012.08.07\\_Skilled-Migrants-in-Low-Paid-Jobs-Risk-Depression.html](http://www.waimr.uwa.edu.au/news/2012.08.07_Skilled-Migrants-in-Low-Paid-Jobs-Risk-Depression.html)
- <sup>29</sup> AMES Victoria, *Inquiry into Multiculturalism in Australia*, Submission to Joint Standing Committee Inquiry into Multiculturalism (2011), p16. At <http://www.ames.net.au/documents/policy-responses/inquiry-into-multiculturalism>
- <sup>30</sup> Australian Curriculum, Assessment and Reporting Authority, *The Shape of the Australian Curriculum version 3* (2011), p 22. At <http://www.acara.edu.au/curriculum/curriculum.html>.
- <sup>31</sup> Australian Human Rights Commission, *Human rights education in the national school curriculum: position paper of the Australian Human Rights Commission* (2011). At <http://www.hreoc.gov.au/education/positionpaper/index.html#fnB1>.
- <sup>32</sup> Department of Education, Employment and Workplace Relations, *National Curriculum*. At <http://www.deewr.gov.au/Schooling/Programs/Pages/rnc.aspx>.
- <sup>33</sup> In 2008, COAG identified six targets to address the disadvantage faced by Indigenous Australians one of which was to halve the gap for Indigenous students in Year 12 (or equivalent) attainment rates by 2020. See COAG, *Closing the Gap in Indigenous Disadvantage*, [http://www.coag.gov.au/closing\\_the\\_gap\\_in\\_indigenous\\_disadvantage](http://www.coag.gov.au/closing_the_gap_in_indigenous_disadvantage) (viewed 3 August 2012). Gaps remain between the educational outcomes of Aboriginal and Torres Strait Islander students and other students with evidence from across Australia showing that the more remote the community the poorer the student outcomes. This is clear on all indicators including participation in early childhood education, literacy and numeracy, attendance, retention, and post-school transitions. See Ministerial Council for Education, Early Childhood Development and Youth Affairs, *Aboriginal and Torres Strait Islander Education Action Plan 2010 – 2014*, p 7. At [http://www.coag.gov.au/closing\\_the\\_gap\\_in\\_indigenous\\_disadvantage#Investments in Schooling](http://www.coag.gov.au/closing_the_gap_in_indigenous_disadvantage#Investments in Schooling)
- <sup>34</sup> Australian Human Rights Commission, *In our own words - African Australians: A review of human rights and social inclusion issues* (2010), pp 13, 20, 26, 29-30, 40-43, 46 and 48-53; Victorian Equal Opportunity and Human Rights Commission, *Rights of passage – two years on* (2010). At [http://www.humanrightscommission.vic.gov.au/index.php?option=com\\_k2&view=item&layout=item&id=1165&Itemid=654#](http://www.humanrightscommission.vic.gov.au/index.php?option=com_k2&view=item&layout=item&id=1165&Itemid=654#); Department of Immigration and Citizenship, *Settlement Outcomes of New Arrivals* (2011). At <http://www.immi.gov.au/media/publications/research/>; Foundation House, *Barriers to and facilitators of utilisation of mental health services by young people of refugee background* (2012). At [http://www.foundationhouse.org.au/resources/publications\\_and\\_resources.htm](http://www.foundationhouse.org.au/resources/publications_and_resources.htm).
- <sup>35</sup> F Mansouri, L Jenkins, L Morgan and M Taouk, *The impact of racism upon the health and wellbeing of young Australians* (2009), pp 19, 54-55, 83-84 and 103. At [http://www.fya.org.au/wp-content/uploads/2010/05/Impact\\_of\\_Racism\\_FYA\\_report.pdf](http://www.fya.org.au/wp-content/uploads/2010/05/Impact_of_Racism_FYA_report.pdf).
