

The anti-racism framework and multiculturalism

Introduction

- 3.1 Despite the enormous social and economic benefits accruing to Australia through migration,¹ debate about our cultural diversity has in recent years become increasingly politicised and conflicted.
- 3.2 Internationally the events of September 2001, the Global Financial Crisis in 2008, race unrest in Europe and ongoing conflict in the Middle East have changed migration patterns and cultivated a global climate of uncertainty. Meanwhile in Australia, the Cronulla beach riots in 2005 and attacks on Indian students in 2009 and 2010 have damaged public confidence in the capacity of multicultural policy to maintain social cohesion.²
- 3.3 In February 2011, the Government launched a new multicultural policy designed to respond to these developments, a core component of which was a proposal for an Anti-Racism Partnership and Strategy.³
- 3.4 This chapter set outs the background to the Strategy and explores attitudes to multiculturalism in the context of the new anti-racism policy framework. To do so, the Committee evaluates public discourse about racism and diversity, including assertions that multiculturalism and the race discrimination framework inhibit free speech. The chapter then

1 Australian Multicultural Advisory Council (AMAC), *Submission 399*, para. 25.

2 Government of Tasmania, *Submission 441*, p. 6; Cosmopolitan Civil Societies Research Centre, Professor Andrew Jakubowicz, *Submission 420*, p. 3; Australian Education Union – Federal Office (AEU), *Submission 419*, p. 3, and *Exhibit 8*.

3 Department of Immigration and Citizenship (DIAC), *Submission 450*, p. 6.

considers proposals for amendment of the race discrimination laws, both for resolution of race vilification matters and to address systemic or institutional racism, before looking more broadly at the impacts of racism within the community.

- 3.5 Finally, the Committee considers ideas of national identity in Australia and how a clear articulation of multiculturalism as a narrative of social engagement can help fight racism and build social cohesion under the Anti-Racism Strategy.

The Anti-Racism Partnership and Strategy

- 3.6 From its inception in 1979, Australia's policy of multiculturalism has built upon the core values of equality and non-discrimination as a framework for enabling successful settlement, social cohesion, integration and participation for generations of migrants.⁴
- 3.7 Australia's *Racial Discrimination Act 1975* (RDA) is the key piece of national legislation which defends this principle of equity before law for people of all races, national and ethnic backgrounds. The RDA responds to basic human rights commitments subscribed to by Australia under international covenants,⁵ which support the right to cultural self-determination and prohibit discrimination on the basis of race or religion in areas of employment, education, sport, and in buying goods and using services.⁶
- 3.8 In 1995, the RDA was extended to make racial vilification against the law, with the introduction of the Commonwealth Racial Hatred Act.⁷ All State and Territory jurisdictions also prohibit racial discrimination, with

4 See, for example, objects of the *Australian Institute of Multicultural Affairs Act 1979* (Cth); Hon. Malcolm Fraser, 'Multiculturalism: Australia's Unique Achievement', Inaugural Speech to the Australian Institute of Multicultural Affairs, 1981 < www.multiculturalaustralia.edu.au/doc/fraser_1.pdf > viewed 17 September 2012.

5 In particular, the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD), *The International Convention on Civil and Political Rights* (ICCPR), and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).

6 Australian Human Rights Commission (AHRC), *National Anti-Racism Partnership and Strategy Discussion Paper*, March 2012, <www.humanrights.gov.au/antiracism/discussion_paper/NARPS_2012_Discussion_Paper%20FINAL.pdf> viewed 17 July 2012.

7 AHRC, *National Anti-Racism Partnership and Strategy Discussion Paper*, March 2012, <www.humanrights.gov.au/antiracism/discussion_paper/NARPS_2012_Discussion_Paper%20FINAL.pdf> viewed 17 July 2012.

- Queensland, Victoria and Tasmania outlawing both racial and religious vilification.⁸
- 3.9 The Government's proposal for an Anti-Racism Partnership and Strategy responds to a key recommendation in the AMAC report, and builds on the rights and protections provided under the RDA.⁹
- 3.10 Under the Anti-Racism Strategy, the Government has committed to 'a zero tolerance approach to racism'. The key objectives of the strategy are to:
- create awareness of racism and how it affects individuals and the broader community;
 - identify, promote and build on good practice initiatives to prevent and reduce racism; and
 - empower communities and individuals to take action to prevent and reduce racism and to seek redress when it occurs.¹⁰
- 3.11 At hearings in February 2012, the Commonwealth Race Discrimination Commissioner Dr Helen Szoke told the Committee that the Anti-Racism Partnership and Strategy would promote a clear understanding in the Australian community of what racism is and how it can be prevented and reduced. The strategy will be wide reaching and respond to international commitments to defend Indigenous Australians and people from Culturally and Linguistically Diverse (CALD) backgrounds from racism and prejudice.¹¹
- 3.12 Dr Szoke further advised that the Australian Human Rights Commission (AHRC) would lead the partnership between key government agencies and non-government organisations.¹² The release of the Strategy and its review against evidence is dealt with later in this chapter.

8 AHRC, *Race Vilification Laws in Australian*, Race Discrimination Unit, HREOC, October 2002 <www.hreoc.gov.au/racial_discrimination/cyberracism/vilification.html#32> viewed 30 July 2012.

9 Recommendation 3, AMAC, *The People of Australia: the Australian Multicultural Advisory Council's Statement on Cultural Diversity and Recommendations to Government*, April 2010, p. 18, and see AHRC, *National Anti-Racism Partnership and Strategy Discussion Paper*, March 2012, p. 4.

10 AHRC, *National Anti-Racism Partnership and Strategy Discussion Paper*, March 2012, viewed 17 July 2012.

11 *Committee Hansard*, 23 February 2012, p. 2.

12 Being the Australian Multicultural Council (AMC), DIAC, the Attorney-General's Department and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) with the National Congress of Australia's First Peoples and the Federation of Ethnic Communities' Councils of Australia (FECCA) as non-government members. See *Committee Hansard*, 23 February 2012, p. 2.

The rise of intolerance

- 3.13 The Government's Anti-Racism Strategy is introduced at a time when global forces and domestic policy have converged to produce a more culturally, linguistically and religiously diverse community in Australia than in the past.¹³
- 3.14 Over the last ten years the main source of Australia's skilled migrants has shifted from Europe and the United Kingdom to India and China. Australia is also one of the largest recipients of students from these countries in the OECD.¹⁴ A similar shift has occurred for humanitarian entrants: over 2001–07 the top source region was Africa, over 2008–09 it was the Middle East and South West Asia, and in 2010, Burma.¹⁵ For people awarded humanitarian and protection visas, the top source countries in 2010–11 were Iraq and Afghanistan.¹⁶
- 3.15 This change in migration patterns followed on directly from the twin towers attack in New York on 9 September 2001. Migration experts and service providers widely affirmed that 9/11, and subsequent events in London and Bali, have simultaneously conflated public opinion about multiculturalism with disproportionate fears focussing on Islam and Islamic migration as a threat to Australia.¹⁷
- 3.16 It was asserted in evidence that political rhetoric discrediting multiculturalism, and its social justice emphasis, over the same period has promoted prejudice towards new arrivals.¹⁸ Mr Pino Migliorino, Chair, Federation of Ethnic Communities Councils of Australia (FECCA), concluded that, as a consequence, racial intolerance is now both more

13 DIAC, *Immigration update July to December 2011, 2012*; DIAC, *Trends in Migration: Australia 2010 – 20 11 Annual submission to the OECD's Continuous Reporting System of Migration*, 2012.

14 In 2011–12 China was the top source of foreign students in Australia see DIAC, *Annual Report 2011–12, Outcome 1*, p. 77 and OECD, *International Migration Outlook: Recent Changes in Migration Movements and Policies: IV Country Notes: Australia* < www.oecd.org/migration/imo > viewed 6 July 2012.

15 DIAC, *Submission 450*, Appendix D.

16 DIAC: *Trends in Migration: Australia 2010–11, Annual Submission to the OECD's SOPEMI, Table 4.2 Humanitarian Program Visa Grants 2010–11: Top Five Source Countries*, p. 53.

17 Dr James Jupp AM, *Committee Hansard*, 14 September 2011, p. 12; Ms Rikki Bartels, Deputy Chair, Settlement Council of Australia (SCoA), *Committee Hansard*, 17 June 2011, p. 19; Miss Shiyavanthi Johnpillai, Project Officer, Refugees, Survivors and Ex-Detainees (RISE), *Committee Hansard*, 26 October 2011, p. 15.

