

Submission: National Anti-Racism Framework

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With thanks:

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About ANTaR

ANTaR is a national advocacy organisation working for Justice, Rights and Respect for Australia's First Peoples. We do this primarily through campaigns, advocacy, and lobbying.

Our current national campaigns include:

- Constitutional Recognition and Equality – for Constitutional change to recognise Australia's First Peoples and remove discriminatory elements from our founding document; and
- Advocating for treaty and agreement-making processes across Australia.

We also engage in national advocacy across various policy and social justice issues affecting Aboriginal and Torres Strait Islander communities, including anti-racism campaigns, native title, languages and cultures, economic and community development, remote communities' services and infrastructure, health, and human rights.

ANTaR is a foundational member of the Close the Gap Campaign Steering Committee, the Change the Record Campaign Steering Committee, and the Redfern Statement Alliance.

ANTaR has been working with Aboriginal and Torres Strait Islander communities, organisations and leaders on rights and reconciliation issues since 1997. ANTaR is a non-government, not-for-profit, community-based organisation.

Introduction

Thank you for the opportunity to provide comments to inform the consideration of the proposed ***National Anti-Racism Framework***.

ANTaR acknowledges the long-standing leadership of the Australian Human Rights Commission (AHRC) in addressing racism in Australia. Racism is a blight on our society and undermines our social cohesion. We share the concerns expressed by Race Discrimination Commissioner Chin Tan in the Framework's Concept Paper.

ANTaR has anti-racism as a core priority of our work and we have been proud and active members of the '*Racism. It stops with me*' Campaign. We have previously worked closely with our partners and stakeholders across civil society to resist proposed changes to the *Racial Discrimination Act 1975* that would have weakened protections against racism in Australia.

While we are passionate about reducing any and all forms of racism in Australia, we have a particular focus on Anti-Racism strategies that would serve the First Nations communities across Australia that have experienced both direct and systemic racism since colonisation began in 1788.

Our submission will address three key areas we believe should be fundamental to a National Anti Racism Framework (the Framework), including:

- Comprehensive public education that addresses racism
- Addressing systemic or institutional racism that perpetuates structural prejudices
- Ensuring protections are in place for individuals and also suitable and safe avenues of recourse where people suffer racism.

Footage of George Floyd's death at the fault of a police officer in Minneapolis, in May of 2020, spread rapidly across the globe with the aid of [social media](#). The footage ignited Black Lives Matter protests all over the world, where people took to the streets to demonstrate their solidarity with those who continue to experience racism. Where some are privileged to live in a society where their race is recognised, celebrated, and endorsed, those who do not identify with the dominant racial identity suffer discrimination as a result of policies and laws being interpreted and practiced with little correction or review. The Black Lives Matter

movement brought to the forefront the issue of [systemic discrimination](#) and its consequences remain inadequately addressed.

The Black Lives Matter movement sparked protests in Australia along with some focus on the criminalisation, over-incarceration, and [injustice experienced by Aboriginal and Torres Strait Islander people](#). The experience of inequality and discrimination has continued despite the [Royal Commission into Aboriginal Deaths in Custody](#) (RCIADIC) thirty years ago making over [330 recommendations](#) on structural improvements relating to health, education, economic opportunities, housing, land needs and reconciliation. By failing to hold those in positions of power accountable, Australia has also failed to address the inequality in justice outcomes that remain chronic in society.

A National Anti-Racism Framework, as it relates to First Nations issues, must refer to the numerous studies, reports and recommendations that have been released over the decades since RCIADIC with the intent of protecting or responding to Aboriginal and Torres Strait Islander community interests. The National Anti-Racism Framework must be the vehicle to actualise the solutions that have been established for so long.

Comprehensive public education

Comprehensive public education is essential to a framework that has the intention of eliminating the experience of racial discrimination. By educating institutions and communities about both the overt and less visible acts of racial discrimination, individuals and organisations will be able to identify and address racial discrimination when and where it would otherwise occur. An Anti-Racism Framework should be a central repository and guide to access resources as a trusted hub.

