



Edmund Rice Centre

Awareness. Advocacy. Action

12 May 2017

Committee Secretary
Select Committee on Strengthening Multiculturalism
Department of the Senate
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Edmund Rice Centre submission to Senate Select Committee on Strengthening Multiculturalism

The Edmund Rice Centre (ERC) is a non-government research and advocacy organisation working with those made poor, to promote liberation from poverty and injustice and to work for change in order to enable a world where the fullness of life is realised. Our vision is of a just world where right relationships ensure that human rights are protected and promoted and social and environmental justice is a reality.

We work to promote, protect and defend human rights, social justice and eco-justice through research, community education and awareness raising, advocacy and partnership building.

We welcome the opportunity to make a submission to this Inquiry.

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Introduction

For millennia, diverse nations of Indigenous Australians cared for the land, developing sophisticated systems of culture, governance, environmental management and spirituality. However, since 1788 Indigenous Australians have been treated harshly by non-Indigenous arrivals. Indeed, the Report of the Royal Commission into Aboriginal Deaths in Custody detailed the immediate violence inflicted towards Indigenous Australians by the British upon the arrival of the First Fleet -

“Different styles of violence and techniques of subduing Aboriginal people were employed. This applied even in the earliest, more conciliatory contacts. In 1788, the Eora people who met the first British arrivals at Botany Bay were given displays of musket fire in order to instil a sense of fear of British weaponry. While Governor Phillip may have justified this show of military power in the hope of avoiding violence, it was aimed at making Aboriginal people submit to the authority of the newcomers. They wanted to be respected and to dominate, to leave no doubt as to who was in charge.”¹

In the two centuries that have followed, Indigenous Australians have been dispossessed of their land, forcibly removed from their families and subjected to various forms of discrimination. Today, Indigenous Australians are still subjected to racial discrimination and continue to be denied their rightful place in society. For instance:

- In 2007, the then-Howard Government “intervened” in Indigenous communities in the Northern Territory, in breach of the Racial Discrimination Act;
- Indigenous incarceration rates have doubled in the 25 years since the Royal Commission into Aboriginal Deaths in Custody; and
- Indigenous peoples continue to experience racism, discrimination and vilification, evidenced by the booing of AFL player Adam Goodes and the social media abuse of former Senator and athlete Nova Peris.

Many commentators draw parallels with the treatment of the nation’s First People and now, with its latest or ‘Last’ peoples. New arrivals to Australia, particularly those from culturally and linguistically diverse (CALD) backgrounds, have also been subjected to various forms of discrimination, exclusion, vilification and bigotry. We regularly receive anecdotal reports of verbal racial attacks directed towards members of CALD communities and this anecdotal evidence is supported by statistical evidence. For instance, the 2016 Scanlon Foundation Mapping Social Cohesion Report found that –

“In 2016 the index of acceptance and rejection showed strong downward movement, from 82 points in 2015 to 67, a fall of 15 points. Reported experience of discrimination on the basis of ‘skin colour, ethnic origin or religion’ was at 20% in 2016, a significant increase from 15% in 2015.”²

There is, however, good news. Surveys of national opinion consistently show the majority of Australians support multiculturalism. As the Australian Human Rights Commission notes, we are a very successful immigration nation -

“One in four of Australia’s 22 million people were born overseas; 46 per cent have at least one parent who was born overseas; and nearly 20 per cent of Australians speak a language other than English at home... In 2013-14,

163,017 people from more than 190 countries were approved to become Australian citizens.”³

Equally, the overwhelming majority of Australians welcomed Kevin Rudd’s long overdue apology to the Stolen Generations in 2007 and national surveys consistently show strong public support for Constitutional Recognition.

The challenge for policymakers is to help foster an environment in which the ‘good’ prevails over the racism, hate, discrimination and xenophobia experienced by the First Australians and the last to arrive.

This Senate Inquiry has an important role to play in this process and the Edmund Rice Centre (ERC) welcomes the opportunity to make a submission.

Trickle Down Racism

On 21 May 2017, the United Nations *Committee on the Elimination of Racial Discrimination*, the *Working Group of Experts on People of African Descent* and the *Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* released a statement urging Governments around the world to act against racial profiling and incitement to racial hatred. The statement read –

“Political leaders and media voices that stigmatise certain ethnic groups, migrants and refugees as prone to criminality or terrorism, or as responsible for economic malaise, encourage racial contempt that can provoke prejudice, discrimination and even verbal and physical violence.

This chain of cause and effect has become all too clear, given the rising incidence of racist hate crimes in countries where minorities and migrants face increasingly hostile rhetoric...

When this discrimination is normalised, it exacts an increasingly heavy toll, as targeted individuals risk internalising a sense of stigma and marginalisation. More broadly, disproportionately high criminal conviction rates and penalties for minorities erode their trust in government institutions and reinforce the discrimination they experience.”⁴

This statement is very relevant to Australia in 2017.

Many Australians have not benefitted from globalisation and the shift to a knowledge-intensive economy, away from manufacturing. They feel increasingly insecure at work, are underemployed or have lost their jobs altogether. The threat of terrorism – at home and abroad – is also widely reported in the media.

Some politicians and sections of the media have offered simplistic solutions to these challenges and direct the blame towards immigrants, refugees and CALD communities. In the United States and parts of Europe, these groups have been targeted as the cause of social and economic problems, such as unemployment, crime and terrorism. We are also witnessing this style of politics in Australia, including the re-emergence of Pauline Hanson’s One Nation Political Party and an attempt by the major political parties to respond to this re-emergence in a variety of ways.

The way in which Australian politicians play “the race card” – explicitly or implicitly – has serious implications for multiculturalism. When political leaders call for an outright ban on Muslim immigration or subtly blame migrant workers for unemployment, stereotypes and prejudicial attitudes are normalised. When these attitudes are normalised, more serious language and behaviour become accepted.

In other words, stereotyping and insensitive racial comments normalises acts of prejudice; prejudice leads to discrimination, which can normalise violence towards people. This concept is known as the *Pyramid of Hate*. According to the United States Anti-Defamation League –

“The Pyramid shows biased behaviours, growing in complexity from the bottom to the top. Although the behaviours at each level negatively impact individuals and groups, as one moves up the pyramid, the behaviours have more life-threatening consequences. Like a pyramid, the upper levels are

supported by the lower levels. If people or institutions treat behaviours on the lower levels as being acceptable or “normal,” it results in the behaviours at the next level becoming more accepted.”⁵

Therefore, politicians from mainstream political parties need to understand the seriousness of their actions when they engage in rhetoric and propose that policies play into racial stereotypes and prejudices. It is important that this Senate Inquiry emphasises this point.