18 For instance, Dr J Jupp AM, *Submission 100*, p. 5; Refugee Council of Australia (RCOA), *Submission 416*, p. 2; AEU, *Submission 419*, pp. 3–4; Cosmopolitan Civil Societies Research Centre, Prof A Jakubowicz, *Submission 420*, p. 3.

acceptable and less visible, because people don't feel empowered to complain.¹⁹

- 3.17 The Curtin Centre for Human Rights Education considered that the discrediting of multiculturalism as a policy has also fostered a narrower view of what it means to be Australian:

The demise of the concept of multiculturalism for more than a decade has meant that the reality of the composition of the Australian population has been masked by endeavours to build an unrealistically homogeneous society premised on the Judeo-Christian foundations of Australia and tenets associated with British heritage alone.²⁰

Measuring attitudinal change

- 3.18 A consistent theme which emerged in the evidence to this inquiry was that public policy on diversity should not be based on prejudice or opinion but on sound empirical data.
- 3.19 The Committee heard that the Department of Prime Minister and Cabinet (PM&C) Social Inclusion Unit has made efforts to improve its evaluation of multiple disadvantage by development of diversity assessment frameworks. However, currently, there is little data available to verify changes in social attitudes and trends at a national level.²¹
- 3.20 The main available sources of data cited in evidence on the subject of community tolerance were principally produced by two independent research programs: the Scanlon Foundation Social Cohesion Research Program at Monash University;²² and the Challenging Racism Project at the University of Western Sydney.²³

19 *Committee Hansard*, 15 June 2012, p. 9.

20 Curtin Centre for Human Rights Education, Curtin University, *Submission 426*, p. [1].

21 In 2009 the Department of Prime Minister and Cabinet (PM&C) endorsed the Social Inclusion Board's Measurement and Reporting Framework to assess and collate data on social disadvantage and social inclusion. PM&C, *Submission 82*, p. 3.

22 The Scanlon Foundation conducts sample population mapping and produces the annual *Scanlon Monash Index of Social Cohesion*, see Scanlon Foundation Social Cohesion Research Program, Monash University, <www.scanlonfoundation.org.au/research.html> viewed 12 July 2012.

23 *The Challenging Racism Project* has measured the national prevalence of racism and racist attitudes in Australia over a 12 year period, see *Challenging Racism: the Anti-Racism Research Project* <www.uws.edu.au/social_sciences/soss/research/challenging_racism/findings_by_region> viewed 2 August 2012.

- 3.21 These social trend surveys confirm that while a majority of Australians support and are comfortable with cultural diversity, there is a growing schism between this group and those who are intolerant of cultural differences and consider ethnic diversity a security risk.²⁴
- 3.22 Scanlon population sample research conducted in 2011 found that the incidence of racism was increasing in the community, with a particular negativity expressed towards asylum seekers and Muslims:
- 14 per cent of survey respondents reported experiencing discrimination on the basis of colour, ethnic origin or religion, up from nine per cent in 2007 and 10 per cent in 2009;
 - the proportion of people believing that racial prejudice had increased significantly compared with five years ago, was at a ratio of 3:1, or 44 per cent to 14 per cent;
 - while 73 per cent were positive about humanitarian entrants, 22 per cent considered boat arrivals should not be eligible for permanent settlement, up from 19 per cent in 2010; and further,
 - negative attitudes towards immigrants from Lebanon and Iraq were close to 25 per cent, similar to the level of negative views of Muslims, suggesting both suffer from negative racist stereotyping.²⁵
- 3.23 Longitudinal data mapping conducted over 2001 to 2008 by the Challenging Racism Project provides additional evidence of the rise of intolerance of diversity on a national scale:
- despite majority comfort with diversity, 41 per cent of survey respondents had a narrow view of who belongs in Australia;
 - one-in-ten Australians believed that some races are naturally inferior or superior, and that groups should remain separated; and
 - around 20 per cent of survey respondents had experienced forms of race-hate talk (verbal abuse, name-calling, racial slurs, offensive

24 *The Challenging Racism Project* found that over 86 per cent of those surveyed are positive and felt secure about cultural diversity, viewed 2 August 2012 and see Scanlon Research 2009, PM&C, *Submission 82*, p. 3.

25 Random telephone sampling conducted among 2000 people see *Mapping Social Cohesion 2011 Report, Summary of Key Findings* <www.scanlonfoundation.org.au/mappingofsocialcohesion2011.html>; *Fact Sheet 5 SMI: the Scanlon-Monash Index of Social Cohesion*, September 2011 <www.arts.monash.edu.au/mapping-population/-documents/social-cohesion-fact-sheet.pdf>

gestures etc) and six per cent had experienced race based physical attacks.²⁶

- 3.24 At hearings in February 2012, the Committee heard how cyber racism has contributed to the exponential rise of reported incidents of racism. Race Discrimination Commissioner Dr Szoke revealed recent complaints data indicating that internet technologies have facilitated expression of racial discrimination:

In 2009-10 there were 51 racial hatred complaints in the sub-area [complaints category] internet, 34 per cent of the racial hatred complaints received that year. Prior to that there were nine racial hatred complaints in that sub-area and in the year before that there were five. So in those three years we saw it go from five to nine to 51 – which would be basically the incremental increase in the use of the internet.²⁷

- 3.25 The latest national Scanlon data (compiled over June and July 2012) found a welcome two per cent decrease in the overall reported incidence of discrimination. However, it also records increasing negativity towards asylum seekers arriving by boat, and sustained negativity towards people of the Islamic faith and those of Middle Eastern origin. For the first time, negative views were also expressed about African migrants.²⁸

Discourse on racism and diversity

- 3.26 Evidence to the inquiry generally reflected the polarisation of opinion indicated in the data. There was strong disagreement between those who support cultural diversity, the multicultural policy and what it stands for; and those who have selective acceptance of diversity and see multiculturalism as a threat to Australian values.

26 *Challenging Racism Project* data cited in AHRC, *National Anti-Racism Partnership and Strategy Discussion Paper*, March 2012, viewed 17 July 2012, and see University of Western Sydney, *Challenging Racism*, viewed 2 August 2012.

27 *Committee Hansard*, 23 February 2012, p. 4.

28 In 2012, 23 per cent of respondents considered boat arrivals should not be eligible for permanent settlement and 25 per cent were negative towards Muslims, 23 per cent (marginally lower than in 2010–11) towards people from Iraq and Lebanon, while 19 per cent were negative towards the Sudanese, and 12 per cent towards Ethiopians and the Congolese. See Prof A Markus, *Mapping Social Cohesion: the Scanlon Foundation Surveys National Report 2012*, Monash University, 2012, pp. 2, 3. <www.arts.monash.edu.au/mapping-population/--documents/mapping-social-cohesion-national-report-2012.pdf> viewed October 2012.

- 3.27 During hearings in urban, regional and rural Australia it was evident to the Committee that the vast majority of Australians are proud of cultural diversity and committed to ensuring that its social and economic benefits are shared by the broader community.²⁹
- 3.28 The regional community of Mount Gambier in South Australia was successful in becoming one of the first to receive Karen (Burmese) refugees under a regional settlement scheme. Mr John Beuti, a post-war Italian migrant and Board Member of the Limestone Coast Multicultural Network (LCMN), volunteers to help settle new Burmese, Congolese and Afghan refugees in the region. His testimony, at **case study 3.1**, describes the transition of settlement services under the policy of multiculturalism, and his personal commitment to help out.

Case study 3.1 Multiculturalism in Mount Gambier

‘I am very proud to be in Mount Gambier... what a lovely town it is to live in. It is a beautiful community. Christine (LCMN Secretary) and I and a lot of other people have tried to keep this community together. We work hard to help people. If I go back in my mind to when I landed in this country, I did not have any help. The government dropped us here and said, ‘Lift yourself up, work and make some money.’ No-one taught us English; no-one gave us any schooling or that sort of the thing. Nobody tried to help us to go to TAFE or college by teaching us how to speak. We had a very rough time when I landed here, which is sixty years ago. I am one of the oldest Italian people left in Mount Gambier. All of my friends are having a rest. There are only a few left otherwise. I feel that because we did not get any help a lot of years ago to pull ourselves up, we have to help the people who land in this country. I did not get any help, and I know how that feels. They need help; we have to get on and give them help. We will do our best to welcome these people to Mount Gambier... it is a lovely town. Why people move here is that it is beautiful to live here. The council here in Mount Gambier is run by wonderful people...’

Source Mr John Beuti, Board Member, Limestone Coast Multicultural Network (LCMN), Committee Hansard, 29 July 2011, p. 2.