- <sup>36</sup> For example, all public schools in New South Wales are required to have an Anti-Racism Contact Officer (<http://www.schools.nsw.edu.au/learning/yrk12focusareas/antiracism/index.php>)
- <sup>37</sup> For example, the Victorian Department of Education and Early Childhood Development has implemented a strategy for Education for Global and Multicultural Citizenship (2009). At <http://www.education.vic.gov.au/studentlearning/programs/multicultural/about.htm>
- <sup>38</sup> Australian Bureau of Statistics, *Aboriginal and Torres Strait Islander Peoples (Indigenous) Profile* (2012) Cat No. 2002.0. At: [http://www.censusdata.abs.gov.au/census\\_services/getproduct/census/2011/communityprofile/0?opendocument&navpos=230](http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/communityprofile/0?opendocument&navpos=230)
- <sup>39</sup> Australian Social Inclusion Board, *Social Inclusion in Australia: How Australia is Faring* (2010) p54. At <http://www.socialinclusion.gov.au/resources/asib-publications>
- <sup>40</sup> Australian Human Rights Commission, *In our own words: African Australians: A review of human rights and social inclusion issues* (2010), p10 and 13.
- <sup>41</sup> Australian Bureau of Statistics, *National Aboriginal and Torres Strait Islander Social Survey, 2008* (30 October 2009). At <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4714.02008?OpenDocument>
- <sup>42</sup> Foundation House, *Exploring the Barriers and Facilitators to the use of qualified interpreters in health* (2012), p 6.
- <sup>43</sup> T Cross B Bazron, K Dennis, M Isaacs, *Towards a Culturally Competent System of Care: Vol. I.* (1989).
- <sup>44</sup> National Center for Cultural Competence, *Conceptual Frameworks/Models, Guiding Values and Principles*, <http://www11.georgetown.edu/research/gucchd/nccc/foundations/frameworks.html> (viewed 21 July 2012).
- <sup>45</sup> Access and Equity Inquiry Panel, *Access and Equity for a multicultural Australia* (2012), p3.
- <sup>46</sup> Australian Human Rights Commission, *Social Justice Report 2011* (2011), p150.
- <sup>47</sup> Attorney-General's Department, *Consolidation of Commonwealth anti-discrimination laws*, <http://www.ag.gov.au/Humanrightsandantidiscrimination/Australianshumanrightsframework/Pages/ConsolidationofCommonwealthantidiscriminationlaws.aspx> (viewed 29 July 2012).
- <sup>48</sup> Australian Human Rights Commission, *Consolidation of*

- Commonwealth Discrimination law: Australian Human Rights Commission Submission to the Attorney-General's Department (2011). At [http://www.hreoc.gov.au/legal/submissions/2011/20111206\\_consolidation.html](http://www.hreoc.gov.au/legal/submissions/2011/20111206_consolidation.html)
- <sup>49</sup> Expert Panel on Constitutional Recognition of Indigenous Australians, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution* (2012). At <http://www.youmeunity.org.au/final-report>
- <sup>50</sup> Australian Human Rights Commission, 'Constitutional recognition is a chance to shape a better future for us all' (Media release, 19 January 2012). At: [http://www.hreoc.gov.au/about/media/media\\_releases/2012/3\\_12.html](http://www.hreoc.gov.au/about/media/media_releases/2012/3_12.html)
- <sup>51</sup> For example, *You me unity* is an initiative, supported by a partnership of organisations, that aims to promote a national conversation about the constitutional recognition of Aboriginal and Torres Strait Islander peoples. It facilitates funding to organisations that are keen to raise awareness and community support for constitutional recognition of Aboriginal and Torres Strait Islander people. See Reconciliation Australia, *Constitutional Recognition*, <http://www.reconciliation.org.au/home/resources/constitutional-recognition> (viewed 6 August 2012); *You me unity* website at <http://www.youmeunity.org.au/> (viewed 6 August 2012).
- <sup>52</sup> Section 20 of the *Racial Discrimination Act 1975* (Cth).
- <sup>53</sup> *United Nations Declaration on the Rights of Indigenous Peoples*, preambular paragraph 2.
- <sup>54</sup> Race Discrimination Commissioner, 'Keep racism out of EMA debate' (Media Release, 31 May 2012). At [http://www.humanrights.gov.au/about/media/media\\_releases/2012/30\\_12.html](http://www.humanrights.gov.au/about/media/media_releases/2012/30_12.html).