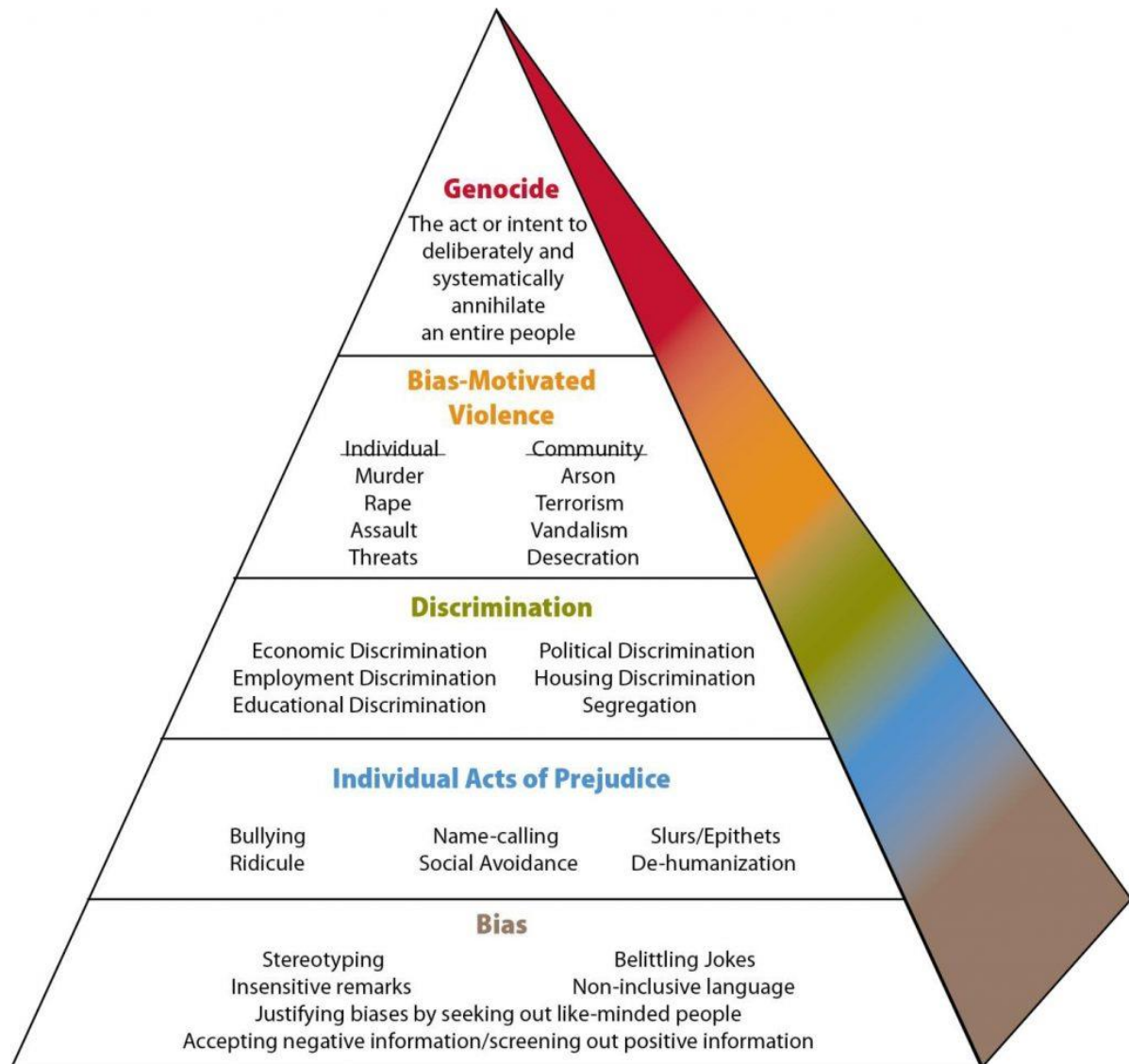


Image 1: The Pyramid of Hate⁶

The impact of political leadership and media representation on the prevalence of vilification and other forms of exclusion and bigotry on the basis of ‘race’, colour, national or ethnic origin, culture or religious belief

“I can smell racism. It doesn’t grow wild in a field. It is tended in a window box.”

David Ervine, National Aboriginal Treaty Conference 2002.

Political leadership has a significant impact on the prevalence of vilification, racism and discrimination. Australian political history is littered with attempts to exploit public concerns about race and immigration for electoral advantage. Racism, vilification and bigotry do not happen by accident, but rather are tended and cultivated by a style of politics that seeks to divide Australians into groups of “us” and “them” and create a culture of fear of the “other.”

A number of commentators describe this approach as *dog whistle politics*, which refers to –

“the art of sending coded or implicit messages to a select group of voters while keeping others in the dark. Just as a dog whistle can be heard by dogs but not humans, a dog whistle in politics can be heard by some members of the electorate but not others.”⁷

Common “dog whistles” include:

- Implied associations, such as drawing a link between terrorism and immigration and refugee issues or immigration and traffic congestion;
- Defending an individual’s “right to free speech” when responding to statements that an individual has made that are racially and culturally offensive, an approach that was evident in the debate regarding Section 18C of the Racial Discrimination Act;
- Remaining silent in response to comments that are racially and culturally offensive, such as Malcolm Turnbull’s silence following Pauline Hanson’s first speech to the Senate; and
- Implementing policies to convey a particular message to a section of the electorate, such as the proposed changes to the Citizenship Test.

In many ways, *dog whistle politics* creates a vicious cycle (Image 2). Elements of the voting public are perceived by the political parties to have hostile views towards CALD communities, migrants and refugees. As a result, political leaders adopt language or policies designed to appeal to this group of voters, which, in turn, further exacerbates these negative attitudes and hostilities.

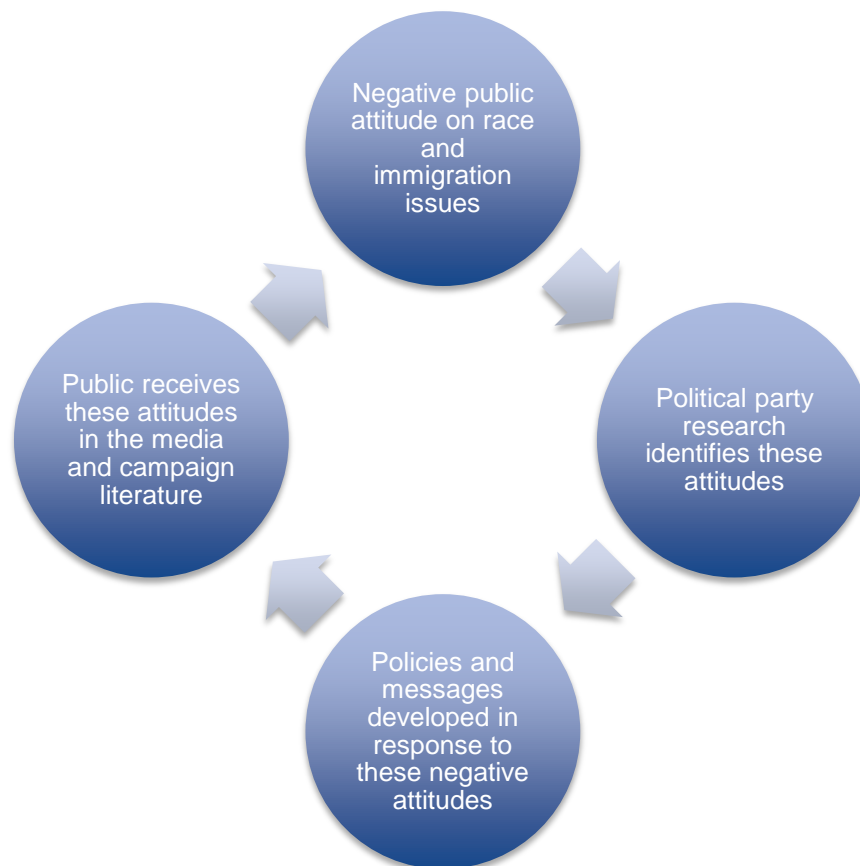


Image 2: The cycle of dog whistling

ERC has examined Federal and State election campaigns since 2001 and has identified deep and entrenched dog whistle tactics from the major political parties.

2001 Federal Election: Implied connection between refugees and people seeking asylum with terrorism

In the aftermath of the September 11 terrorist attacks and an increase in the arrival of people seeking asylum in Australia by sea, the then-Government made national security and border protection central themes of its re-election campaign.

In his campaign launch speech, John Howard drew a link between international terrorism and refugees and people seeking asylum in Australia. He said –

“A military response and wise diplomacy and a steady hand on the helm are needed to guide Australia through those very difficult circumstances. National security is therefore about a proper response to terrorism. It’s also about having a farsighted, strong, well thought out defence policy. It is also about having an uncompromising view about the fundamental right of this country to protect its borders. It’s about this nation saying to the world we are a generous open hearted people taking more refugees on a per capita basis than any nation except Canada, we have a proud record of welcoming people from 140 different nations. But we will decide who comes to this country and the circumstances in which they come.”⁶

2004 Federal Election: Fake pamphlet targeting a candidate on religious grounds

In the marginal Western Sydney electorate of Greenway, a fake pamphlet was distributed highlighting the fact Labor candidate Ed Husic was Muslim. The pamphlet, which was designed to look like official Labor material, stated –

“Ed Husic is a devout Muslim. Ed is working hard to get a better deal for Islam.”⁹

Whoever designed and distributed the fraudulent pamphlet did so to take advantage of Islamophobia.