- 3.29 Conversely, the inquiry also received vehement criticism of Australia’s non-discriminatory migration and multicultural policies in the wake of recent migration patterns. A concerning trend in this evidence was the

29 Multicultural Development Association (MDA), *Submission 421*, p. 8.

conflation in the public mind between threats to Australia's security and migration intake from the Middle East and South West Asia.³⁰ Migrants of the Islamic faith, whether of African, Middle Eastern or Asian origin, were often cited as if they were a single cultural entity with a unified agenda to destabilise society.³¹

- 3.30 Under this view, it was maintained that a continued commitment to the policy of multiculturalism risks Australian values and our security. By extension, in catering to different culturally based values, multicultural policy allegedly undermines its own foundational principles, and so 'dilutes almost universally agreed Australian values of gender equity, free speech, religious tolerance, democracy, free association and equal treatment all citizens regardless of racial or ethnic background'.³²

Not race but culture

- 3.31 Among the many individual submissions focussing on a perceived threat to Australia by migrants from Islamic countries, Christian organisations in particular argued that it was not race but 'cultural' values and practices that they objected to. They maintained that multicultural policy promotes ethnic separatism under the false proposition that 'all cultures are equal'.³³

- 3.32 The Christian organisation Salt Shakers Inc. stated:

Our concern is that multiculturalism as a philosophy tends to divide people and put them into separate groups rather than encouraging people to be part of the whole – to be part of Australia and Australians and to see that as a priority first and then other things follow from that. It does not mean that people do not keep their own cultural practices, and we all enjoy different sorts of ethnic foods and other things – that is really not what we are about – but encouraging groupings to stay together rather than mixing together as a whole is a concern.³⁴

30 The Refugee Council of Australia (RCOA), *Submission 416*, p. 2.

31 Mr Ikebal Patel, President, Australian Federation of Islamic Councils (AFIC), *Committee Hansard*, 17 June 2012, p. 4. See also Centre for Dialogue, *Submission 386*, p. 6; Dr Jupp AM, *Committee Hansard*, 14 September 2011, p. 12.

32 *Submission 2*, p. 8.

33 See, for example, Endeavour Foundation, *Submission 205*; Australian Defense League, *Submission 252*; Salt Shakers Inc., *Submission 253*; Family Council of Victoria, *Submission 299*; Q Society of Australia Inc., *Submission Pluralists for a Referendum, Submission 479*; and see *submissions 29, 259, 335, 366, 376, 512*.

34 Mr Peter Stokes, Chief Executive Officer, Salt Shakers Inc., *Committee Hansard*, 8 June 2012, p. 23.

- 3.33 Other organisations explicitly advocated that people from Islamic countries or holding the Islamic faith should be excluded altogether, or at least selectively excluded from entry under Australia's skilled migration programs. There were proposals that Islamic refugees be settled in Saudi Arabia, Qatar and Emirate countries rather than expose Australia to Islamic radicalisation.³⁵
- 3.34 Australia's anti-racism framework was seen as inhibiting legitimate debate about these matters. It was argued that objections to a religious ideology and its practices should not constitute racism. Yet, it was maintained, under the prevailing 'political correctness', legitimate debate of these matters has become socially unacceptable and, at worst, potentially actionable under the race or religious vilification laws.³⁶ *Submission 302* expressed the prevailing sentiment succinctly: 'Complain about proponents and practitioners of Islam and be branded a racist low-life. You will be dismissed from the debate! You have not shown respect!'.³⁷
- 3.35 By contrast, it was also considered that equally racialised speech made against Anglo-Australians would now be tolerated. Ms Vicki Jansen, Councillor, Family Council of Victoria Inc., reported proceedings at a recent interfaith event:
- ... it was fair game to commence with a comedy of a drunk, white, racist man wrapped in the Australian flag – it is only vilification if the joke is at the expense of a minority... There is no way that anybody would have gone there and mocked an Aboriginal, a Muslim or anyone else; we mock the white guy. It is just not equal – it is demoralising for Australians.³⁸

The politics of multiculturalism

- 3.36 In the Committee's view the polemic set out above proceeds on a number of fundamental misconceptions about the relationship between our anti-discrimination framework and the objectives of multiculturalism as a policy.

35 Mrs Babette Francis, National and Overseas Coordinator, Endeavour Forum, *Committee Hansard*, 8 June 2012, pp. 1–2, and see *Submissions 240, 241, 373, 437, 506*.

36 See Mr Stokes, Salt Shakers Inc. and Mr Andrew Horwood, Media Representative, Q Society of Australia Inc., *Committee Hansard*, 8 June 2012, pp. 26–28; p. 42, respectively, and for example *submissions 17, 50, 65, 133, 181, 233, 254, 250, 256, 287, 299, 302, 323, 335, 463, 510, 512*.

37 *Submission 302*, p. 8.

38 *Committee Hansard*, 8 June 2012, pp. 33–34.

- 3.37 As discussed later in this chapter, race discrimination laws do not prohibit free speech in Australia, instead they support the fundamental human rights of individuals to live in our country without being subjected to abuse, harm or threat. Multiculturalism is the instrument of those laws, and by calling for respect for difference and upholding equal treatment before the law, the policy does not condone cultural practices which are in contradiction with those fundamental values.
- 3.38 This balance of 'rights and responsibilities' is the foundation of the multicultural social contract. According to Professor Andrew Jakubowicz, it has also become the point of contest between competing ideas about cultural identity and social cohesion, with one view allowing for co-existence of different groups under a supportive program of policies; and the other portraying a society as unitary, with diversity an aberration and assimilation the object of public policy.³⁹
- 3.39 The Executive Council of Australian Jewry saw bridging these two starkly different conceptions of multiculturalism as the major challenge for political and community leaders. It drew attention to the association in the public mind between government funding for diversity under multiculturalism and ethnic separatism:
- Multiculturalism that entails an enlarged variety, choice and pluralism in everyday life is seen as a welcome benefit by most Australians. Multiculturalism as a government policy that places demands on public funds and resources is seen by many Australians as a form of favouritism and top-down social engineering which they instinctively distrust, especially if the policy is perceived to encourage ethnic separatism.⁴⁰
- 3.40 Eminent migration historian Dr James Jupp AM considered this debate as behind reductive assumptions that 'all cultures are equal' under multicultural policy. He observed that it is not a matter of equality or difference but the fact that culture is not static. Australians laws are not so much Christian or Western, he asserted, as progressive, and this poses a challenge to both conservative forces in Australia and to incoming Islamic peoples whose values may be out of step with the mainstream.⁴¹

39 Prof A Jakubowicz, 'Cultural Diversity, Cosmopolitan Citizenship and Education: Issues, Options and Implications for Australia', A discussion paper prepared for the AEU, July 2009, p. 3, and see Mr Migliorino, FECCA, *Committee Hansard*, 15 June 2012, p. 9.

40 Executive Council of Australian Jewry Inc. *Submission 46*, p. 2.

41 *Committee Hansard*, 14 September 2011, p. 10.

The role of the media

- 3.41 The role of the media in promoting negative cultural stereotypes and politicising ideological debates about multiculturalism was widely addressed in the evidence.
- 3.42 It was asserted that freedom of expression has often been laid claim by conservative media who bear significant responsibility for polarising views about minority groups in Australia.⁴² It was also claimed that intense political adversarialism over onshore asylum seeker policy has devalued the narrative of multiculturalism, giving legitimacy to the targeting of refugees within the media and the wider community.⁴³
- 3.43 The National Ethnic and Multicultural Broadcasters Council (NEMBC) documented the extent and social impact of racist reportage by the media.⁴⁴ Well known is the commentary on the Cronulla racial and civil unrest in 2005 when 2GB radio presenter Allan Jones referred to conflict with 'Middle Eastern grubs'.⁴⁵ **Case study 3.2** reports on vilification and mis-reportage on Sudanese refugees in Melbourne.

Case study 3.2 Media wrongly accuse Africans

Three national commercial TV stations were involved in a very well-known case of false accusations and vilification of Africans. They screened stories on primetime evening news accusing African gangs of violence, when in fact those involved were not African.

Images of a fight in a bottle shop captured by closed-circuit television (CCTV) cameras were shown on TV in October 2007. The faces of those involved were blocked out, and the news stories stated that the images showed violence by a Sudanese gang. ABC's Media Watch then screened the images without the faces blocked out, clearly showing that NO Africans were involved in fighting.

42 Dr Jupp AM, *Committee Hansard*, 14 September 2011, p. 11.

43 The Refugee Council of Australia (RCOA), *Submission 416*, p. 2.

44 Research by Springvale Monash Legal Service, the Victorian Equal Opportunity Commissions and the Australian Research Council, in National Ethnic and Multicultural Broadcasters Council (NEMBC), *Supplementary submission 488.1*, pp. 6-7.