- <sup>55</sup> Australian Council of Trade Unions, *Temporary Overseas Workers*, <http://www.actu.org.au/Issues/OverseasWorkers/default.aspx> (viewed 6 August 2012).
- <sup>56</sup> Eureka research, *The anti-racism campaign: Qualitative market research to guide campaign development*, Volume 1 - Findings and implications, Research report prepared for the Department of Immigration and Multicultural Affairs (1998) p10. At [http://www.culturaldiversity.net.au/index.php?option=com\\_content&view=article&id=944:anti-racism-reports-released-after-thirteen-years-of-suppression&catid=7:research-news&Itemid=56#Tp5vV9ydRko.twitter](http://www.culturaldiversity.net.au/index.php?option=com_content&view=article&id=944:anti-racism-reports-released-after-thirteen-years-of-suppression&catid=7:research-news&Itemid=56#Tp5vV9ydRko.twitter)
- <sup>57</sup> Eureka research, *The anti-racism campaign: Qualitative market research to guide campaign development* (1998) p11.
- <sup>58</sup> Australian Human Rights Commission, *National Anti-Racism Strategy* (2012).
- <sup>59</sup> Australian Human Rights Commission, *National Anti-Racism Strategy consultation report* (2012).
- <sup>60</sup> J Nelson, K Dunn, Y Paradies, A Pedersen, S Sharpe, M Hynes, & B Guerin, *Review of bystander approaches in support of preventing race-based discrimination* (2010). At <http://www.vichealth.vic.gov.au/Publications/Freedom-from-discrimination/Bystander-approaches-in-support-of-preventing-race-based-discrimination.aspx>
- <sup>61</sup> Australian Human Rights Commission, *Annual Report 2010-11* (2011). At [http://www.humanrights.gov.au/about/publications/annual\\_reports/2010\\_2011/appendices2.html](http://www.humanrights.gov.au/about/publications/annual_reports/2010_2011/appendices2.html)
- <sup>62</sup> <http://somethingincommon.gov.au/backmeup>
- <sup>63</sup> Australian Human Rights Commission, *Cyber-racism fact sheet*, [http://www.humanrights.gov.au/racial\\_discrimination/publications/cyberracism\\_factsheet.html#s5](http://www.humanrights.gov.au/racial_discrimination/publications/cyberracism_factsheet.html#s5) (viewed 17 August 2012)
- <sup>64</sup> See for example, the submission by the Executive Council of Australian Jewry to the National Anti-Racism Strategy: 'Expressions of hatred and vilification of members of identified communities which are identified by race and which are based on negative stereotypes of the characteristics shared by members of those communities, amount to more than offence, more than "only words" and more than hurt feelings. It is conduct which has the effect of generating not just ill-feeling against members of a particular group but also a sense that vilification is socially acceptable, and of impliedly justifying acts of violence or discrimination against them....Racial vilification is particularly harmful because it contributes to a climate of hatred and violence towards marginalised or disempowered sectors of the community. Vilification of entire groups of people is harmful to members of those groups because it undermines, and can ultimately destroy, the sense of safety and security with which they go about their daily lives.' At: <http://www.humanrights.gov.au/antiracism/consultation.html> (viewed 17 August 2012)
- <sup>65</sup> Human Rights and Equal Opportunity Commission, *Racist Violence: Report of National Inquiry into Racist Violence in Australia* (1991)
- <sup>66</sup> Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination: Australia* (2010).