2007 Federal Election: Fake pamphlet targeting Party on religious grounds

In the final week of the 2007 Federal election, senior members of the Liberal Party were caught distributing a fake pamphlet claiming to be from the fictitious “Islamic Australia Federation.” The material contained fake statements such as:

- *“We gratefully acknowledge Labor’s support to forgive our Muslim brothers who have been unjustly sentenced to death for the Bali bombings”; and*
- *“Labor supports our new mosque construction and we hope, with the support and funding by local and state governments, to open our new mosque in St Marys soon.”¹⁰*

Much like the fraudulent Greenway pamphlet, the Lindsay pamphlet was designed and distributed to take advantage of Islamophobia.

2010 Federal Election: Implied connection between immigration issues, refugees and people seeking asylum with threats to sovereignty, security, sustainability and “Australian way of life.”

The 2010 Federal election was characterised by a bipartisan “race to the bottom” on issues of immigration, refugees and population.

In her first press conference as Prime Minister on 24 June 2010, Julia Gillard, said–

“On the question of asylum seekers can I say this; I can understand that Australians are disturbed when they see boats arrive on our shores unannounced. I can understand that Australians are disturbed by that. I can understand that sense of anxiety. This country is a sanctuary, it's our home so we've got a responsibility to manage our borders and manage the question of asylum seekers in the best possible way.”¹¹

Gillard was sending coded, anti-refugee messages to key electoral constituencies. Language such as “Australians are disturbed” and “sense of anxiety” gave implicit legitimacy to public fears and opposition to refugees and people seeking asylum by boat. By portraying Australia as a “sanctuary,” Gillard drew a subtle link between people “[arriving] on our shores unannounced” and potential threats or danger to our safety.

One month earlier, the Federal Liberal Opposition led by Tony Abbott released a television commercial that included the line –

“Only real action will stop illegal immigration; we’ve got to take stronger measures now.”¹²

The advertisement featured arrows labelled Iraq, Iran, Afghanistan, Sri Lanka and Indonesia pointing to a map of Australia (Image 3). This was highly inflammatory and divisive imagery, designed to create fear in the community about people seeking asylum by boat. The image is reminiscent of wartime material warning of a possible invasion during World War II and the Cold War (Image 4).



Image 3: Tony Abbott's immigration 'dog whistle'

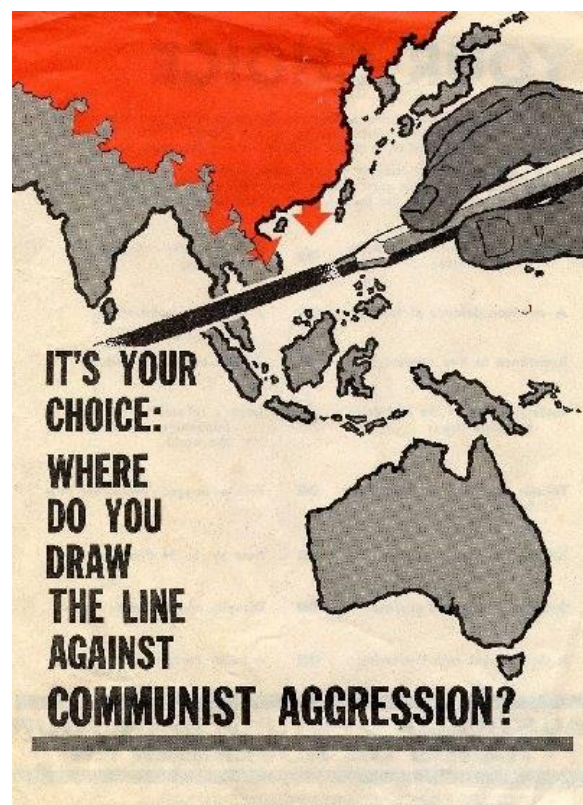


Image 4: Wartime posters – the threat of invasion

Debates about population policy were also a dominant feature of the 2010 election. Within a week of becoming Prime Minister Ms Gillard rejected the idea of a “big Australia” (based on a 2010 *Intergenerational Report* predicting Australia's population would increase to 36 million in 2050 based on current trends in overseas migration and fertility) –

"I support a population that our environment, our water, our soil, our roads and freeways, our busses, our trains and our services can sustain...If you spoke to the people of Western Sydney, for example, about a big Australia, they would laugh at you and ask you a very simple question: where will these 40 million people go?"¹³

During the nationally televised election debate, Gillard was asked to further explain what she meant by “a sustainable Australia.” In her reply, Gillard suggested immigration was a possible threat to the “very precious Australian way of life” –

"Policies to make sure...we've got a sustainable Australia. That we're taking with us into the future a very special, very precious Australian way of life...What I mean by a sustainable Australia is protecting our Australian way of life. That's having a job, being able to aspire to own your own home, getting decent service, health and education, having access to wide open spaces...I'd want us to deal with immigration against understanding or what a sustainable Australia is."¹⁴

The Labor Party even produced material promoting its “sustainable Australia” policy (image 5). The Party could deny it was an “anti-immigration” message, but rather a message about environmental sustainability by using the colour green.

Sustainable population, not a big Australia.

“Don’t hurtle towards a big Australia” says PM

JULIA GILLARD has urged against a “big Australia”, saying people need to “stop, take a breath and develop policies” for a sustainable nation.

Prime Minister Julia Gillard

Source: Sun Herald, 27 June 2010

Sustainable population, not a big Australia.

“I support a population that our environment and infrastructure can sustain.”

“Big’ Australia not on, says PM

“I do not support the idea of a ‘big Australia’ with arbitrary targets of 40 million people. We need to stop and take a breath. That’s why I’ve appointed a Minister for Sustainable Population to develop policies for a sustainable Australia.”

Prime Minister Julia Gillard

Source: Sunshine Coast Daily, 28 June 2010

For more information visit www.nswalp.com/sustainablepopulation

Labor

This material has been produced by Senator Michael Forshaw using his printing and communications entitlement. Authorised by Michael Forshaw, 33-35 Belmont St, Sutherland. Printed by Joffries Printing, 5/71a Milperra Rd, Pottsdy.

Image 5: Julia Gillard’s “sustainable Australia” dog whistle

The Opposition also engaged in this debate. Mr Abbott said if elected his Government would cut the intake from 300,000 to 170,000 within three years.¹⁵

Some would argue that discussions about population growth have nothing to do with multiculturalism. However, this ignores the fact that population policy and immigration policy are inextricably linked and that immigration and multiculturalism are inextricably linked. By conflating immigration and population growth with outer-urban infrastructure and transport challenges, Gillard and Abbott were scapegoating migrants as the cause of quality of life challenges, such as traffic congestion. As a result, they were normalising anti-immigrant attitudes and stereotypes.

2013 Federal Election: Implied connection between immigration issues, refugees and people seeking asylum with threats to sovereignty and security

The “race to the bottom” on refugee issues continued in the 2013 Federal election. Mr Abbott continued using his “stop the boats” rhetoric and announced Operation Sovereign Borders, describing the arrival of people seeking by boat as a “national emergency.” Using such language created the impression that Australia’s sovereignty was under threat from people seeking asylum by boat.

Meanwhile, in July 2013, Kevin Rudd announced that no one who came to Australia to seek asylum by boat would be allowed to settle in Australia, even if found to be a refugee.

There can be no doubt that Labor’s policy was developed in response to public concerns about the arrival of people seeking by boat. Labor strategists believed a hard line approach was necessary to win back public support. It should be noted that this policy immediately became bipartisan and is the reason refugees who are currently on Manus Island and Nauru have not been resettled in Australia.