45 NEMBC, *Supplementary submission 488.1*, pp. 3-4.

Channels 7, 9 and 10, repeatedly played the same images with the blocked out faces and all falsely reported that they were Africans. The reports were sensationalist, using language such as 'put racism claims aside for a moment. Because tonight we can show you the terror experienced by a Noble Park shopkeeper at the hands of an ethnic gang. They've been identified by police as predominantly Sudanese youths caught on camera stealing and striking fear into those around them...' And: 'Angry locals in Melbourne...have welcomed the Federal Government's move to ban African refugees. They blame Sudanese gangs for an outbreak of violence.'

The police found that those involved were neither Sudanese nor African. The false reporting of this story was thought to have fuelled racism, distorted and inflated facts and demonised Africans.

Source Drawn from NEMBC, Supplementary Submission 488.1, p. 3.

- 3.44 Ms Nyadol Nyuon, Ambassador for the Social Studio, a fashion and hospitality training initiative for refugees, arrived from Sudan in 2005. She told of the effects of this reportage on her community:

I think the media has played a great role in how certain communities are being perceived in Australia. It has affected the idea of multiculturalism itself as bringing people here who do not become Australian in a good way. Particularly the Sudanese communities we deal with have had very bad media coverage – the notions of Sudanese gangs, which is really disproportionate to what is happening in the community. Many people are hardworking. We do have a few young people who do some bad stuff and nobody condones that. But when a whole community is trashed, it is very isolating. It does not assist in the process of settlement, it does not assist in making better communities; it just makes communities scared.⁴⁶

- 3.45 The NEMBC and others argued that Government should do more to ensure media compliance with existing racial vilification standards in the public interest.⁴⁷
- 3.46 The Committee notes that, at the time of writing, the Government is considering the recommendations of the Finkelstein report (February 2012) which proposed the establishment of a new independent Media

46 *Committee Hansard*, 26 October 2011, pp. 10–11.

47 NEMBC, *Supplementary Submission 488.1 and Attachment*, pp. 7–8.

Council to update and monitor press standards and principles.⁴⁸ The NEMBC supports these recommendations over proposals for a self-regulatory approach.⁴⁹

Reviewing race discrimination laws

- 3.47 While many submitters did not support the tightening of race vilification laws to prohibit racial, religious or cultural intolerance, there was some consensus that review of the framework of race discrimination law, now 30 years old, would be appropriate.
- 3.48 As previously mentioned, key legal instruments at the national level are the *Racial Discrimination Act 1975* and the *Racial Hatred Act 1995*. State and Territory jurisdictions also prohibit racial, and some religious, vilification.⁵⁰
- 3.49 This framework of laws was widely acknowledged as fundamental to support social cohesion in Australia, for upholding human rights and reducing racial conflict at a community level. At the same time, the operation of the framework of anti-discrimination law was also criticised by those who saw it as inhibiting debate about Australia's cultural diversity.

Race vilification

- 3.50 The most contested element of the legislation framework was the operation of the Commonwealth *Racial Hatred Act 1995*. Many submissions cited this law as an enemy of free speech, maintained as a constitutional right.
- 3.51 By way of addressing this last contention it is important to clarify that Australia's constitutional protections for free speech do not have the force of those in the United States (US). Australia's Constitution has been found

48 Australian Government, *Report of the Independent Inquiry into the Media and Media Regulation*, Report to the Minister for Broadband, Communications and the Digital Economy (Finkelstein report), 28 February 2012.

49 In the Government's Convergence Review Committee's *Convergence Review Final Report* (April 2012) response to the Finkelstein report. Both reports are currently under consideration, See <www.dbcde.gov.au/digital_economy/independent_media_inquiry> viewed 14 November 2012. Ref: NEMBC *Supplementary Submission 488.1 and attachment*, pp. 8–9, 10.

50 Queensland, Victoria and Tasmania also address religious vilification. See AHRC, *Race Vilification Laws in Australian*, Race Discrimination Unit, HREOC, October 2002 <www.hreoc.gov.au/racial_discrimination/cyberracism/vilification.html#32> viewed 30 July 2012.

to provide for implied protections for freedom of political expression, covering laws such as censorship, defamation and taxes, but does not guarantee personal or individual rights for freedom of communication.⁵¹ In contrast to the US, where the First Amendment has struck down the introduction of legal restrictions on racist speech, Australia's race vilification laws establish that 'hate speech' is viewed as unacceptable by the community and warrants government intervention to limit its occurrence.⁵²

- 3.52 The Federal race vilification law applies to public acts which are:
- done, in whole or in part, because of the race, colour, or national or ethnic origin of a person or group, *and*
 - reasonably likely in all the circumstances to offend, insult, humiliate or intimidate that person or group.⁵³
- 3.53 Despite contrasting views on the value and appropriateness of race vilification laws, there was some agreement that the laws could be reviewed to better protect individuals from unjustified litigation.⁵⁴
- 3.54 Salt Shakers Inc.'s Director Mr Peter Stokes wanted legal tests under this law to be strengthened to allow public debate, citing a lengthy Victorian court case arising after a public lecture on Islam.⁵⁵ He saw the Victorian law's prohibition on inciting hatred against a person to be a more rigorous proof and recommended it for reform of the Federal legislation.⁵⁶
- 3.55 Dr Colin Rubenstein AM, Executive Director, Australia/Israel and Jewish Affairs Council (AIJAC) agreed that the tests of offence or insult under the Federal vilification act may be too broad.⁵⁷ Nevertheless, he also advocated

51 The Australian Constitution s 7 and s 24 establish responsible government, and the implied freedom of expression in public affairs necessary for the people's election of the government. Ref: *Australian Capital Television v Commonwealth* (ACTV Case (1992) in M Castan, 'The High Court and the Freedom of Political Communication', Castan Centre for Human Rights Law, December 2010 < //castancentre.com/2010/12/05/the-high-court-and-the-freedom-of-political-communication/> viewed 14 September 2012.

52 K Gelber, 'Hate Speech in Australia: Emerging Questions', University of New South Wales Law Journal 861[2005] UNSW LawJl 52; (2005) 28(3) <www.austlii.edu.au/au/journals/UNSWLJ/2005/52.html> viewed 1 August 2012.

53 See AHRC, *Guide to the Racial Hatred Act* < www.hreoc.gov.au/racial_discrimination /racial_hatred_act/index.html> viewed 3 September 2012.

54 The Federal vilification law does not itself carry criminal penalties. Complaints under the race hatred act may be made to the AHRC commission, and pursued under s.18 of the *Race Discrimination Act 1975*, if informal resolution is not satisfactory.

55 Ref: Victorian Civil and Administrative Tribunal, *Islamic Council of Victoria v Catch the Fire Ministries Inc. (Final)* (2005) EOC 93 -377.

56 Ref: *Racial and Religious Tolerance Act 2001* (Vic), s.8. The case went to the Supreme Court on appeal, See *Committee Hansard*, 8 June 2012, p. 23.

57 *Committee Hansard*, 26 October 2011, p. 20.

for stronger national race vilification laws, identifying ‘serious gaps’ in the capacity of the current law to prosecute those who motivate acts of hatred, if not involved in actual threats or acts of violence.⁵⁸ He recommended that the Commonwealth Criminal Code be amended to proscribe public incitement of racial hatred, addressing both threats of violence and racist speech along the lines of the Western Australian Criminal Code.⁵⁹

Regulating systemic and cyber racism

3.56 Asked about the current operation of race discrimination laws in relation to the matters raised, Race Discrimination Commissioner Dr Szoke advised that effective law ‘constantly needs to be reviewed, refreshed and refined’.⁶⁰ She confirmed that reforms are in fact planned to address the impact of systemic racism, effective at individual or service-wide level noting:

One of the limitations of the laws, with some exceptions, is that our discrimination laws started on the basis of individual resolution of matters of discrimination. Some of those laws are now being changed to address the issue of institutionalised discrimination or systemic discrimination... I will be looking at that systemic advocacy as well as having the back-up of individual resolution⁶¹

3.57 Dr Szoke explained that the revised laws would apply standards for effective service delivery and shared awareness of rights and responsibilities to improve social inclusion, in effect a human rights commitment to empower migrants as ‘independent, functioning members of the community – contributing to our community’.⁶²

3.58 In relation to this, the Australian Immigrant and Refugee Women’s Alliance (AIRWA) asked for resolution of multi-dimensional discrimination affecting migrant women, subject to sexual, race or other circumstantial discrimination.⁶³ The AIRWA noted that human rights law

58 Australia/Israel and Jewish Affairs Council (AIJAC), *Submission 46*, p. 9.

59 Commonwealth *Criminal Code Act 1995* (compilation 2012) and Chapter 10, Offences against Political Liberty, *Criminal Code Act Compilation Act 1913* (WA), < www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_218_homepage.html > viewed 3 September 2012; Ref: AIJAC, *Submission 46*, p. 10.