- <sup>67</sup> Australia's reservation reads: 'The Government of Australia ... declares that Australia is not at present in a position specifically to treat as offences all the matters covered by article 4 (a) of the Convention. Acts of the kind there mentioned are punishable only to the extent provided by the existing criminal law dealing with such matters as the maintenance of public order, public mischief, assault, riot, criminal libel, conspiracy and attempts. It is the intention of the Australian Government, at the first suitable moment, to seek from Parliament legislation specifically implementing the terms of article 4 (a)'. At [http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&lang=en#EndDec](http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&lang=en#EndDec)
- <sup>68</sup> G Mason, *Hate Crime Laws In Australia: Are They Achieving Their Goals?* Legal Studies Research Paper No. 10/46 (2010), p4. At [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1601624](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1601624)
- <sup>69</sup> Australian Institute of Criminology, *Crimes against international students in Australia: 2005-09*, (2011) xii. At <http://www.aic.gov.au/en/publications/current%20series/special/1-20/001.aspx>
- <sup>70</sup> See for example the comments of Harper J in sentencing John Caratozzolo who was convicted of the murder of a Chinese doctor, Dr Zhongjun Cao: "Where the victim of an offence has been intentionally selected by an offender partly or entirely because of the offender's prejudice towards the victim based on the victim's identity, the harm caused is serious, significant and far reaching. The individual who is victimised will almost certainly suffer a severe diminution in his or her feelings of self-worth. All members of the target group will feel more vulnerable and correspondingly less secure. Other minority groups are also likely to feel increasingly exposed. Yet no-one can lead a

Peoples. • 2009 – media reports of suspected racially-motivated attacks against Indian students gain international attention. • 2011 – The Australian government  
 • 2011 – China overtakes the United Kingdom as Australia's largest source of migration in the annual migration program for the first time. In the 2011-2012 p

- satisfactory or satisfying life unless they can take their security more or less for granted. Perhaps most serious of all, in a multicultural society like Australia, which celebrates diversity and encourages all groups to live together in harmony and equality, crime based upon racism is a negation of Australia's fundamental values." *DPP v Caratozzolo* [2009] VSC 305 (29 July 2009).
- <sup>71</sup> United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Australia A/HRC/17/10/Add.1* (31 May 2011), para 4. At <http://www.ohchr.org/EN/HRBodies/UPRR/PAGES/AUSession10.aspx> (viewed 6 August 2012).
- <sup>72</sup> [www.itstopswithme.humanrights.gov.au](http://www.itstopswithme.humanrights.gov.au)
- <sup>73</sup> Only 0.5% of Aboriginal and Torres Strait Islander federal government employees worked in the SES band in 2011. Australian Public Service Commission, *State of the Service 2010-11* (2011) p168.
- <sup>74</sup> The Diversity Council of Australia survey found that 14% of senior executives were born in non-English speaking countries. Diversity Council of Australia, *How well are Australian organisations 'capitalising on culture' in the senior ranks?* (2011). At <http://dca.org.au/News/News/How-well-are-Australian-organisations-%E2%80%98capitalising-on-culture%E2%80%99-in-the-senior-ranks/224>
- <sup>75</sup> Diversity Council of Australia, *How well are Australian organisations 'capitalising on culture' in the senior ranks?* (2011).
- <sup>76</sup> Department of Prime Minister and Cabinet, *National Cultural Policy: discussion paper*, (2011), p13. At <http://culture.arts.gov.au/discussion-paper>
- <sup>77</sup> United Nations Educational, Scientific and Cultural Organization, *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005). At [http://portal.unesco.org/en/ev.php-URL\\_ID=31038&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- <sup>78</sup> G Wilkins, 'Star hits out at Home and Away racism', *The Sydney Morning Herald* (16 February 2012). At <http://www.smh.com.au/entertainment/tv-and-radio/star-hits-out-at-home-and-away-racism-20120216-1ta23.html>
- <sup>79</sup> Australian Human Rights Commission, *National Anti-Racism Strategy consultation report* (2012).
- <sup>80</sup> D Welch, 'Jones rapped for pre-riot 'scum' remarks', *The Sydney Morning Herald* (10 April 2007). At <http://www.smh.com.au/news/tv-radio/alan-jones-breached-code/2007/04/10/1175971070038.html>
- <sup>81</sup> M Bodey, 'Andrew Bolt loses racial vilification court case', *The Australian* (28 September 2011). At <http://www.theaustralian.com.au/media/andrew-bolt-x-racial-vilification-court-case/story-e6frg996-1226148919092>
- <sup>82</sup> Australian Communications and Media Authority, *ACMA finds that Melbourne licensees of Ten, Nine and Seven breached the TV code* (Media release, 30 November 2009). At [http://www.acma.gov.au/WEB/STANDARD/pc=PC\\_311966](http://www.acma.gov.au/WEB/STANDARD/pc=PC_311966) (viewed 12 August 2012).