2014 South Australian State Election: Pamphlet targeting a candidate on racial grounds

In the final weeks of the 2014 South Australian election, the Labor distributed a pamphlet attacking the Liberal candidate in the marginal electorate of Elder. The pamphlet criticised Liberal candidate, Carolyn Habib’s record as a local Councillor. However, the words “can you trust Habib?” were in extra large, stamped font overlaid against a crumbling brick wall (image 6). The pamphlet was clearly designed to emphasise the ethnic background of the candidate and win votes based on racial prejudices.

While senior Labor figures denied the pamphlet was designed for this purpose, its own members condemned it. For instance, Federal Labor frontbencher Ed Husic told media –

“I thought it was a terribly constructed brochure that had a focus on her surname instead of a legitimate question about a public office record. It was clearly designed to hone in on her background. There was an ethnic background to that name, and there was a focus on it.”¹⁶



Image 6: Anti-Lebanese election material

2016 Federal Election: Targeting refugees

In an interview with Sky News during the 2016 election, Immigration Minister Peter Dutton referred to a number of negative stereotypes about refugees and people seeking asylum –

*"They [refugees] won't be numerate or literate in their own language, let alone English...these people would be taking Australian jobs...For many of them that would be unemployed, they would languish in unemployment queues and on Medicare and the rest of it so there would be huge cost."*¹⁷

These were dog whistling comments that undermined multiculturalism and demonised vulnerable people. The comments were designed to incite fear and anxiety in the electorate about refugees and use this fear to win electoral support. Moreover, the comments are factually incorrect – all research indicates that refugees provide an economic benefit to the nation and an overall positive contribution to our society.

The current political environment: Section 18c of the Racial Discrimination Act

The Government's recent attempt to change Section 18c of the Racial Discrimination Act to replace the words "offend, insult and humiliate" with "harass" and include "a reasonable persons test," send a dangerous message to the community.

Had these changes passed the Parliament, they would have seriously weakened protections against racial hate speech. Indeed, the Government has signalled it condones language that may offend, insult or humiliate on the basis of an individual's linguistic, religious and ancestral background simply by proposing the changes. The Attorney General George Brandis' justification for the changes – that "people do have the right to be bigots" – normalises behaviour that is completely unacceptable in a multicultural nation.

We reject the “free speech” arguments put forward by critics of Section 18c. Many of the people who criticise Section 18c as limiting “free speech” were the loudest critics of an ANZAC Day social media post from Yassmin Abdel-Magied. It makes no sense that individuals, such as Senator Eric Abetz, defend the right of people to make offensive comments about someone’s ‘race’, colour or national or ethnic origin but call for Abdel-Magied to be sacked for writing an insensitive comment for which she later apologised. ERC believes that, in many instances, “free speech” arguments are used to justify and normalise racist, discriminatory and culturally offensive statements and language.

ERC commends the majority of Senators who voted against the proposed changes.

The current political environment: 457 visas

ERC recognises there are significant issues relating to overseas work visas, particularly the exploitation of these workers by unscrupulous employers. We commend the Trade Union movement for its ongoing activism to expose the abuse and exploitation of migrant workers across a range of industries. Trade Unions have avoided jingoistic and nationalistic rhetoric and focused on the rights of workers, regardless of national origin. Politicians from across the political divide should learn from the example set by Australia’s Trade Union leaders.

Any instance of migrant labour programs being exploited to undercut wages and conditions is unacceptable. However, it is imperative that these issues are put into context and that criticisms of such programs are directed towards employers, rather than foreign workers.

Unfortunately, an increasing number of politicians are discussing migrant labour issues through a highly jingoistic frame. Recent language employed by people across the political divide has been divisive, loose and clumsy.

Migrant workers should not be used as a scapegoat for unemployment and underemployment, especially in regional Australia – even though it may be politically expedient to do so. Simplistic “Australia first” rhetoric creates an “us versus them” divide that risks exacerbating anti-immigrant sentiment and undermines public support for multiculturalism.

For example, we are concerned about the following comments:

- *“We will no longer allow 457 visas to be passports for jobs that could and should go to Australians” – Malcolm Turnbull¹⁸*
- *“We hear constant reports of people coming in from overseas, by aeroplane, coming in on temporary guest worker visas and taking Australian jobs which could be done by locals” – Bill Shorten¹⁹*

In April 2017, the Federal Government announced it was abolishing the 457 Visa program. The Prime Minister used nationalistic and jingoistic language to justify the ban, saying –

“The migration program should only operate in our national interest. This is all about Australia’s interest...This is about jobs for Australians.”²⁰

However, the rhetoric does not match reality. As Henry Sherrell of the Crawford School of Public Policy notes –

“On average, people migrating to Australia do not steal jobs, nor do they drive down wages. The 457 visa program represents less than 1 per cent of the entire labour market. About three in every four people who hold these visas say they train others in their organisation. On average, these are highly skilled people receiving salaries of \$88,500, above full-time average earnings for the labour market as a whole.”²¹

The Federal Government’s response is not an answer to unemployment and underemployment. Rather, it simply reinforces the stereotype that migrants are to blame for these challenges. It would appear that this policy has been announced to win support from voters who are turning to the One Nation political party.

Furthermore, the Labor Party has been rightly criticised for an advertisement in which leader Bill Shorten promised to “build Australian first, buy Australian first and employ Australians first” while surrounded by a group that did not include a single person of colour. The advertisement sends a simplistic and coded message to people that unemployment and underemployment can be fixed by reducing visas for migrant workers. Indeed, even if the Labor Party were to include more diversity in the advertisement, it does not detract from the anti-immigration tone of the advertisement; “Country first” messaging has been used by far-right political parties and anti-immigration candidates in elections around the world, including by US President Donald Trump.



The current political environment: Citizenship Test

Recent changes to the Citizenship Test threaten Australia’s multicultural fabric. In April 2017, the Government announced a series of changes to the requirements to become an Australian citizenship, specifically:

- Increasing the general residence requirement to at least four years;
- Introducing an English language test people must pass prior to sitting the Citizenship Test;
- Changing the “Australian Values Statement” to require applicants to undertake to “integrate into and contribute to” the community;
- Requiring applicants to demonstrate their integration into the community, such as proof people are working/looking for work, involvement in volunteer organisations and ensuring their children are educated; and
- Changing the “pledge of Commitment” to refer to allegiance to Australia.

The Government has justified the changes by referring to a range of negative and inaccurate stereotypes about migrants in Australia. For example, according to the Australian Government’s *Strengthening the Test for Australian Citizenship*, the changes are necessary in “the face of [terror] threats.”²²

Minister Dutton further explained –

“Abide by the law and if you’re not going to abide by the law, or you’re not going to work if you’ve got the capacity to work, if you’re going to spend your time on welfare, or your kids are involved in Apex gangs in Victoria, for instance, then really we need to question whether that person is the best possible citizen.”²³

Developing policy in response to racial stereotypes is a highly divisive and inappropriate approach. It is also counterproductive and has the potential to reinforce stereotypes and misinformation.

Throughout modern history, language testing has been used to restrict immigration into countries, including Australia and the United States. For instance, for many years, Australia used a ‘dictation test’ as part of the *Immigration Restriction Act* (White Australia Policy) to restrict non-European immigration to Australia.

ERC has no doubt that policies such as the revised Citizenship Test and changes to migrant worker visas have been developed in response to political research and focus groups. However, it is not the job of leaders to simply say what is popular; it is their job to make popular what is right. This demands leadership. Instead, politicians from across the political divide have exploited prejudice and stereotypes for their own political gain. When politicians take this low road approach, multiculturalism is undermined.

The emergence and re-emergence of Pauline Hanson and the One Nation Political Party

ERC is of the view that Pauline Hanson’s emergence in 1996 and re-emergence at the 2016 Federal election was only possible because of the dog whistling from other, more senior politicians. The vast majority of statements made by Hanson throughout her political career are simply a low-brow version of statements made from senior politicians in the two major parties.

