



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**STANDING COMMITTEE ON EDUCATION
AND COMMUNITY INCLUSION**

(Reference: [Inquiry into Racial Vilification](#))

Members:

**MR M PETERSSON (Chair)
MR J DAVIS (Deputy Chair)
MS N LAWDER**

TRANSCRIPT OF EVIDENCE

CANBERRA

TUESDAY, 9 AUGUST 2022

**Secretary to the committee:
Dr A Chynoweth (Ph: 620 75498)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

WITNESSES

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Amended 20 May 2013

The committee met at 1.31 pm

WONG, MS CHIN K, Chair, Canberra Multicultural Community Forum

THE CHAIR: Good afternoon, everybody. Welcome to the second public hearing of the Standing Committee on Education and Community Inclusion inquiry into racial vilification. This inquiry is considering the prevalence of incidents of vilification and threats of physical violence in the ACT based on racial, linguistic, ethnic or religious background or status as an Aboriginal and/or Torres Strait Islander person. We will also consider the accessibility and effectiveness of mechanisms for reporting such incidents.

Before we go further, the committee wishes to acknowledge the traditional custodians of the land we are meeting on, the Ngunnawal people. The committee wishes to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. We would also like to acknowledge and welcome other Aboriginal or Torres Strait Islander people who may be attending today's hearing.

Today's hearing will be a valuable opportunity to hear from two peak bodies about experiences of vilification in the ACT and mechanisms for complaint and redress. The committee will hear evidence from the following organisations: the Canberra Multicultural Community Forum and the ACT Multicultural Advisory Council.

Witnesses, please speak one at a time. That will not be a problem today. Please be aware that the proceedings today are being recorded and will be transcribed and published by Hansard. The proceedings are also being broadcast and webstreamed live.

The committee now welcomes Ms Chin K Wong, Chair of the Canberra Multicultural Community Forum. Please be aware that today's proceedings are covered by parliamentary privilege, which provides protection to witnesses but also obliges them to tell the truth. The provision of false or misleading evidence is a serious matter, and all participants today are reminded of this. For the record, could I just confirm that you have read and understood the privilege statement?

Ms Wong: Yes, I have read and understand the statement.

THE CHAIR: Perfect. Do you have an opening statement?

Ms Wong: Yes.

THE CHAIR: Take it away.

Ms Wong: Okay. First of all, thank you very much for inviting the Canberra Multicultural Community Forum to this inquiry. We wish to acknowledge the traditional owners and custodians of the land on which we meet today. We respect their continuing culture and the contribution they make to the life of this city and this region, and we pay our respects to elders past and present.

Thank you for your invitation to appear before the committee today. CMCF, as we are called, sees this as an opportunity to support and encourage multicultural communities to discuss and address racial abuse issues. This includes multicultural communities developing a better understanding of racial abuse and having a full understanding of reporting mechanisms and the importance of getting data for future decision-making processes to stop racism.

First of all, I would like to introduce CMCF. We are the voice of multicultural ACT. While there are many individual community organisations, formed to represent the diverse multicultural communities and their own cultural interests, CMCF is recognised as the multicultural community peak organisation. We represent more than 110 ethnic and associated community organisations in the ACT.

We were established when the previous organisation, the ACT Multicultural Council, as it was known, fell into disrepute in 2005. The ACT government held a summit at that time and the community requested the minister's assistance to direct the ACT Multicultural Council to appear before a general meeting. Members attended the meeting, only to find out it was cancelled, so the members held a meeting, because they had a quorum, and we voted to form a new organisation, which is known as the Canberra Multicultural Community Forum. The community unanimously decided that ACTMC was a failed organisation, and at that time we set up the CMCF. We wanted to rebuild the community's trust and we wanted to have a unified voice, in a single peak body, to promote common interests.

I would like to stress at this meeting that the role of the independent peak body is very important, as we advocate for our communities and we raise issues at any opportunity. We welcome the inquiry into racial vilification as an opportunity to inform the community. We provided a submission, so I will not bore you with all the details of the submission. But, in that submission, we stress that the community has probably heard enough of case studies and stories and incidents. We want to address how the community would like the government to listen to us and what the government can do to help multicultural communities.