60 *Committee Hansard*, 23 February 2012, p. 5.

61 *Committee Hansard*, 23 February 2012, p. 5.

62 *Committee Hansard*, 23 February 2012, pp. 5–6.

63 The Australian GLBTIQ (Gay, Lesbian, Bisexual, Transgender, Intersex and Queer) Multicultural Council requested that diversity in gender and sexual expression also be taken into account. See *Submission 464*, p. 2.

struggles in this quarter because individual treaties address distinct manifestations of discrimination, leading to inconsistencies and duplication.⁶⁴

- 3.59 The National Ethnic Disability Alliance (NEDA) called for recognition of the rights of CALD individuals with a disability as part of this consideration, referring in particular to the operation of the *Migration Act 1958* (Cth) and its health assessment requirement.⁶⁵
- 3.60 A final catalyst for law reform was the exponential increase in cyber racism, cited by Dr Szoke in her evidence.⁶⁶ Migration consultants Conrad Gershevitch, Amareswar Galla and Maria Dimopolous supported the measure for reform as part of a broader updating of Race Discrimination Act, now over thirty years old:

It is a law that is in urgent need of amending – both to modernise the definition of ‘racism’ to extend the protections and cover of what is included, to criminalise certain extreme acts, and to reflect the modern vectors of racism that now exist, such as racism on the internet. To do so would be entirely consistent with the principle espoused in the multicultural policy document.⁶⁷

The impact of racism

- 3.61 Racism is a term that is open to interpretation: it can be a legal definition where discrimination is confined to an activity that is against the law; it can be a view expounded in the media; a look, a word or action on passing in a street; or it can be systemic exclusion when seeking employment, housing or an education.⁶⁸
- 3.62 The Committee’s inquiry provided incontrovertible evidence that, whatever the semantics of the race debate, the impact of race discrimination and prejudice is real, is becoming more pervasive, and can be deeply traumatic for the individuals who experience it.

64 Australian Immigrant and Refugee Women’s Alliance (AIRWA), *Submission 425*, p. 5.

65 National Ethnic Disability Alliance (NEDA), *Submission 117*, p. 4. The Government’s response to the Committee’s report *Enabling Australia: Inquiry into the Migration Treatment of Disability* (2010) is discussed below.

66 *Committee Hansard*, 23 February 2012, p. 4.

67 Conrad Gershevitch, Amareswar Galla and Maria Dimopolous, *Submission 455*, p. 6; and see AIRWA, *Submission 425*, p. 5.

68 VicHealth, *Submission 480*, p. 4.

- 3.63 The consequences of discrimination for migrants and refugees rated on sense of belonging, social acceptance and mental health are well documented in social survey data. In particular, of CALD individuals surveyed nationally over 2008–09:
- around 25 per cent of overseas-born people reported that they have been ‘made to feel like they did not belong’;⁶⁹
 - 17.7 per cent of CALD respondents had experienced discrimination when seeking employment, and 17.8 per cent had experienced discrimination at a shop or restaurant; and
 - there were higher levels of depression and other psychological difficulties among those who suffered discrimination.⁷⁰

More visible, more vulnerable

- 3.64 Every new migrant wave experiences a period of social adjustment, just as the community takes time to embrace new comers.⁷¹ Nevertheless, the Committee was disturbed by evidence that a recent ‘hardening’ of attitudes towards new arrivals is causing marginalisation hitherto unexperienced by previous migrant waves.⁷²
- 3.65 The Australian Federation of Islamic Councils (AFIC) referred to the cyclic expression of racism towards new arrivals since 9/11:

...Members of diverse communities including the Sudanese, Greek, Turkish, Vietnamese, Arabic communities etc have often described the racism and intolerance they experienced as ‘something that happens at first’ and then is passed on to another newly arrived community, thus removing the pressure off the first community. This description is almost as though racism and intolerance expressed by fellow citizens is part of an initiation process.⁷³

69 VicHealth, *Ethnic and Race-based Discrimination*, 2008, cited in Centre for Culture, Ethnicity and Health (CEH), *Submission 300*, p. 4.

70 University of Western Sydney, *Challenging Racism: the Anti-Racism Research Project, National Level Findings 2001–2008*, cited in Employment Action for Cultural Diversity (EACD), *Submission 417*, pp. 6, 7 and see Beyondblue, ‘Beyondblue: The Way Forward 2005-2010’ cited in CEH, *Submission 300*, p. 3.

71 Ms Vivi Germanos-Koutsounadis, Chair, AIRWA, *Committee Hansard*, 12 October, 2012, pp. 2, 4.

72 Mr Dominic Hong Duc Golding, Art Projects Coordinator, RISE (Refugees, Survivors and Ex-Detainees), *Committee Hansard*, 26 October 2012, p. 15.

73 The Australian Federation of Islamic Councils (AFIC), *Submission 341*, p. 4.

- 3.66 Research undertaken by the AHRC has confirmed that Africans and people of Islamic faith are more likely to be regularly subjected to racism because of their visible difference, in skin colour, dress or cultural/religious practices.⁷⁴
- 3.67 Dr Berhan Ahmed of the African Think Tank told the Committee that gaining employment is the most important sign of acceptance for migrants, but having an Islamic name is sufficient to be struck off an interview list for employment, even for Africans otherwise well qualified with good English.⁷⁵
- 3.68 Ms Joumanah El Matrah, Executive Director, Islamic Women's Welfare Council of Victoria (IWWCV), provided one of the many accounts of overt prejudice against Islamic women wearing the hijab (headscarf or burqa):⁷⁶
- For Muslim women, their daily lives today continue to be characterised by verbal abuse in public spaces and institutions and daily incivilities. Physical abuse continues to occur, and of course employment practice especially for women who wear the hijab. If you are a woman who wears the hijab and you are also darker in skin tone, chances are you are going to face higher levels of discrimination than other women.⁷⁷
- 3.69 **Case study 3.3** provides a particularly confronting account of sequential and vehemently racist attacks on people and property by one individual motivated by 'faith hatred'.

74 AHRC, *I Want Respect and Equality: A Summary of Consultations with Civil Society on Racism in Australia*, 2001 <www.hreoc.gov.au/racial_discrimination/consultations/consultations.html> viewed 17 July 2012.

75 *Committee Hansard*, 29 March 2011, pp. 26, 32, 34.

76 See also Ms Heba Ibrahim, Assistant Secretary, Executive Committee, AFIC, *Committee Hansard*, 17 June 2011, pp. 2-3; Ms Germanos-Koutsounadis, AIRWA, *Committee Hansard*, 12 October 2011, p. 2; Miss Shiyavanthi Johnpillai, Project Officer, RISE, *Committee Hansard*, 26 October 2011, p. 15.

77 *Committee Hansard*, 29 March 2011, p. 40.

Case study 3.3 Race hate against Muslims

This letter was delivered to the home of a community leader. This person obviously knows where she lives, which is really disturbing. It says, 'Whilst it would be easy for me to write a simple hate letter to you, you xxx Moslem pig, let me chronicle what my hatred for your xxx religion has led me to do. Just in the last six months in Glenroy I have splattered the brick fronts of 14 homes with two-litre cans of non-removable paint obtained from a local paint shop for \$3 per can – cheap vandalism, hey? Five of these homes were so badly damaged the owners were forced to build a three-sided fence around the property, which I estimated to cost at least \$3,500' ... He has pretty much destroyed all of this property and he has put dog faeces in the prayer room for taxi drivers at the airport and destroyed the Korans there. He says, 'I am currently trying to devise a way of entering the Cramer Street Mosque in Preston to vandalise the place. This I am still working on. Just know that every time I hear Waleed Aly's voice on the ABC I go berserk and someone in Broady et cetera pays. So every time you think you xxx Moslem dogs are making progress in Australia, think again...'

Source Ms Heba Ibrahim, Australian Islamic Council, Committee Hansard, 17 June 2011, p. 2.