Topic	Senior Politicians from Major Political Party	Pauline Hanson
Multiculturalism	<p>"The objection I have to multiculturalism is that multiculturalism is in effect saying that it is impossible to have an Australian ethos, that it is impossible to have a common Australian culture. So we have to pretend that we are a federation of cultures and that we've got a bit from every part of the world."</p> <p><i>Source: John Howard in interview with Gerard Henderson, January 1989</i></p> <p>"This should be a unifying idea in Australia's national identity a new and realistic way of thinking about multiculturalism. In a diverse nation,</p>	<p>"I and most Australians wants our immigration policy radically reviewed and that of multiculturalism abolished...A truly multicultural country can never be strong or united. The world is full of failed and tragic examples, ranging from Ireland to Bosnia to Africa and, closer to home, Papua New Guinea. America and Great Britain are currently paying the price."</p> <p><i>Source: Pauline Hanson First Speech to House of Representatives, 10 September 1996</i></p> <p>"Australia has embraced migrants</p>

	<p>social cohesion is as important as respect for difference.”</p> <p><i>Source: Mark Latham, then-Federal Opposition Leader, in a speech about Australia's national identity, 20 April 2004</i></p>	<p>from all different races, making us one of the most multiracial nations on earth. Most have assimilated and are proud to call themselves Australians, accepting our culture, beliefs and laws. I welcome them from the bottom of my heart. As they integrate and assimilate, the disruption caused by diversity diminishes...Indiscriminate immigration and aggressive multiculturalism have caused crime to escalate and trust and social cohesion to decline. Too many Australians are afraid to walk alone at night in their neighbourhoods. Too many of us live in fear of terrorism.”</p> <p><i>Source: Pauline Hanson, First Speech to the Senate, 14 September 2016</i></p>
Asian Migration	<p>"I do believe that if it is - in the eyes of some in the community - that it's too great, it would be in our immediate-term interest and supporting of social cohesion if it were slowed down a little, so the capacity of the community to absorb it was greater."</p> <p><i>Source: John Howard on Asian immigration to Australia, ABC PM, 1 August 1988.</i></p> <p>"If there is any risk of an undue build-up of Asians against others in the community, then you need to control it. I certainly believe that at the moment we need to reduce the number of Asians."</p> <p><i>Source: Ian Sinclair, Leader of the National Party, 1989</i></p>	<p>"I believe we are in danger of being swamped by Asians. Between 1984 and 1995, 40 per cent of all migrants coming into this country were of Asian origin. They have their own culture and religion, form ghettos and do not assimilate."</p> <p><i>Source: Pauline Hanson, First Speech to the House of Representatives, 10 September 1996</i></p> <p>"You go and ask a lot of people in Sydney, at Hurstville or some of the other suburbs. They feel they have been swamped by Asians and, regardless of that now, a lot of Australians feel that Asians are buying up prime agricultural land, housing,"</p> <p><i>Source: Pauline Hanson, 4 July 2016</i></p>
So-called "Australian values"	<p>"Everyone has got to be on team Australia...everyone has got to put this country, its interests, its values</p>	<p>My pride and patriotism were instilled in me from an early age when I watched the Australian flag raised</p>

	<p>and its people first, and you don't migrate to this country unless you want to join our team."</p> <p><i>Source: Tony Abbott, interview with 2GB, 18 August 2014</i></p> <p>Opposition leader Kim Beazley has suggested Australian visa forms could include a statement of Australian values so all people arriving in the country would understand what was expected of them... Mr Beazley's plan would require all new Australian visa applicants - including people seeking holiday visas - to sign a statement affirming their respect for Australian institutions, different religions and cultures, women, and hard work.</p> <p><i>Source: Beazley's values test 'absurd', The Age, 12 September 2006</i></p>	<p>every morning at school and sang the national anthem...It is about belonging, respect and commitment to fight for Australia. This will never be traded or given up for the mantras of diversity or tolerance...Tolerance has to be shown by those who come to this country for a new way of life. If you are not prepared to become Australian and give this country your undivided loyalty, obey our laws, respect our culture and way of life, then I suggest you go back where you came from.</p> <p><i>Source: Pauline Hanson, First Speech to the Senate, 14 September 2016</i></p>
Islam	<p>Mr Costello said the citizenship pledge should be "a big flashing warning sign" to Muslims wanting to live under sharia law. "Before entering a mosque visitors are asked to take off their shoes," Mr Costello said. "This is a sign of respect. If you have a strong objection to walking in your socks don't enter the mosque. Before becoming an Australian you will be asked to subscribe to certain values."</p> <p><i>Source: Our Values or go home: Costello, 24 February 2006</i></p> <p>"Societies can't remain in denial about the massive problem within Islam...All of those things that Islam has never had – a Reformation, an Enlightenment, a well-developed concept of the separation of church and state – that needs to happen, but we can't do it; Muslims have got to do this for themselves, but we should work with those who are pushing in that direction...All cultures are not equal and, frankly, a culture that believes in decency and tolerance is much to be preferred to one which thinks that you can kill in the name of God, and we've got to be prepared to say that."</p>	<p>"Now we are in danger of being swamped by Muslims, who bear a culture and ideology that is incompatible with our own... Islam cannot have a significant presence in Australia if we are to live in an open, secular and cohesive society. Never before in Australia's history have we seen civil unrest and terror associated with a so-called religion, or from followers of that faith... Therefore, I call for stopping further Muslim immigration and banning the burqa."</p> <p><i>Source: Pauline Hanson, First Speech to the Senate, 14 September 2016</i></p>

	<p><i>Source: Tony Abbott, 9 December 2015</i></p> <p>"I can understand Australians that do find it [the burqa] a bit confronting; it's a little different on our streets."</p> <p><i>Source: Julia Gillard, 8 May 2010</i></p>	
Australia's population	<p>"I don't support the idea of a big Australia with arbitrary targets of, say, a 40 million-strong Australia or a 36 million-strong Australia... If you spoke to the people of Western Sydney, for example, about a big Australia, they would laugh at you and ask you a very simple question: where will these 40 million people go?"</p> <p><i>Source: Julia Gillard 27 June 2010</i></p>	<p>When have we been asked or consulted about our population? We reached a population of 24 million this year, 17 years ahead of prediction. At present, our immigration intake is 190,000 a year. High immigration is only beneficial to multinationals, banks and big business, seeking a larger market while everyday Australians suffer from this massive intake. They are waiting longer for their life-saving operation. The unemployment queues grow longer—and even longer when government jobs are given priority to migrants. Our city roads have become parking lots. Schools are bursting at the seams. Our aged and sick are left behind to fend for themselves. And many cities and towns struggle to provide water for an ever-growing population. Our service providers struggle to cope, due to a lack of government funding, leaving it to charities to pick up the pieces...I call for a halt to further immigration and for government to first look after our aged, the sick and the helpless.</p> <p><i>Source: Pauline Hanson, First Speech to the Senate, 14 September 2016</i></p>
Indigenous Australians	<p>"The whole Aboriginal policy area has been hijacked by the social engineers, the politically correct and other sundry groups more intent on dividing than uniting our community. They have been aided and abetted by the Prime Minister, whose policy approach once again has been to create divisions and unrealised expectations within the Australian community."</p> <p><i>Source: John Howard, Headland</i></p>	<p>"This nation is being divided into black and white, and the present system encourages this. I am fed up with being told "This is out land." Well, where the hell do I go? I was born here, and so were my parents and children. I will work beside anyone and they will be my equal but I draw the line when told I must pay and continue paying for something that happened over 200 years ago."</p>

	Speech, 1995	Source: Pauline Hanson First Speech to House of Representatives, 10 September 1996
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How to improve the expected standards of public discourse about matters of ‘race’, colour, national or ethnic origin, culture or religious belief

At a time when multiculturalism is openly being challenged and undermined, improving public discourse about matters of ‘race’, colour, ethnicity, culture and religious belief is absolutely critical. However, it is important to recognise that there is “no silver bullet” when it comes to making these improvements. Leadership at a political level is required, as are grassroots program that empower communities to promote cohesion and inclusion.