We have concerns about increased incidents of racial abuse, reflecting on incidents related to culture, language, religion and faith. We also note that casual racism, either intentionally or unintentionally—especially targeting international students or targeting specific community groups in the workplace and in public places—is hard to prove unless it has been witnessed and the perpetrator is caught or the incident results in injuries.

Most of the cases are known to be unreported. Even when they were reported they were not investigated or followed up, due to, at times, legal costs or due to lack of support. We have known of incidents, and I will not go into them because of time. Most of the incidents have been hard to prove, and this is why the multicultural communities are at a loss as to what to do, because they cannot get any action. We want the communities to be able to tell stories of racial abuse and we want good data collection. CMCF is concerned that incidents of racial abuse, no matter how small or difficult, are under reported or, even when they are reported, are not investigated, due to lack of evidence. Quite often the police say, "We can't do anything because there is

a lack of evidence,” or “It’s being followed up but we are unable to proceed because of a lack of support.”

We regularly hold community consultations, conversations with community leaders, to hear and share the concerns associated with increased incidents, especially verbal abuse. We understand that the police also encourage communities to report incidents, and when personal safety and property damage are related to racial abuse the police will take action. However, with verbal abuse it is very hard and sometimes the police just say, “Please go to the complaints commission to file the report.”

CMCF reiterated, with a recommendation in the submission, the social context. Multicultural communities, especially, need to be educated. They need to be educated and reassured that their experience can be told and reported in a way that means they are confident that appropriate action will be taken for inappropriate behaviour. Any public campaigns against such damaging behaviours should be supported by the government, to demonstrate that the community is disapproving and that there are consequences. In other words, it is not just a broadcasting media campaign; the communities need to understand what the media campaign is about.

The other thing we note is that most of the media campaigns, especially from the federal side, are broadcast at 2 or 3 o’clock in the morning. We just do not know why they do it at that time and not in prime time—maybe because of costs. Certainly, we notice that they are good campaigns, but I am not quite sure who they are targeted to—maybe night duty workers.

We want to talk about the existing reporting mechanism. Is it effective? This has been raised on many occasions. CMCF recognises that, in general, awareness of the existing reporting mechanism amongst multicultural communities is low. As we point out in our submission, communities, a lot of them, do not know that the reporting mechanism exists. There is a perceived lack of resources and support to provide public awareness education programs through face-to-face communications. Of course, during the COVID time there has been no opportunity for face-to-face community discussion.

The existing online complaint mechanism and the process have been noted as a challenge to multicultural communities, especially with language barriers. It is not easy to navigate without support, and often the community just do not know what to report, how to report, and they fear that any written report may be used as evidence and then they will have to become a witness. In the community, there is just fear and distrust there.

The other thing that we want to talk about is the lack of trust in the complaint processes. The individual is often reluctant to document incidents in writing for fear of retribution. Confidentiality and privacy are important, especially in the business sector. At times when complaints are made public, publicised, there is a fear of damage to the property or people specifically coming just to upset the businesspeople. This has been reported especially among Chinese communities. They come and they order food and then they will not pay and they cause problems.

CMCF want the commitment from the Human Rights Commission to continue—to be

willing to work with the communities and provide adequate education, media campaigns and media promotion. There should be adequate resources to provide practical demonstrations of what is not appropriate behaviour, how racism could be handled and what impact this damaging behaviour will have on the communities. At the moment, we do not have that education to support the communities who actually have experience with racism, and the trauma and the way that the communities have to handle themselves. There are no support services or counselling services that the communities can go to. They rely on a peak body like us to help them, to support them and to voice their concerns.

Basically, it is about the importance of multicultural community involvement. We would like to see an effective community-led reference group established, with the support of the Human Rights Commission, to assist the multicultural communities to get a better understanding of what racism is about: the dos and don'ts on how to manage incidents so that the community can understand and manage and resolve the issues. Quite often when an incident is reported, the response is, "This is not racism; it is just bad behaviour." But for communities who have experienced racism, that feeling is horrible.

We would also like to talk about multicultural representation at the top level. What I am talking about is the push for standing up against racism recently announced by the Race Discrimination Commissioner, Mr Chin Tan, in "Racism. It stops with me." This required cooperation and collaboration with peak community organisations from states and territories, as we need a consistent national approach to address the systemic issues and develop national strategies to stand up against racism.