For First Nations people, a comprehensive anti-racism education must synthesise with and uphold the principles in documents that serve to protect First Nations communities (such as, the United Nations Declaration on the Rights of Indigenous Peoples). It is important that the anti-racism resources are guided and informed by First Nations voices and organisations, and that these resources serve to reconcile relationships and empower people to stand against racism.

Australia endorsed the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UNDRIP) in 2009, two years following its adoption into the General Assembly. UNDRIP outlines the '*minimum standards for the survival, dignity and well-being of the indigenous*

(sic) peoples of the world' ([Article 43](#)) and includes 46 articles that define Indigenous peoples rights to self-determination, a life free of prejudice and discrimination, involvement in decision-making processes, and the requirement for consultation with Indigenous communities. Despite Article 2 acknowledging that Indigenous People are '*free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination*', the Australian Bureau of Statistics found that the [imprisonment of Aboriginal and Torres Strait Islander people](#) increased by eight per cent between June 2020 and June 2021. A National Anti-Racism Framework must help close the gap between the principles and aspirations of UNDRIP and the lived reality of First Nations communities in Australia.

[Discrimination](#) as it relates to First Nations people is defined as:

Situations and/or places in which a person was treated unfairly. Includes, but is not limited to: being treated rudely, as if they are inferior or with disrespect, ignored, insulted, harassed, stereotyped or discriminated against, or unfair assumptions are made about them. Refers only to those situations and/or places in which the person was treated unfairly because of their Aboriginal or Torres Strait Islander origin.

Experiences of discrimination and prejudice have long been identified as having a significant impact on an individual's quality of mental and physical wellbeing, as well as their employment and education.

First Nations people in Australia have highlighted the need for education around the [importance of truth-telling](#) in our society, where there is an understanding that racism exists but less of an understanding as to why this in a socio-historical context. Racism can be traced back to the colonisation of Australia and continues to reveal itself within policy and education outcomes well into the twenty-first century. This is in part due to a lack of education to improve an understanding of the lived experiences of First Nations peoples.

First Nations people are often victims of inaccurate stereotyping that have been perpetuated by non-Indigenous voices and mainstream media.

The National Anti-Racism Framework should commit to educating audiences about the more discrete and overt forms of racial discrimination that present in schools, workplaces, the healthcare system and the criminal justice system as well as media outlets that perpetuate negative stereotyping and prejudicial framing.

Education is essential to transforming the way Australians think and act towards First Nations peoples and culture. A National Anti-Racism Framework should endorse First Nations perspectives and the work of peak organisations that are already encouraging critical thinking at all levels about the issues faced by First Nations communities. By creating a space for Aboriginal and Torres Strait Islander people and professionals to discuss and educate others on their experiences with racial discrimination and how to overcome it, audiences are able to build a better understanding of its impacts.

For example, the [Know Your Country](#) Campaign advocates for cultural educators in every primary school and also provides online resources that are applicable for schools, organisations and businesses. [ANTaR](#) also provides access to engaging resources that encourage action from a primary school level up to an academic and professional level through access to previous submissions, opinion pieces and interactive content such as our [Sea of Hands, Hands Up! program](#). It is ANTaR's experience that there is a hunger for this type of material and information across the Australian community. A National Anti-Racism Framework should be a trusted hub for resources that inform on the realities of racism, promote social cohesion and champion truth-telling across Australia.

The ['Racism. It Stops With Me' Campaign](#) should play an important role in public education and be a complementary organisation with the proposed Framework. The Campaign should provide the necessary resources for individuals and organisations to [learn why racism exists in our society](#) and most importantly how to [reduce the impact of the bystander effect](#). These resources are examples of what could be included in an accessible online hub for education purposes, or that aid in the development of stronger and more extensive resources.