While we recommend that multiculturalism be enshrined in legislation, we recognise that this alone will not necessarily increase support for cultural diversity, nor will it improve public discourse about matters of ‘race’, colour, national or ethnic origin, culture or religious belief. Dr William Jonas, former Aboriginal and Torres Strait Islander Social Justice Commissioner and then-Acting Race Discrimination Commissioner highlighted this point in 2002, when he said -

“Legislation alone is not a panacea for racism. Education about the standard set by the legislation must be widespread and clearly understood in order for laws to have a preventative effect and influence social norms. Compliance with legal standards has to be valued by opinion leaders - including politicians. Flouting racial vilification laws should not be proof of strength in politics. There must also be continuous attention to eradicating racist messages from policies, from the educational curriculum, from institutions (such as the police), from the labour market and indeed from the media.”²⁴

Rights for Indigenous Australians

The Declaration of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance recognised that –

“Colonisation has led to racism, racial discrimination, xenophobia and related intolerance...and indigenous peoples were victims of colonialism and continue to be victims of its consequences...Indigenous peoples have been victims of discrimination for centuries...the full realisation by Indigenous peoples of their human rights and fundamental freedoms is indispensable for eliminating racism, racial discrimination, xenophobia and related intolerance... [The Conference] reiterates its determination to promote their full and equal enjoyment of civil, political, economic, social and cultural rights, as well as the benefits of sustainable development, while fully respecting their distinctive characteristics and their own initiatives.”²⁵

It is impossible not to separate discrimination and injustice experienced by Indigenous Australians with that of culturally and linguistically diverse communities. Until Australia puts right the wrongs caused by colonialism, underlying issues of racism, intolerance and xenophobia will prevent us from being a truly reconciled country. It will not be possible to build a lasting and truly successful multicultural country until the first peoples can take their rightful place in our nation.

Therefore, ERC calls on the Government to:

- Continue supporting as a matter of priority the recognition of Aboriginal and Torres Strait Islanders in the Australian Constitution;
- Commence Treaty negotiations in a manner similar to the Victorian and South Australian Governments;
- Restore funding to the National Congress of First Peoples; and
- Implement the recommendations of the *Redfern Statement* delivered to the Parliament in February 2017.

Government reinforce its commitment to multiculturalism

The Commonwealth Government should reaffirm its commitment to the policy of multiculturalism. We welcome the bipartisan motion of the House of Representatives of October 2016 that reaffirmed the House's support for multiculturalism and condemnation of any form of discrimination and vilification based on linguistic, religious and ancestral backgrounds. The motion stated –

That this House:

- (1) reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin;*
- (2) reaffirms its commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin;*
- (3) reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage;*
- (4) reaffirms its commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to our nation, and its democratic institutions and values; and*
- (5) denounces racial intolerance in any form as incompatible with the kind of society we are and want to be.*

In March 2017, the Government released its multiculturalism statement. The fact that it took more than three years to release its policy is a concern and raises questions about whether multiculturalism is a priority for the Government. Indeed, the changes made in the statement also bring into question the Government's commitment to multiculturalism. For instance, any reference to "equity" has been removed from the statement and there is a far greater focus on "security." The statement makes an implied link between immigration and multiculturalism and a heightened threat of terrorism, stating –

*"Recent terrorist attacks around the world have justifiably caused concern in the Australian community. The Government responds to these threats by continuing to invest in counter-terrorism, strong borders, and strong national security."*²⁶

ERC is concerned that this language represents a shift away from the fundamental principles of multiculturalism identified in the 1978 Galbally Report, specifically –

- (a) all members of our society must have equal opportunity to realise their full potential and must have equal access to programs and services;*

- (b) every person should be able to maintain his or her culture without prejudice or disadvantage and should be encouraged to understand and embrace other cultures;*
- (c) needs of migrants should, in general, be met by programs and services available to the whole community but special services and programs are necessary at present to ensure equality of access and provision;*
- (d) services and programs should be designed and operated in full consultation with clients, and self-help should be encouraged as much as possible with a view to helping migrants to become self-reliant quickly²⁷*

These principles must be at the heart of future Government statements about multiculturalism.

Enshrine Multiculturalism in law

The Government should give serious consideration to enshrining multiculturalism into law. Presently, multiculturalism exists as a policy, rather than in legislation. A significant downside to this is that the development of multicultural policies and statements do not appear to be a priority for Government. For instance, the current Government took nearly four years to release its multicultural policy and the Multicultural Affairs portfolio only receives the status of an Assistant Minister (Parliamentary Secretary).

Over the past 15 years, Government support for multiculturalism has waned, in both rhetoric and substance. Governments can - and do – make ideological changes to multicultural policies and statements, thereby weakening their level of commitment. Enshrining multiculturalism in legislation elevates its status and strengthens its legitimacy.

ERC argues that any Federal legislation to enshrine multiculturalism should reflect the abovementioned principles of the Galbally report.

The *Canadian Multiculturalism Act* provides us with a possible legislative model. According to the Act, it is *“the policy of the Government to:*

- (a) recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage*
- (b) recognize and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada’s future*
- (c) promote the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assist them in the elimination of any barrier to that participation*
- (d) recognize the existence of communities whose members share a common origin and their historic contribution to Canadian society, and enhance their development*
- (e) ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity*

- (f) encourage and assist the social, cultural, economic and political institutions of Canada to be both respectful and inclusive of Canada's multicultural character*
- (g) promote the understanding and creativity that arise from the interaction between individuals and communities of different origins*
- (h) foster the recognition and appreciation of the diverse cultures of Canadian society and promote the reflection and the evolving expressions of those cultures*
- (i) preserve and enhance the use of languages other than English and French, while strengthening the status and use of the official languages of Canada; and*
- (j) advance multiculturalism throughout Canada in harmony with the national commitment to the official languages of Canada."*

The *NSW Community Relations Commission and Principles of Multiculturalism Act 2000* also enshrines multiculturalism into legislation. The Act enshrines the following principles:

- (a) the people of New South Wales are of different linguistic, religious, racial and ethnic backgrounds who, either individually or in community with other members of their respective groups, are free to profess, practise and maintain their own linguistic, religious, racial and ethnic heritage*
- (b) all individuals in New South Wales, irrespective of their linguistic, religious, racial and ethnic backgrounds, should demonstrate a unified commitment to Australia, its interests and future and should recognise the importance of shared values governed by the rule of law within a democratic framework*
- (c) all individuals in New South Wales should have the greatest possible opportunity to contribute to, and participate in, all aspects of public life in which they may legally participate*
- (d) all individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language*
- (e) all individuals should have the greatest possible opportunity to make use of and participate in relevant activities and programmes provided or administered by the Government of New South Wales*
- (f) all institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.*

Importantly, the Act explicitly states "the principles of multiculturalism are the policy of the State."

Furthermore, just as the NSW legislation enshrines the objectives, functions and reporting requirements of the Community Relations Commission, any Federal legislation should enshrine the role of the Multicultural Advisory Council. This would strengthen the role of the Council and enhance its public standing as a statutory body, thereby elevating the importance of its work and the value of multicultural policy.

Amending the Migration Act 1958

Currently, the objectives of the Migration Act are –

- (1) *To regulate, in the national interest, the coming into, and presence in, Australia of non-citizens.*
- (2) *To advance its object, this Act provides for visas permitting non-citizens to enter or remain in Australia and the Parliament intends that this Act be the only source of the right of non-citizens to so enter or remain.*
- (3) *To advance its object, this Act provides for non-citizens and citizens to be required to provide personal identifiers for the purposes of this Act or the regulations.*
- (4) *To advance its object, this Act provides for the removal or deportation from Australia of non-citizens whose presence in Australia is not permitted by this Act.*
- (5) *To advance its object, this Act provides for the taking of unauthorised maritime arrivals from Australia to a regional processing country.*

ERC is of the view that additional objectives should be included that recognise the benefits of immigration to Australian society, a commitment to multiculturalism and in relation to refugees, the values for protection and resettlement and a commitment to our international legal obligations.

Private Sponsorship of Refugee Program

In recent years, a number of commentators have highlighted the fact that, since November 2015, Canada has successfully resettled more than 40,000 refugees from Syria in a cohesive and welcoming manner. In part, this has been made possible due to the Private Sponsorship of Refugees program, which, since 1979, has led to over 275,000 refugees being resettled.