CMCF would like to raise the impact of the lack of effective multicultural representation from the ACT at a national level. It is of great concern to CMCF. CMCF currently is not a member of the Federation of Ethnic Communities' Councils of Australia, maintaining to represent multicultural Australia. We are not a member. I stress that it is because the previous failed organisation, which was defunded by the ACT government in 2005 and which insisted on having the capacity to represent the ACT multicultural community, for whatever reason continued to claim its place at FECCA. We want to resolve this issue to make sure that the ACT has appropriate representation and so that on federal issues—policies and representation of the ACT's multicultural communities at the federal level—somebody is speaking for us. We want to make sure that the ACT multicultural community, through CMCF, as a peak body, is fully recognised.

Also, I can inform you that, regarding the ACT multicultural community's efforts to address racism, we were involved—at the request of FECCA, because there is no representation—to attend the Senate inquiry. We actually have members sitting in on Senate inquiries. We submitted a submission about racism, about human rights. So, the work of the CMCF was reported in *Hansard*. And when the ACT Assembly addressed the annual reports on multiculturalism it was recorded that CMCF actually is the peak body. Therefore, I want to request that the ACT government make sure that it properly recognises our representation of the multicultural community as an independent body that can advocate for our community.

Service providers are funded organisations. They are service providers. They do not

speak on behalf of multicultural communities because they are funded by the government—so they cannot speak badly about the government at times. We are independent. Today I am sitting here basically trying to address racism incidents, which have been increasing since the COVID pandemic, and we have been trying very hard to help our community to resolve some of the issues.

You probably have had other communities present to you. We want to say that it is pointless to have a FECCA submission without appropriate consultation with the broader multicultural communities from all states and territories, especially with the ACT multicultural communities. They do not understand our issues, they do not understand our communities, and we certainly would like to stand up to fight racism. Therefore, CMCF needs the ACT government's commitment to ensure that there is an independent peak body organisation that is appropriately resourced and supported who can advocate for the Canberra community, be the voice of multicultural ACT and speak on behalf of refugees and asylum seekers, especially, who are actually suffering silently because of racism against them. Thank you.

THE CHAIR: Ms Wong, thank you. That was very impressive. You definitely got into the rhythm there. The committee appreciates that testimony. I will lead off with a question and then we will make our way around the table. In your submission to this inquiry, you state that the majority of incidents of racism experienced by various communities have been brought to the attention of their community leaders. How do community leaders respond when racism is reported to them?

Ms Wong: The community leaders often discuss it, and sometimes they inform us of the problems. For example, we have a community who tried to report the incidents to a police station—and I will not mention which police station—and the police more or less told them that they can't do anything. For the community there are racism issues because they were abused verbally, but the police say, "We can't report on it because there is no evidence." It was brought to our attention, so we raised it with the police, through their multicultural liaison person, and tried to get them to explain how we could ensure that the community was satisfied that their experience was being listened to and addressed.

We have different communities who actually can address the issues themselves, like reporting through their MLA, by talking to their MLA. But, in general, the CMCF holds a meeting with the community, we listen to them and we actually report. In fact, this reporting of these incidents was actually initiated by the CMCF. We spoke to Giulia Jones, who then set up a meeting with all the community leaders who had reported to her about racism. And we have written to the Race Discrimination Commissioner, seeking the commissioner's support to ensure that racial incidents can be reported. So this is what we do. This is our role and we advocate as much as we can. We are a volunteer organisation and we try to work very hard with the Race Discrimination Commissioner.

THE CHAIR: So one aspect is definitely the reporting of incidents.

Ms Wong: Yes.

THE CHAIR: The other aspect that I am curious about is any counselling or support

that you provide to people that come to you as a community leader.

Ms Wong: That is right. Yes. We try not to be biased, because at times we do have to consider whether it is a racism issue or whether it is just that things have gone bad. However, if you look at that community's perspective, walk in their shoes, they are sensitive issues that the community will view as racism. That is why we want to make sure that there is an education program to explain "What is racism?"—because it is different to different people. For example, take freedom of speech. We see that if you are not respecting someone and you use words that are inappropriate, that is not freedom of speech. Racism because of the colour of your skin can be called out, and that can be racism. So we need to help the community to have a good understanding of racism and how to stop the bad behaviour, or damaging behaviour, that affects the community.