We continue to see the value of this outreach in campaigns such as the *'Change the Date'* where schools, social media accounts and activists have been able to penetrate mainstream media outlets to educate otherwise unengaged audiences about the [problematic nature of celebrating a history of genocide on 26 January](#).

A National Anti-Racism Framework has the opportunity to centralise readily available resources in order to work towards a collective goal of reducing experiences of racism that may result from a lack of understanding or shared misinformation. Anti-racism principles from a First Nations perspective include:

- **Education (Truth-Telling)** - *To address the misinformation that has been shared throughout history and which has had an inter-generational impact on the experience of racial discrimination by First Nations communities.*
- **Inclusion** – *Of First Nations voices, experiences and knowledge on matters that affect them at all levels to ensure that they are represented and provided with equal opportunity to have their say.*
- **Right to self-determination** – *To live a life that is equal to others and free from racial discrimination (i.e., access to healthcare, education, employment).*

Truth-telling has already shown to have had an impact on building social cohesion with First Nations issues in positive ways that is likely to continue (i.e. what 26 January represents for First Nations people and the cause for changing the date). Inclusion of First Nations voices and representation empowers other First Nations peoples and communities to stand up to racial discrimination where there is evidence of change and the opportunity for representation. Inclusion ensures that First Nations peoples and communities that bear the brunt of racial discrimination in Australia are heard and able to present their own strategies that work for their own communities. Finally, the right to self-determination relates to eliminating the gaps that exist between First Nations people and non-First Nations people so that First Nations people have an equal opportunity to determine their own futures.

In 2017, [*The Uluru Statement from the Heart*](#) identified the need for the Constitutional recognition of Aboriginal and Torres Strait Islander peoples in order to establish a First Nations Voice to parliament. It calls for a Makarrata Commission to guide treaty making and truth-telling processes. This ultimately called out governments for their inactivity in addressing systemic racism towards Aboriginal and Torres Strait Islander peoples and a lack of First Nations representation regarding legislation and policies affecting them. By enshrining into the Constitution, a First Nations Voice, First Nations peoples are able to encourage governments to adapt policies and processes to be conscious and respectful of how decisions affect First Nations communities. It also presents the opportunity at a national level to take another step towards reconciling the relationships between government bodies and First Nations communities. The *Uluru Statement* states:

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

A National Anti-Racism Framework provides an opportunity to progress better understanding of treaty and how it might unite and heal. A strong, national anti-racism framework would be able to inform treaty negotiation processes in a way that promotes the reconciliation of relationships between governments and First Nations communities.

[Article 15 of UNDRIP](#) declares that:

States shall take effective measures, in consultation and cooperation with the indigenous [sic] peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous [sic] peoples and all other segments of society.

A National Anti-Racism Framework must have this article as a core focus and must look to elevate the voices of First Nations people in the context of calling out racism and discrimination in any form. By implementing the First Nations Voice to Parliament, Australia would take a significant step towards ensuring our society is safe for First Nations communities.

Addressing systemic or institutional racism

A National Anti-Racism Framework must address institutional or systemic racism as a core issue. The systems that help our society function, that operationalise the services of government and are meant to safely serve the community, are often perpetuating racism in the way they interact with (or fail to interact with) Aboriginal and Torres Strait Islander peoples, communities with English as a second language and other vulnerable ethnic minorities in Australia. According to [Racism. It Stops With Me](#), systemic racism is:

When the policies and practices of institutions result in unfair treatment of some groups compared to others. Like everyday racism, systemic racism does not necessarily target a particular person.

And can present in two different ways:

Institutional racism: This is when racism is established as a normal behaviour within an organisation or society. It often results in discrimination by people who are doing jobs that others have given to them. For example, police are sometimes criticised for racial profiling, and police agencies now make efforts to eliminate institutional racism.

Structural racism: This refers to inequalities found in societies that tend to exclude some groups of people. For example, when certain groups are under-represented in fields like the media, the legal profession, or politics, it can lead to inequalities in other areas too.