Under the program, groups of individuals come together to nominate and sponsor refugees for resettlement. The sponsors raise the equivalent of one year's social security support and commit to financially supporting the refugees. The money raised by the sponsors provides income support for the refugees in the first 12 months of resettlement, after which they can receive income support.

If implemented properly, a similar program has real potential to strengthen multiculturalism in Australia. As a number of refugee policy experts have noted, such a policy –

“...can provide a platform for active citizenship and enhance social cohesion by directly engaging ordinary citizens in the nation-building activity of welcoming newcomers.”²⁸

Moreover, the policy would send a powerful message to counter forces propagating division and hate, highlighting that Australians are overwhelmingly a generous and welcoming people.

Unfortunately, the Australian Federal Government's Community Support Program, which comes into effect from 1 July 2017, ignores key features that are necessary to make private sponsorship models effective. For instance, the 1,000 places that have been provided for under the program will form part of the Government's overall Humanitarian Program. In other words, no additional refugee will be resettled in Australia.

ERC calls on the Government to revise the Community Support Program to incorporate the lessons of the Canadian Private Sponsorship of Refugees Program.

Recommit to Anti-Racism Partnership and Strategy

In July 2012, the Australian Human Rights Commission launched the *National Anti-Racism Strategy* “to promote a clear understanding in the Australian community of what racism is, and how it can be prevented and reduced.”²⁹

The Strategy was to be implemented between July 2012 and June 2015 and focus on public awareness, education resources and youth engagement. The “Racism – it stops with me” campaign was another feature of the strategy.

The Commission published a detailed evaluation of the strategy in 2015, which included a discussion about future directions.

It is imperative that the Commission receives the political support from the Government to implement this strategy effectively. Therefore, the politically motivated attacks from members of the Government towards the Australian Human Rights Commission must cease immediately.

Promote programs that support intercultural and interfaith dialogue and understanding

Greater interfaith and intercultural understanding is fundamental in order to improve public discourse and dialogue about matters of race, ethnicity, nationality, culture and religious belief. According to the organisation, Dialogue for Action, interfaith and intercultural dialogue involves -

- *Respect each other as persons;*
- *Celebrate the value and contribution of each other’s faiths and cultures;*
- *Acknowledge that they do not hold a monopoly on wisdom and truth;*
- *Understand the importance of listening as well as speaking;*
- *Affirm the important ethical (and spiritual) values they share in common;*
- *Accept that there are differences, and that such differences are an invaluable source of mutual enrichment;*
- *Recognise that relations between different faiths, cultures and communities have at times given rise to mistrust, suspicion, hostility , even violence;*
- *Understand that empathising with and acknowledging the pain and suffering of others is often a precondition to healing and reconciliation.*³⁰

Government agencies have an important role to play in promoting this dialogue and it is vital that Government, in both language and policy, foster an environment that enables this dialogue to take place.

The Federal Government should establish a grants program to support projects that promote intercultural and interfaith dialogue. A number of State Governments have established programs to fund activities that promote social cohesion and intercultural understanding. For instance, the NSW Premier’s Fund for Social Cohesion provides grants of up to \$20,000 to groups organising “community-led events and activities that bring together people from diverse cultural backgrounds to discuss and celebrate diversity.” The focus of the program is young people aged 12-25.

Programs to promote dialogue and understanding should not be reactionary. Meaningful interfaith dialogue and understanding should not simply revolve around

deradicalisation and countering extremism, but should build sustainable and lasting understanding and relationships

Whole of Government approach to supporting multiculturalism and combating racism and xenophobia

The United Nations notes –

“Governments must make sure that minorities, including migrants and refugees, are treated as equals and are fully integrated in society, through access to housing, healthcare, education, and social services.”³¹

All Government Departments have a role to play in supporting multiculturalism and combating racial discrimination, bigotry and xenophobia. Better consideration should be given to the needs of CALD communities in the provision of services, such as health, education, housing, welfare and family payments and employment.

This also includes improved human rights and anti-racism training for law enforcement and criminal justice authorities including police officers, prison staff, immigration and customs, and judges.

Improved data collection and social research on racially motivated crimes

There is currently inadequate existing data collection and social research on racially motivated crimes. This was an issue raised by the United Nations Committee of the Elimination of Racial Discrimination (CERD) in 2010. In its Concluding Observations about Australia, the Committee recommended that -

“The State party further intensify its efforts to combat racially motivated violence, including by requiring law enforcement authorities to collect data on the nationality and ethnicity of victims of such crimes and ensuring that judges, prosecutors and the police consistently apply existing legal provisions which consider the motive of ethnic, racial or religious hatred or enmity as an aggravating circumstance. It recommends that the State party provide updated statistical data on the number and nature of reported hate crimes, prosecutions, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims.”³²

In response to this recommendation, the then-Government acknowledged that police forces across the country do not routinely collect data on the “nationality, ethnicity or immigration status” of victims of crimes.³³ However, the Government noted it was willing to “consider other options for collecting and analysing data on victims of crime.”³⁴ The Government advised the Committee that the Australian Institute of Criminology would “inform future work in this area.”³⁵

Despite this apparent willingness in 2010, little progress appears to have been made. There is still inadequate Government led or coordinated research on multicultural and social cohesion matters, including racially motivated crimes.

ERC urges State, Territory and Federal Government to improve the collection and public reporting of data on minorities in policing and criminal justice systems, including racially motivated crimes. Importantly, this should include data about Indigenous Australians.

“Truth in advertising” laws to apply to election campaigns

Referring to people who seek asylum by boat as “illegal immigrants” is factually incorrect. Political candidates for public office should not be able to use this kind of language in election advertisements. However, there is currently no “truth in advertising” regulation for Federal elections.

It is currently illegal in Australia for –

“A corporation shall not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive.”

If such a law is good enough for corporations, it should be good enough for political parties. Indeed, after the 1983 Federal election, the Commonwealth Electoral Act was amended to insert a new Section 116(2) which stated –

“A person shall not, during the relevant period in relation to an election under this Act, print, publish, or distribute, or cause, permit or authorise to be printed, published or distributed, any electoral advertisement containing a statement:

- 1. that is untrue; and*
- 2. that is, or is likely to be, misleading or deceptive.”*

While this section was removed after the 1984 election, the Government should give serious consideration to inserting a similar “truth in advertising” provision in the Commonwealth Electoral Act. This would prevent political parties making misleading, deceptive and untrue statements about issues such as immigration.

Ratification of international human rights treaties

Australia has signed and acceded to the International Convention on Civil and Political Rights (ICCPR) and the International on the Elimination of All Forms of Racial Discrimination (CERD). However, Australia has a reservation to Article 20 of the ICCPR which states –

- 1. Any propaganda for war shall be prohibited by law.*
- 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.*

Australia also has a reservation to Article 4 of the CERD which requires acceding states to –

“...condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the*

provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

In 2009, the United Nations Human Rights Committee recommended the Australian Government -

“...adopt federal-level hate speech laws of the form envisaged by article 20 of the Convent [on Civil and Political Rights].”³⁶

The Committee raised concerns about “reports of an increased number of cases of discrimination of persons of Muslim background.” Further, the Committee noted “the lack of hate speech prohibitions of the form envisaged by article 20 of the Covenant.”

ERC urges the Federal Government to withdraw its reservation to both articles and to subsequently enact legislation (or amend existing legislation) to give effect to all provisions in both treaties. This would include imposing criminal penalties. State and Territory Governments should also ensure their laws are compatible with these treaties. Indeed, we note that proposed amendments to Section 18C of the Racial Discrimination Act directly contradict Australia’s international legal obligations.

Furthermore, as per recommendations from the United Nations Human Rights Council Committee on the Elimination of Racial Discrimination (CERD), the Parliament should ratify the *International Convention of the Protection of All Migrant Workers and Members of Their Families*. Criticisms of migrant worker programs often include concerns that such programs could undercut Australian wages and employment conditions. These concerns could easily be allayed by the ratification of this Convention, which states in Article 25 –

“1. Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and:

(a) Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by these terms;

(b) Other terms of employment, that is to say, minimum age of employment, restriction on work and any other matters which, according to national law and practice, are considered a term of employment.