- <sup>83</sup> Refugee Council of Australia, *History of Australia's refugee program*, <http://www.refugeecouncil.org.au/f/rhp-hist.php> (viewed 5 August 2012).
- <sup>84</sup> Department of Immigration and Multicultural Affairs, *Immigration: Federation to Century's End 1901-2000* (2001), p48. At <http://www.immi.gov.au/media/publications/statistics/federation/>
- <sup>85</sup> Australian Broadcasting Corporation, *A Form of Slavery*, [http://www.abc.net.au/federation/fedstory/ep2/ep2\\_people.htm](http://www.abc.net.au/federation/fedstory/ep2/ep2_people.htm) (viewed 10 July 2012).
- <sup>86</sup> National Museum of Australia, *The Australian Eleven: The first Australian team*, [http://www.nma.gov.au/collections/collection\\_interactives/cricketing\\_journeys/cricket\\_html/the\\_australian\\_eleven/the\\_australian\\_eleven\\_the\\_first\\_australian\\_team](http://www.nma.gov.au/collections/collection_interactives/cricketing_journeys/cricket_html/the_australian_eleven/the_australian_eleven_the_first_australian_team) (viewed 10 July 2012).
- <sup>87</sup> Department of Finance and Deregulation, *Afghan cameleers in Australia*, <http://australia.gov.au/about-australia/australian-story/afghan-cameleers> (viewed 10 July 2012).
- <sup>88</sup> Department of Immigration and Citizenship, *Fact Sheet 8 – Abolition of the 'White Australia' Policy*, <http://www.immi.gov.au/media/fact-sheets/08abolition.htm> (viewed 5 August 2012).
- <sup>89</sup> Human Rights and Equal Opportunity Commission, *Bringing them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (1997) p26
- <sup>90</sup> National Archives of Australia, *War-time internment camps in Australia*, <http://www.naa.gov.au/collection/snapshots/internment-camps/index.aspx> (viewed 10 July 2012)
- <sup>91</sup> Department of Immigration and Citizenship, *Fact Sheet 4 – More than 60 Years of Post-war Migration*, <http://www.immi.gov.au/media/fact-sheets/04fifty.htm> (viewed 5 August 2012).
- <sup>92</sup> Department of Immigration and Multicultural Affairs, *Immigration: Federation to Century's End 1901-2000* (2001), p3.
- <sup>93</sup> Australian Electoral Commission, *Electoral Milestones - Timetable for Indigenous Australians*, [http://www.aec.gov.au/voting/indigenous\\_vote/indigenous.htm](http://www.aec.gov.au/voting/indigenous_vote/indigenous.htm) (viewed 1 August 2012).
- <sup>94</sup> Department of Immigration and Citizenship, *Fact Sheet 8 – Abolition of the 'White Australia' Policy* (2009).
- <sup>95</sup> Department of Immigration and Multicultural Affairs, *Immigration: Federation to Century's End 1901-2000* (2001), p51
- <sup>96</sup> The full report can be found at <http://www.austlii.edu.au/au/other/IndigLRes/rciadic/>
- <sup>97</sup> One Nation, *Policy Booklet*, <http://www.onenation.com.au/Policy%20document.htm> (viewed 7 August 2012)
- <sup>98</sup> Author unknown, 'Mob violence envelopes Cronulla', *The Age* (11 December 2005). At: <http://www.smh.com.au/news/national/mob-violence-envelops-cronulla/2005/12/11/1134235936223.html>
- <sup>99</sup> Minister for Immigration and Citizenship, 'India now Australia's largest source of permanent migrants' (Media release, 19 July 2012). At <http://www.minister.immi.gov.au/media/cb/2012/cb188313.htm>

ment's most recent multicultural policy, *The People of Australia*, is released, making a commitment to the development of the *National Anti-Racism Strategy*. program, India becomes Australia's largest permanent migration source.<sup>99</sup> • **2012** –The *National Anti-Racism Strategy* is launched.