Systemic racism has often been thought of as a secondary concern because it is not the overt acts of direct racism experienced by people everyday. It is hard for the people for whom the system is designed to appreciate the fact that the system can actually be detrimental and undermine its own intended purpose to serve. As the [Australian Commission on Safety and Quality in Health Care](#) states:

Institutionalised racism is ‘the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people’.

This should be seen in the context of systematic racism, which ‘operates across political, legal, economic and social systems’ and is a pre-determinant of institutionalised racism. Both forms of racism result in assumptions and attitudes that lead to bias in the safety and quality of health care, and can result in inadequate care and poorer health outcomes for Aboriginal and Torres Strait Islander people.

These historical events and experiences, coupled with personal and family experiences of institutionalised racism and disrespectful communication, contribute to mistrust in the system by Aboriginal and Torres Strait Islander people and, at times, an unwillingness to engage with healthcare services at all.

Systemic racism is sadly prevalent in all sectors, including health, education, the justice system, the social services and many corporate and non-government services and institutions. It is estimated racism may cost the [Australian economy as much as \\$38 billion each year](#) or the equivalent of about 3 percent of the total Gross Domestic Profit. The opportunity cost of [systemic racism and the direct damage it causes people](#) that are victim to systemic prejudice are enormous and undermine social cohesion and more fundamental efforts to create reconciliation between Australia's First Nations Peoples and those that have come since 1788.

In relation to Aboriginal and Torres Strait Islander health, the National Health Plan defines Systemic Racism as: *'Failure of the health system to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin.'* We cannot close the gap in health outcomes and life expectancy without having systemic racism being addressed at its core.

The [2015 National Aboriginal and Torres Strait Islander Health Plan](#) states as its core vision that:

'The Australian health system is free of racism and inequality and all Aboriginal and Torres Strait Islander people have access to health services that are effective, high quality, appropriate and affordable. Together with strategies to address social inequalities and determinants of health, this provides the necessary platform to realise health equality by 2031.'

A National Anti-Racism Framework must complement First Nations-led initiatives like the National Health Plan and its subsequent implementation plans. The Framework should also draw upon existing Frameworks like the [Cultural Respect Framework 2016-2026](#) which commits governments 'to embedding cultural respect principles into their health systems; from developing policy and legislation, to how organisations are run, through to planning and delivery of services.' An important factor in addressing systemic inequities is the proactive pursuit of truth-telling within governments and institutions. The *Uluru Statement from the Heart* has called for Truth to complement the structural reforms of Voice and Treaty, truth-telling that will inform the way systems and institutions operate and that is critical to change. As the Cultural Respect Framework states in relation to the health system:

'To ensure a safer and more accessible health system for Aboriginal and Torres Strait Islander people, the adverse effects of colonisation need to be acknowledged.'

This includes the destruction and breakdown of culture, experiences of racism, and impacts of government policies, such as the Stolen Generations. Having a comprehensive understanding of our history provides the rationale as to why improving the health and wellbeing of Aboriginal and Torres Strait Islander people is important, and needs to be considered in all aspects of the design and delivery of health services.

To fully comprehend how to improve health services for Aboriginal and Torres Strait Islander people, the contemporary lifestyles, histories, cultures and ideologies of health in Aboriginal and Torres Strait Islander communities need to be understood by the Australian health system.

As the Framework Concept paper notes, data will be important to measure and understand the prevalence of racism in the systems and institutions that impact Aboriginal and Torres Strait Islander peoples and other minority or ethnic communities in Australia. As the [Lowitja Institute defines regarding data](#):

Data and data sovereignty are increasingly key areas of discussion and research for Aboriginal and Torres Strait Islander peoples and communities. Data can and does play a major role in influencing policy and service delivery for the health and wellbeing of our people.