Racism in service provision

- 3.70 As noted above, the Race Discrimination Commissioner will review the race discrimination laws to address race discrimination occurring in provision of government services.
- 3.71 Government agencies and service providers confirmed that service culture racism, unintended or directly imposed by individuals, currently presents barriers to social and economic participation, entrenching disadvantage for migrants and refugees. The Committee heard about problems in provision of employment, housing, transport, youth and child protection services and in the education, police and justice systems.⁷⁸
- 3.72 The Employment Action for Cultural Diversity (EACD) confirmed that racism is a factor limiting migrants and refugees' access to employment, work experience and training opportunities, noting:

Racism and discrimination in the context of employment is generally based on negative attitudes, stereotyping and stigma

78 SCoA *Submission 401*, p. 4; MDA, *Submission 421*, p. 42; Employment Action for Cultural Diversity (EACD), *Submission 417*, p. 5; Monash City Council, *Submission 469*, p. 7; and see Ms Fiona Caniglia, Policy and Advisor Officer, Ethnic Communities Council of Queensland, (ECCQ), *Committee Hansard*, 11 July 2011, p. 4.

around skin colour, appearance and physical attributes, cultural and religious background, body language and accent, limited English language proficiency and ethnicity.⁷⁹

3.73 The AFIC called for research to be conducted into the effects of systemic limitations on minority groups from diverse cultural and faith backgrounds. It was contended that a better understanding of disadvantage would challenge assumptions that Australian Muslims, for example, are unable or unwilling to integrate.⁸⁰

3.74 VicHealth, among others, welcomed legislative reforms being made at State and Federal level to address systemic racism.⁸¹ However, it was also considered that there is a need to address more subtle indirect discrimination in service cultures. Accordingly, VicHealth has adopted targeted policies to reducing race-based discrimination and supporting diversity,⁸² noting:

...discrimination is best addressed by building support for and acceptance of difference, rather than by seeking to achieve equality by eliminating difference'.⁸³

3.75 In this regard, the Municipal Association of Victoria (MAV) advised of the work of some 500 to 600 local councils around Australia who settle migrant and refugees. The MAV confirmed the need for a cost-effective framework for funding and co-ordinating systemic engagement on a whole-of-government basis to improve settlement outcomes, social acceptance and cohesion, at the local level.⁸⁴

Our multicultural identity

3.76 Multiculturalism is a fact and a defining feature of our national character. Yet despite the official policy of multiculturalism and the evolving 'internationalism' of our polity, the Committee heard that there remains

79 EACD, *Submission 417*, p. 6

80 AFIC, *Submission 341*, p. 4.

81 VicHealth, *Submission 480*, pp. 8–9 and see CEH, *Submission 300*, p. 4.

82 VicHealth, *Submission 480*, pp. 8–9.

83 VicHealth, *Submission 480*, p. 5.

84 Ms Clare Hargreaves, Manager, Social Policy, and Mr Con Pagonis, Multicultural Policy Adviser, Municipal Association of Victoria (MAV), *Committee Hansard*, 3 February 2012, pp. 37, 39–40.

in some quarters a dominant and culturally narrow view of what it means to be 'Australian'.⁸⁵

3.77 Asked whether Australians have a distinctive or single identity, Dr Szoke responded:

I think Australia is unique. It is one of the few countries [in] the world that has an Indigenous population and a settled immigrant population and is still taking new immigrants, so to that extent we are well and truly a multicultural society. That is the identity we have.⁸⁶

3.78 However, there was also the view that the complex question of identity is too often 'glossed over' in discussing issues of multiculturalism.⁸⁷ Professor Graeme Hugo, Australia Population and Migration Research Centre, identified a need to research national and intergenerational identity. Referring to the impacts of changing technologies and increased global mobility, he concluded that: 'The idea that individuals can only have identity with a single country is to a very large extent outmoded by modern forms of globalisation, of transnationalism'.⁸⁸

3.79 The Committee was told that the use of the internet for cross-continental communication is now pervasive in ethnic communities. The Greek Orthodox Community of Melbourne, for example, reported that use of a range of international media platforms is generating 'a new kind of cosmopolitan awareness' among young and old.⁸⁹

3.80 Many first and second generation migrants were also described as enjoying 'hybrid identities', sometimes formally holding dual or multiple nationalities.⁹⁰ Professor Kim Rubenstein, Centre for International Public Law, Australian National University (ANU), argued that the recognition of dual citizenship by Australia in 2002 is an acknowledgement of the

85 Mr Bruce Meagher, Director, Strategy and Communication, Special Broadcasting Service (SBS), *Committee Hansard*, Sydney, 17 June 2011, p. 20; Dr Jupp AM, *Committee Hansard*, 14 September 2011, p. 11.

86 *Committee Hansard*, 23 February 2012, p. 4.

87 Mrs Nkrumah, African Women Australia Inc., *Committee Hansard*, 24 October 2011, p. 20.

88 *Committee Hansard*, 2 February 2012, p. 10.

89 Greek Orthodox Community of Melbourne and Victoria, *Submission 114*, p. 4.

90 Mr Pino Migliorino, Chair, Federation of Ethnic Communities Councils of Australia (FECCA), *Committee Hansard*, 15 June, p. 8; Dr Christine Ho and Prof Peter Collins, Cosmopolitan Civil Societies Research Centre, *Committee Hansard*, 23 February 2012, pp. 37, 39. Data is not kept on dual citizenship; however DIAC estimated that four to five million people were dual citizens in Australia in 2000. See *Current Issues Brief, Dual Citizenship in Australia, No. 5, 2000-01*, Department of Parliamentary Library, November 2000, p. 5.

reality that citizens can be members of other national communities without detracting from their loyalty to Australia.⁹¹

- 3.81 Dual citizenship was thus thought to legitimate multiculturalism as a policy which values culture preservation and survival, inter-cultural engagement and synergies, and a capacity to operate as global citizens.⁹²
- 3.82 However, the Committee also heard that enculturation stressors such as having minority group status and lack of language or other marketable skills can lead to mental health and social integration problems. The Multicultural Gambling Service of NSW advised that, especially among older isolated migrants: 'Feelings of self-doubt regarding one's cultural identity may be conducive to taking up gambling as an outlet to deal with these adverse effects of immigration'.⁹³
- 3.83 While school and work can provide links into the community, young people were also described as being at particular risk of 'falling through the cracks' if they fail to develop a sense of identity and connection within the mainstream community.⁹⁴
- 3.84 Pacific Islander community elders and youth workers spoke of systemic challenges facing young Pacific Islanders who exist between cultures and fall into socially unacceptable behaviours:
- ...our children are born and exposed to a different culture...They are just called Pacific Islanders. They cannot speak our language. They do not understand our culture. They are neither Australian nor Pacific Islanders, they are neither here nor there, they just hang somewhere and that is where it starts.⁹⁵
- 3.85 The Settlement Council of Australia (SCoA) advised that young African and Iraqi refugees often misunderstand the freedoms of western society and form 'little families', reported as ethnic gangs in the media which increases their sense of marginalisation.⁹⁶

91 ANU (Australian National University) College of Law, *Submission 353*, pp. 1, 4.

92 For example, Prof A Jakubowicz, 'Cultural Diversity, Cosmopolitan Citizenship and Education: Issues, Options and Implications for Australia', A discussion paper prepared for the AEU, July 2009, p. 1.

93 Multicultural Gambling Service of NSW, *Submission 351*, p. [1].

94 Ms Nadine Liddy, National Co-ordinator, Multicultural Youth Advocacy Network, *Committee Hansard*, 3 February 2012, pp. 22, 23.

95 Mr Ape Leulumoega Sofara, Samoan community and Church leader, *Committee Hansard*, 8 June 2012, p. 12, and for detail on access to Medicare and student assistance see United Voice of Pacific Island Communities, *Submission 506*.

96 Ms Bartels, SCoA, *Committee Hansard*, 17 June 2011, p. 17.

Developing a narrative of connection

- 3.86 The Committee heard that Australia could do more to help new arrivals develop a narrative of connection to their new country, both by educating other Australians and helping new arrivals transition into an Australian 'hybrid' identity.
- 3.87 Mrs Juliana Nkrumah, Founder of African Women Australia, advised of the challenges of being an African, so visibly different in suburban Parramatta, New South Wales. She found the narrative of Australia's multicultural history held important, hitherto unexplored, links for new African Australians:
- ... I had to do a lot of research before we had the conference, and a lot of the First Fleet people of African descent came to live in this area. They were given land in this area and they were great contributors to the building of the Australian nation, but people did not know that... So it is about highlighting that for our young people in order that they can take pride and say, 'Hang on a minute – we were part of building this great nation, and we will continue to be part of building this great nation.'⁹⁷
- 3.88 Migrant and refugee advocates also reminded the Committee of the important role of music, the arts, cultural events and sports programs, in addition to the work of ethnic specific cultural services, to build self esteem and social connection for migrants and refugees.⁹⁸ The Committee heard that events such as the Parramasala festival in Parramatta not only build broad community engagement, but foster a sense of belonging and connectivity between different sectors of the migrant community.⁹⁹
- 3.89 The Multicultural Communities Council of South Australia saw sports, and particularly music, as a vital cultural connector for young African refugees.¹⁰⁰ These mechanisms also foster positive media coverage and provide job opportunities.¹⁰¹ Dr Grace McQuilten, Social Studio Director,

⁹⁷ *Committee Hansard*, 24 October 2011, p. 21.