2. It shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment referred to in paragraph 1 of the present article.

3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity.”

While Australia is yet to ratify the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, we note and commend the Government on reports that steps are being taken in this direction. This process is important and must continue as a matter of priority.

The Parliament should also give effect to the *Durban Declaration and Programme of Action*, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In giving effect to this Declaration, it is important to take into account the 2009 *Outcome Document of the Durban Review Conference*. The criticisms of the Durban Conference and the Review Conference should not detract from the important outcomes that emerged from both Conferences.

The importance of education

As per Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination –

“States Parties [agree to] undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.”

We note that in 2010 the Committee on the Elimination of Racial Discrimination expressed concern that the “historical position, importance and contributions to Australian society of Indigenous peoples and those of other groups protected under the Convention may not be properly reflected in the proposed [national] curriculum.”³⁷

It has been seven years since this recommendation was made and, unfortunately, the national curriculum still does not reflect the importance of Indigenous peoples and migrant groups to Australian society. For instance, the most recent review of the National Curriculum led to changes that weakened the recognition of Indigenous and migrant Australians in the curriculum in the name of “strengthen[ing] references to Western influences in Australia’s history.”³⁸ This included removing explicit references to the study of Indigenous and migrant Australians in some parts of the curriculum.

For too long, the school curriculum has been a battleground in Australian “culture wars” and in political debates about reconciliation, multiculturalism and “Australian values.” As long as this practice continues, it will be impossible to develop and implement effective human rights and anti-racism education programs.

Therefore, ERC recommends the Commonwealth Department of Education and Training and State Education Departments ensure the national curriculum supports

and reinforces multiculturalism and conveys an accurate depiction of the treatment of Indigenous Australians and migrants.

Furthermore, research should be undertaken to identify more effective ways of teaching these issues in the classroom. It is counterproductive if these issues are communicated poorly to students. If taught well, the benefits are significant.

Constant reviews and amendments have the potential to impose additional burdens on educators and students who deserve certainty. However, the most recent review into the national curriculum has led to changes that are simple unacceptable if Australia is serious about responding to the concerns raised by the Committee on the Elimination of Racial Discrimination in 2010 and working to eradicate racial discrimination, intolerance and racism.

Importance of Constitutional Change

Changes to Australia's Constitution to recognise Aboriginal and Torres Strait Islander peoples and remove so-called "race provisions," are imperative. The fact that Australia's Constitution does not include entrenched protection against racial discrimination has been noted with concern by United Nations human rights bodies, including the Committee on the Elimination of Racial Discrimination in 2010. The Committee's expressed concern regarding -

*"the absence of any entrenched protection against racial discrimination in the federal Constitution and that sections 25 and 51 (xxvi) of the Constitution in themselves raise issues of racial discrimination."*³⁹

Therefore, constitutional change to recognise Aboriginal and Torres Strait Islander people and to remove sections that allow for racial discrimination must be a priority for the Government.

Research

Programs and policies to address racism and racist discourse should be best practice and developed based on research. Unfortunately, there is very little Government-coordinated research into racism, vilification, discrimination and xenophobia. Presently, this research is largely done by tertiary institutions and not-for-profit bodies, such as the Western Sydney University's Challenging Racism Study and annual reports by the Scanlon Foundation.

The closure of the Bureau of Immigration, Multicultural and Population Research in 1996 was a short-sighted decision. As a result, there is no Commonwealth agency responsible for collecting accurate and current data identifying trends in multiculturalism and measuring CALD related disadvantage.

An institute, similar to the Bureau of Immigration, Multicultural and Population Research, should be established to conduct quantitative and people-centred qualitative research to inform public policy and community programs.

An increase in qualitative research should be a priority for this proposed new body. There are success stories across the country (and internationally) where racial tension and divides have been bridged. This includes the 80:20 Educating and Acting for a Better World "Let's Talk" conferences in the late 1990s and early 2000s which, organised in partnership with the Edmund Rice Centre, brought together young people from a variety of contexts (Northern Irish Catholic and Protestant, Irish

Catholic and Protestant, British and Indigenous and Non-Indigenous Australians). The conferences aimed to provide young people with the skills for reconciliation and cross-cultural network building to achieve sustainable and durable reconciliation at a community level. Northern Ireland political leaders from all sides of the conflict also attended sessions of the conference and observed young people working together to develop skills, regardless of religious and cultural differences.

Locally, projects such as “Together for Humanity” and “Parliament of the World’s Religions” provide young people with opportunities to build intercultural and interfaith understanding and promote the benefits of multiculturalism and diversity.

A national research project should be developed to document these success stories and identify common themes for success. Once common themes have been identified, a basis for future policies has been identified.

Summary of Recommendations

1. Recognising that protecting and promoting rights for Indigenous Australians is fundamental to overcoming racism, racial discrimination and xenophobia, the Federal Government should
 - a. Continue supporting as a matter of priority the recognition of Aboriginal and Torres Strait Islanders in the Australian Constitution;
 - b. Commence Treaty negotiations in a manner similar to the Victorian and South Australian Governments;
 - c. Restore funding to the National Congress of First Peoples; and
 - d. Implement the recommendations of the *Redfern Statement* delivered to the Parliament in February 2017.
2. The Federal Government should recommit and reaffirm its support for multiculturalism, especially the principles of multiculturalism outlined in the Galbally Report.
3. The Federal Government should elevate the status of multiculturalism by enshrining the principles of multiculturalism and the role of the Multicultural Advisory Council in legislation.
4. The Objects of Migration Act should be amended recognise the benefits of immigration to Australian society, a commitment to multiculturalism and in relation to refugees, the values for protection and resettlement and a commitment to our international legal obligations.
5. A *Private Sponsorship of Refugees* Program, similar to the Canadian model, should be implemented. Importantly, any refugee resettled under such a program should be in addition to, rather than in place of, refugees resettled under the Humanitarian Program.
6. The Australian Human Rights Commission's Anti-Racism Strategy should be supported.
7. Politically motivated attacks on the Australian Human Rights Commission must cease immediately.
8. The Federal Government should promote interfaith and intercultural dialogue, including establishing programs to fund for projects at a local level.
9. Better consideration should be given to the needs of CALD communities in the provision of services, such as health, education, housing, welfare and family payments and employment.
10. Improved human rights and anti-racism training for law enforcement and criminal justice authorities including police officers, prison staff, immigration and customs, and judges.
11. Improved collection and public reporting of data on minorities in policing and criminal justice systems, including racially motivated crimes. Importantly, this should include data about Indigenous Australians.
12. Insert a "truth in advertising" provision in the Commonwealth Electoral Act. This would prevent political parties making misleading, deceptive and untrue statements about immigration.

13. The Federal Government should remove reservations to Article 20 of the International Covenant on Civil and Political Rights and Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Legislative changes would subsequently need to be made give effect to all provisions in both treaties. This would include imposing criminal penalties for inciting religious, national or racial hatred.
14. The Federal Government should accede to the International Convention of the Protection of All Migrant Workers and Members of Their Families and the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.
15. Improvements should be made to human rights, Indigenous, anti-racism and multicultural education in schools.
16. Domestic and international research should be undertaken to identify effective methods of teaching about human rights and anti-racism at schools.
17. The Commonwealth Department of Education and Training and State Education Departments ensure the national curriculum supports and reinforces multiculturalism and conveys an accurate depiction of the treatment of Indigenous Australians and migrants.
18. The removal of the sections in the Constitution that that allow for racial discrimination must be a priority.
19. An institute, similar to the Bureau of Immigration, Multicultural and Population Research, should be established to conduct quantitative and people-centred qualitative research to inform public policy and community programs.
20. This institute should be tasked with documenting success stories in Australia and internationally. Once common themes have been identified, the basis for future policies has also been identified.

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