Data Sovereignty should be referenced and understood in any National Anti-Racism Framework, so that data isn't inadvertently perpetuating systemic racism. The Australian Human Rights Commission should engage with the Lowitja Institute, the Australian Indigenous Governance Institute, and the work of the [Maiaam nayri Wingara Indigenous Data Sovereignty Collective](#) to better understand how a Framework can complement and reinforce the concept of data sovereignty and in that understanding work to address systemic racism in a culturally appropriate way.

Reconciliation Australia's [Reconciliation Action Plan program](#) which has been building over the last decade offers a way to further influence institutions and systems to consider racism as it exists in their operations.

Other novel tools to consider and identify systemic racism include the [Marrie Matrix](#) which was developed by Henrietta Marrie, an Elder of the Gimuy Walubara Yidinji people of Far North Queensland and Director of the soon-to-be-established First Peoples Think Tank at

Central Queensland University, and her husband Adrian Marrie. The Matrix has been applied to hospitals and health centres within Queensland. The maximum score possible is 140, indicating no institutional racism. Findings showed that of the 16 facilities analysed, 10 scored less than 20 placing them in the extreme range of institutional racism, and 6 in the very high range. This tool quantifies institutional racism for policymakers, and gives health facilities concrete steps on how to reduce institutional racism.

The National Anti-Racism Framework should identify appropriate tools like the Marrie Matrix and promote them to institutions as a way of assessing where racism is happening and how to fundamentally address it.

ANTaR offers other examples of addressing systemic, particularly in the health sector here: <https://antar.org.au/racism-healthcare>

Protecting the Individual or the community from harm

Although the well-worn narrative about racism in Australia is that it only exists in '[small pockets of society or not at all](#)', First Nations accounts tell a very different story. While many Australians have personally experienced racism, First Nations Peoples seem to bare a large brunt of racial discrimination. Between 2019-2021 alone, the percentage of First Nations People who reported experiencing at least one form of major discrimination ballooned from [28% to 52%](#). This increase in racial discrimination—according to the [Australian Reconciliation Barometer](#)—has been particularly felt in areas of venue entry, property, and shop service related abuses.

Above all, a National Anti-Racism Framework must protect the individual and the community from the harms of racism. There are two main harms of racial discrimination: personal and social. For the individual, racial discrimination is [linked to poor mental and physical health](#), as experienced by First Nations Peoples in Australia. Socially, racial discrimination not only enstills fear, but also [erodes social cohesion, trust, and decency as a society](#).

Although the importance of legal mechanisms such as the Racial Discrimination Act (RDA) cannot be overstated, the Framework must work to remove the ongoing barriers to justice.

Fiona Allison of the Jumbunna Institute for Indigenous Education and Research [illustrates](#) that, in reality, “there is not enough specialised, affordable legal advice and assistance available to Indigenous people in relation to racial discrimination problems.” Even specific

legal institutions—such as Aboriginal and Torres Strait Islander Legal Services (ATSILs)—are often overloaded with criminal law matters. The result is that survivors of racial discrimination are left without enough support to pursue their complaints, let alone to understand their fundamental legal rights.

Despite the issues with the RDA's implementation, a National Anti-Racist Framework must not allow party politics to dilute such an important piece of anti-racist legislation. Section 18C of the RDA has faced many [attacks](#) from past governments, attacks which would have weakened the law to allow vilification to proliferate. Such exemptions to the Act, defended on the grounds of free speech, would give almost no ground to accuse someone of racial discrimination. As Isaiah Berlin warns, rather tellingly, "[liberty for wolves is death to the lambs.](#)" The National Anti-Racism Framework must continue to embed, protect, and educate on the importance of the RDA.

ANTaR recognises the need for healing-informed approaches to respond to the intergenerational trauma that racist policies inflict on First Nations Peoples. The Government's failure to enact the *Bringing Them Home* Report's recommendations on the Stolen Generations has rippled through to current generations. The same can be said for the failure to implement in full the recommendations of the *Royal Commission into Aboriginal Deaths in Custody*. First Nations Peoples are being imprisoned, suicide is on the rise, and children are [still being forced into out-of-home care](#). If the National Anti-Racism Framework focuses on healing, then it will go a long way to create meaningful and urgent change.