⁹⁸ Mr Golding, RISE, *Committee Hansard*, 26 October 2011, p. 12; Ms El Matrah, IWWCV, *Committee Hansard*, 29 March 2011, p. 44 and see Melbourne Fringe, *Submission 466*, Cultural Infusion Ltd, *Submission 424*, p. 3.

⁹⁹ Ms Debbie Killian, Manager, Community Library and Social Services, Parramatta City Council and see Mr Carlos Encina, Manager, New South Wales Spanish and Latin American Association for Social Assistance (SLASA), *Committee Hansard*, 24 October 2011, pp. 1, 12.

¹⁰⁰ Mr Phil Allan, Senior Policy Officer, Multicultural Communities Council of South Australia (MCCSA) *Committee Hansard*, 28 July 2011, pp. 8-11.

¹⁰¹ Mr Max Fofu Folly and Mr Sidique Bah, Mentors, MCCSA, *Committee Hansard*, 28 July 2011, pp. 8-9.

told how 'extreme levels of social isolation, frustration and voicelessness' among young refugees in Melbourne drove her to establish the Studio:

... to use the arts to tap into popular culture in the media to generate some positive images and positive messages, both for young people that are struggling to gain a sense of who they are in this society and are looking for ways to identify and feel a connection and a sense of belonging and for the wider public who may have fears and misconceptions about refugee communities and new and emerging migrant communities.¹⁰²

- 3.90 Overall, the policy for multiculturalism was commended for underpinning these developments, but it was also felt that more must be done to communicate the policy in understandable terms. Ms Melissa Monteiro, Manager, Holroyd Migrant Resource Centre, stated:

In Australia we have people who have come from cultural backgrounds where culture is so ingrained in their lives, and marrying the multicultural policy with the cultural backgrounds that they have come from or that Australia is receiving people from is difficult... out there at the grassroots that we encounter on a day-to-day basis, we are getting feedback from staff, community leaders and people out there in the community, and we are not finding that integration.¹⁰³

Recommending against racism

- 3.91 During the course of this inquiry, the Government was engaged in a period of public consultation and development leading to the release of the National Anti-Racism Strategy in late August 2012.¹⁰⁴
- 3.92 The Strategy was proposed for immediate implementation and will provide for a public awareness campaign, with a strong focus on community education and youth awareness. Research, and continued consultation and evaluation, will underpin development of the strategy until its end in June 2015.¹⁰⁵

102 *Committee Hansard*, 26 October 2011, p. 10.

103 *Committee Hansard*, 24 October 2011, p. 19.

104 Public consultation from March to late July 2012, see AHRC, *National Anti-Racism Partnership and Strategy Discussion Paper*, March 2012, viewed 17 July 2012.

105 AHRC, *National Anti-Racism Partnership and Strategy*, July 2012, p. 2.

- 3.93 The Strategy statement committed to progressively advance three major objectives over this period:
- *Objective 1: Create awareness of racism and its effects on individuals and the broader community*
 - ⇒ launch a public awareness campaign; identify community champions and support research on the prevalence of racism and its economic and social impacts.
 - *Objective 2: Identify, promote and build on good practice initiatives to prevent and reduce racism*
 - ⇒ align policies and legal protections to promote respect and equality for all Australians; establish a good practice clearing house on preventing and reducing racism with focus on young people; work with stakeholders and build partnerships between government and non-government organisations at national, state and local levels.
 - *Objective 3: Empower communities and individuals to take action to prevent and reduce racism and to seek redress when it occurs*
 - ⇒ identify and provide information to support individuals and communities to respond effectively to interpersonal and systemic racism and to individuals and communities at particular risk of racism to strengthen their access to legal protections.¹⁰⁶
- 3.94 The Strategy document also advised that the Government will target the particular vulnerabilities of people of Aboriginal and Torres Strait Islander and CALD backgrounds to individual and systemic racism. It will deploy both a top-down and ground-up approach, utilising schools and higher education providers, the media, government service providers, workplaces, and in sport to achieve maximum community engagement.¹⁰⁷

Reviewing the Anti-Racism Strategy

- 3.95 The timing of the inquiry and the policy release precluded the Committee from drawing further commentary on the policy proposal. Nevertheless the main components of the strategy were anticipated by submitters, who roundly endorsed the need for leadership from Government to address the manifest harms of racism, experienced or expressed, across all sectors

¹⁰⁶ AHRC, *National Anti-Racism Strategy*, July 2012.

¹⁰⁷ AHRC, *National Anti-Racism Strategy*, July 2012, pp. 6, 10.

of the community.¹⁰⁸ The Cosmopolitan Civil Societies Research Centre stated:

We particularly endorse the announcement of the Anti-Racism partnership strategy as a sign that government recognises the important role such pro-active engagement against inter-group hostility will play in improving social inclusion and social cohesion.¹⁰⁹

- 3.96 The Anti-Racism Strategy was supported as an inclusive mechanism to address prejudice against Indigenous Australians as well as those from CALD backgrounds.¹¹⁰ The AHRC welcomed, in particular, the full-time appointment of Dr Szoke as Race Discrimination Commissioner to provide the necessary leadership for its implementation.¹¹¹
- 3.97 As explored in this chapter, a noted priority among service providers was the need to address systemic racism. Health services and other migrant service providers welcomed the proposal for a guiding national anti-racism narrative and whole-of-government framework to ameliorate the negative health effects of racism against new arrivals in particular.¹¹² SA Health saw this recognition as integral to support necessary research on the poorer health outcomes of migrants long term compared with the general population.¹¹³
- 3.98 The need for a far reaching community education program was widely endorsed. Provision of information about human rights and protections was seen as an essential aspect of this.¹¹⁴ The South Australian Equal Opportunity Commission (EOC), among others, highlighted the importance of circulating rights-based information to migrants in the work place.¹¹⁵ The Refugee Council of Australia and the Centre for Human Rights Education at Curtin University considered it essential that schools

108 For example, FECCA, *Submission 175*, p. 4; Darebin City Council, *Submission 394*, p. 13; SCoA *Submission 401*, p. 4; Fairfield Migrant Resource Centre (FMRC), *Submission 404*, p. 1; RCOA, *Submission 416*, p. 2; United Nations Association of Australia (Victoria), *Submission 413*, p. 6; MDA, *Submission 421*, p. 15; AIRWA *Submission 425*, p. 9; The Australian Psychological Society, *Submission 422*, p. 4.

109 Cosmopolitan Civil Societies Research Centre, Prof Andrew Jakubowicz, *Submission 420*, p. 5;

110 FECCA, *Submission 176*, p. 16.

111 Ms Padma Raman, Executive Director, AHRC, *Committee Hansard*, 17 June 2011, p. 10.

112 Centre for Cultural Ethnicity and Health, *Submission 300*, p. 4; VicHealth, *Submission 480*, p. 8-9.

113 Government of South Australia, *Submission 470*, p. 11.

114 For example, Australian Ba'hai Community, *Submission 61*, p. 4; Liberty Australia, *Submission 414*, pp. 3-4.

115 Government of South Australia, *Submission 470*, p. 11.

promote the view of asylum seekers and people with disabilities as global citizens, over the message of productive diversity.¹¹⁶

- 3.99 Given the polarised views in the community about racism it was also considered that an appropriate balance between rights and responsibilities must be brought out in the narrative. As highlighted in this chapter, a common concern among critics of multiculturalism was that newcomers must be made aware of Australian values, so they can better integrate into in the community.¹¹⁷
- 3.100 The Dealing with Diversity Conference, Heads of Churches in Australia, saw schools as having a primary responsibility to articulate this message to all new arrivals.¹¹⁸ Another perspective on this from the ANU's Professor Rubenstein was that requirements for 'national unity' under such a narrative must be derived from liberal democratic values with provision for members to agree on basic principles of social cohesion and respect for others, but not require absorption of all individuals into one singular system of values.¹¹⁹
- 3.101 The Committee recognises both these proposals as an important part of citizenship education in schools, and commends this approach to Government. Noting Mrs Nkrumah's comments, the Committee also considers that public education campaigns should empower migrants and refugees by promoting their history and stories. This will nurture confidence and mutual respect, and promote tolerance, understanding and acceptance in the broader community.¹²⁰
- 3.102 Television, the media, digital technologies, and the arts also have an important role in communicating positive messages and exploring Australia's multiple cultural identities.
- 3.103 The Special Broadcasting Service (SBS) emphasised the critical importance of delivering broadcast services in new languages.¹²¹ The NEMBC noted the particular potential to engage ethnic communities though digital

116 Centre for Human Rights Education, *Submission 426*, p. 3; RCOA, *Submission 416*, p. 2, see also C Gershevitch, A Galla and M Dimopolous, *Submission 455*, p. 6.