As [Bringing Them Home 20 Years On: An Action Plan for Healing](#) highlights, healing approaches for First Nations Peoples have developed immensely since the initial report in 1997. The creation of healing centres in Canada, for example, has [significantly reduced suicide](#) caused by intergenerational trauma stemming from child removal practices. It is clear that self-determined, politically-supported funding is necessary to enhance healing efforts in Australia. Such efforts include the Aboriginal and Torres Strait Islander Healing Foundation, whose [programs](#) involve teaming up with schools like Bourke High School to promote healing pathways for First Nations children and their families.

There are other promising healing developments in Australia, such as at the program for the survivors of the infamous Kinchela Boys Home in NSW. Led by the survivors, the [Kinchela Boys Home Aboriginal Corporation](#) supports strength-based healing programs to overcome trauma, promote social inclusion, and strengthen identity and family structures. Enhancing

support for healing approaches must be central to the Anti-Racism Framework's design in order to address the intergenerational trauma of First Nations Peoples.

The Framework must deal with racism in all its severity and complexity. Racism often intersects with other forms of identity discrimination such as gender, age, ability, and sexuality. This unique and perverse form of intersectional discrimination is the kind faced by First Nations Peoples with disabilities, for example. As Dr Scott Avery [highlights](#), such heightened inequalities are pervasive across many social systems, such as disability services, health, education, employment, housing and transport. The National Anti-Racism Framework must, as stated in the Concept Paper's Proposed Guiding Principles, take "an intersectional approach to respond to the differential impacts and experiences of racism across multiple individual, community and institutional levels."

Particularly for First Nations peoples, the Framework should promote what Avery terms a '[social model of inclusion](#)'. While First Nations Peoples with disabilities face many daily inequalities, they still remain determined to engage in cultural activities. Indeed, there is very little disparity in participation between First Nations people with disabilities and those without. Such activities have been found to not only improve wellbeing but also alleviate the inequalities experienced in everyday life. Through the active participation in cultural and community events, those who face intersectional discrimination can now feel socially included and an improved sense of wellbeing. In sum, this is the social model of inclusion.

Recommendations

1. A National Anti-Racism Framework must have comprehensive, public anti-racism education as an established principle. Education has been identified as a leading contributor to reducing the structural prejudices that persist in our society as it is multifaceted in the way that it can be utilised to enhance social cohesion.
2. A National Anti-Racism Framework should centralise the credible and effective resources that are currently available through an accessible online platform.
3. A National Anti-Racism Framework must have an auditing process to ensure its effectiveness and accountability at all levels, with a particular focus on Government action. This process must include the voices and perspectives of those it affects to ensure that it is both representative and reflexive.

4. A National Anti-Racism Framework must be clear on how proposed 'National Outcomes' can be measured accurately. This is to ensure that there is a high level of transparency throughout all processes so that those affected by the outcomes are able to provide feedback and advice confidently.

5. The Human Rights Commission must ensure that a National Anti-Racism Framework upholds what is outlined in the demands and definitions within documents such as; the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), the *Uluru Statement from the Heart*, and the Racial Discrimination Act. It must also pay considerable attention to processes that have previously been deemed successful or unsuccessful by First Nations peoples and communities.

Conclusion

Thank you again for the opportunity to provide a submission on this highly important piece of work. It is our hope that a National Anti-Racism Framework helps to drive the work that is needed to make sure Australia is a safe and fair place for all Australians and those that would visit us from around the world.

ANTaR offers our ongoing support to a Framework that meets the expectations of Aboriginal and Torres Strait Islander peoples. We would also welcome the opportunity to meet with the AHRC to discuss any points raised in this submission.

Sincerely

Paul Wright

National Director, ANTaR