117 See for example, *Submissions 3*, 263, 264, 293, 327.

118 Dealing with Diversity Conference, Heads of Churches in Australia, *Submission 45*, p. 2.

119 ANU College of Law, *Submission 353*, pp. 1, 4.

120 See Multicultural Youth Advocacy Network (MYAN), *Submission 392*, p. 5; Australian Youth Affairs Coalition, *Submission 392*, p. 2; AEU, *Submission 419*, p. 7; Australian Psychological Society, *Submission 422*, p. 2; Cultural Infusion Ltd, *Submission 424*, p. 2; *Submission 352*.

121 Mr Bruce Meagher, Director, Strategy and Communication, Special Broadcasting Service (SBS), *Committee Hansard*, 17 June 2011, p. 20.

technology under the National Broadband Network (NBN).¹²² Refugees, Survivors and Ex-Detainees (RISE) stated that national and state theatres also have a responsibility to cast diversely and to reflect multicultural stories.¹²³ KommonGround Inc. recommended Government support research partnerships between academia and theatres for this purpose.¹²⁴

- 3.104 The Kultour Network, the national advocate for cultural diversity in the arts, maintained that arts and cultural initiatives should be seen and funded as integral to all settlement and diversity programs across government agencies.¹²⁵ The Melbourne Fringe reported productive collaboration with the NEMBC, Kultour, Multicultural Arts Victoria and other bodies to hold spectator/performer multicultural arts festivals.¹²⁶
- 3.105 During the inquiry, the Committee heard much about the fundamental role played by grassroots organisations, including ethnic service providers, charities, and arts, sports organisations and enterprises involved in the training, education and employment of refugees and migrants. Their activities are multiply recorded in the body of this report.
- 3.106 Research contracted by DIAC suggests that funding to these smaller community organisations will be essential to promote person-to-person social inclusion activities which will be fundamental to the Anti-Racism Strategy's success.¹²⁷

Concluding comments

- 3.107 Australians by majority are not racist; they are comfortable with our cultural diversity and enjoy its benefits. Nevertheless, a small but vocal number in the community hold racist views and are exacting a high toll both on emerging communities and on social cohesion within the community as a whole.

122 Quoted in NEMBC, *Supplementary Submission 488.1*, pp. 5-6.

123 Mr Golding, RISE, *Committee Hansard*, 26 October 2011, pp. 15-16.

124 KommonGround Inc.- Cross Cultural Human Rights Theatre Company, *Submission 94*, p. 7.

125 Kultour Network, *Submission 473*, p. 2.

126 With VicHealth, the Adult Multicultural Education Service and the Asylum Seeker Resource Centre. See Melbourne Fringe, *Submission 465*, p. 2.

127 Eureka Strategic Research cited in DIAC 'Living in Harmony Project' Review, quoted in Prof A Jakubowicz, 'Cultural Diversity, Cosmopolitan Citizenship and Education: Issues, Options and Implications for Australia', A discussion paper prepared for the AEU, July 2009, p. 15.

- 3.108 Racism presents barriers to social and economic participation which can lead to social exclusion and entrench disadvantage, sometimes for generations. The evidence before the Committee confirmed that debate around race and diversity has taken on a new and destructive tendency which is simultaneously distracting from the successes of the past and casting a shadow over the future of Australia as a multicultural nation.
- 3.109 The Committee strongly supports the Government's Anti-Racism Strategy as an inclusive message defending the rights of all Australians, whatever their race or cultural background, to live without being subject to prejudice or discrimination. The Committee commends the decision to engage the broader community in the generation and delivery of the campaign, and suggests this be a two way process: one aspect is to build migrant and refugees' sense of place and engagement, and the other is to celebrate Australians' spirit of inclusiveness and accommodation of difference.
- 3.110 The Committee would support articulation of a clear definition of what multiculturalism is, and what it is not, as part of the anti-racism message. This is clearly necessary both to dispel politicisation of our cultural diversity and to develop an inclusive narrative meaningful for promulgation both to the Australian community more widely and to new arrivals.

Recommendation 2

- 3.111 **The Committee supports the Government's Anti-Racism Partnership and Strategy and recommends that anti-racism messages should celebrate the benefits of cultural diversity and social acceptance.**
- 3.112 The Committee endorses the Government's decision to articulate an anti-racism message at the grass roots level in communities, schools and workplaces, and through the appointment of community champions, to promote social cohesion.
- 3.113 In this regard, the Committee recommends the Government develop a funding model to engage all stakeholders to develop and promulgate the message of multiculturalism to their clients and to gather stories of migration and settlement.

- 3.114 In support of this objective, the Australian government should assist community organisations and service providers to more effectively communicate that multiculturalism is a social contract which connotes a balance of rights, responsibilities and obligations applying to all Australians.

Recommendation 3

- 3.115 **The Committee recommends that the Australian Government assist community organisations and service providers to develop programs and circulate information in community languages to explain that multiculturalism is a policy of social inclusion which connotes a balance of rights, responsibilities and obligations applying to all Australians.**
- 3.116 The Government may also consider providing incentives and targeted assistance to media, arts and cultural organisations to develop and promote stories which enrich the narrative of multiculturalism and support social cohesion.
- 3.117 The Committee supports the Australian Government's provision of cross-agency funding and other incentives to assist media, arts and cultural organisations explore, reflect and celebrate Australia's cultural diversity and the meaning of multiculturalism.
- 3.118 The Committee believes it is critical that policy formation on Australia's cultural diversity has a solid evidence base, tracking social attitudes with a view to building social cohesion. Mechanisms for this are explored further in the body of the report.
- 3.119 There is also a need for timely review of laws to ensure they remain effective as social mores and circumstances change. In this regard, the Committee commends the Government's review of Australia's anti-discrimination framework to remove complexity and streamline discrimination laws.
- 3.120 The Committee notes that on 21 February 2013 the Senate Legal and Constitutional Affairs Legislation Committee presented their report, incorporating additional comments and a dissenting report, on the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012.¹²⁸

128 Commonwealth of Australia, Senate Legal and Constitutional Affairs Legislation Committee, *Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012*, February 2013.

- 3.121 In relation to specific issues raised by NEDA around the treatment of people with a disability under the Migration Act Health Requirement, the Government has recently tabled its response to the Committee's 2010 report on this subject.¹²⁹
- 3.122 In the response, further review or excision of section 52 of DDA, which exempts the Migration Act from the effect of the DDA, wasn't supported by the Government. However, the Government otherwise endorsed a majority of the Committee's recommendations. Notably, to update the significant cost threshold and introduce net benefits assessment under the Health Requirement to ensure migration procedures for people with a disability are fair, consistent and more efficient.
- 3.123 The Committee does not advocate nor condone the expression of virulent public criticism of particular minority groups in Australia, whatever their race or creed. Race vilification laws have played an important role in maintaining social cohesion, and must attune to human rights standards and to community expectations.
- 3.124 The Committee notes concerns expressed in evidence about the role of the media (as discussed at paragraphs 3.41 – 3.46). On this basis, the Committee believes that any review of media regulation should take into account the need for a clear policy response to public articulation of false or hateful speech which seeks to perpetuate stereotypes of cultural groups. This includes stereotyping of Australians of Anglo-Celtic heritage, as well as people of the Islamic faith, or any other group.
- 3.125 Finally, the Committee reiterates its belief that the policy of multiculturalism does not prohibit legitimate debate or evaluation of trends in Australian society, associated with migration or otherwise. Multiculturalism promotes communication between different cultures within a unified narrative, and recognises that intercultural understanding is important between all ethnic and religious groups.
- 3.126 The next chapter addresses religious diversity and, especially, concerns about the place of the Islamic faith within Australia's multi-faith community.

129 *Australian Government Response to the Joint Standing Committee on Migration Report: Enabling Australia: Inquiry into the Migration Treatment of Disability*, November 2012.