THE CHAIR: Are community leaders prepared for and supported to respond when people come to them?

Ms Wong: Some of the community leaders rely on the CMCF because we have community leaders that are well experienced to handle the issue. I certainly know that the new, emerging communities would require more support than the established communities. In general, whether they are experienced or not experienced, I think one instance is too much and we should not have any.

MS LAWDER: Chin, you mentioned that sometimes you might go to the police and they say, "We can't do anything." Does the CMCF keep records or statistics about the number of these sorts of complaints so that you can refer back to them, if necessary?

Ms Wong: We do not usually keep them, but in our monthly meeting we report it and some of the incidents we talk about could be recorded in the minutes. But we usually don't do that. This is something that we probably need to do, because data collection is a very important way of ensuring that, with the increased incidents, there is proof that we have to do something.

We do not do a lot of reporting because we are a volunteer organisation. We do not have the resources to make sure that somebody is responsible for maintaining the record. Usually the community leaders themselves address the issues. In trying to address the issues—for example, the incidents with the Indian community—one of the Indian broadcasters was harassed; somebody kept knocking on his door. He reported it to the police, but he felt that he was not protected and he was not safe. In this instance, that is how it was reported. Usually they talk to the MLA for their area. What I am saying is that unless the incident becomes public, is publicised, usually it is just a talking point.

Certainly, you raise the point that we do need to collect data. However, it is about whether we do it ourselves or whether the complaints commissioner has a better system, simplifies the system. We know that they have people that can help the community to put the instance in, but usually people would like their own community to support them to put the instance in because they do not want to write things that they feel will become evidence in the future.

MR DAVIS: Ms Wong, thank you for your presentation and for your submission. The Human Rights Commission also made a submission to this inquiry, and they made a number of recommendations. One of them, in particular, was that they recommended that the police should be covered by the ACT's anti-discrimination act. I wonder if CMCF has a view about that—in particular, with some of the examples that you highlight?

Ms Wong: Yes. I understand your question and I do agree with the Human Rights Commission because ACT Policing are not really fully controlled by the ACT government; they are contracted to work for the ACT government. I think we really would like the ACT government to look at this issue. We support the Human Rights Commission because, as the police will tell us, “Unless we get the authority, without the power we cannot do anything.”

MR DAVIS: That is perfect. Thank you.

MS LAWDER: You have mentioned training and support for people to stand up against racism—members of the multicultural community—but it is also a responsibility of the wider community to stand up against racism. I know that some of us attended a sexual harassment bystander training session recently, and what to do if you are a witness to such a thing. Are you aware of any similar programs anywhere else that could provide an example for the ACT?

Ms Wong: We know that FECCA have a program, but we do not have access to it because we are not a member. Certainly, we know that in the good old days the Human Rights Commission had an education committee. That was funded through federal funding, I think. The education committee addressed training, addressed education, but we have not seen that happen. We would like to see that happening because training community leaders is different to training the community. We would like the community leaders to be more aware so that they can then talk to their own communities and encourage the communities to report. Even though the incident is small or it might not be relevant, any incidents should be reported.

MR CAIN: I was just wondering, in terms of presenting your cases and the records of these complaints, have you corresponded with the Minister for Multicultural Affairs and, if so, what kind of assistance and support has been offered there?

Ms Wong: Yes, the multicultural minister, Tara, is aware of the racism. But in terms of official reporting, we would probably report it through the ministerial advisory council, as a member. The incidents that we have brought up have been during the pandemic era. We know that the Minister for Multicultural Affairs is also the Minister for Human Rights and we know that currently there is a review of human rights issues and that we would like to be more involved.

Unfortunately, our resources are limited. We can only do so much as a volunteer organisation. We would like to see on the record, as a recommendation from this committee, that there should be appropriate resources or even what you call sector funding for multicultural communities like us to help support the community, because we cannot rely on service providers. They have their job to do, but advocacy for the communities is best led by the communities themselves.

THE CHAIR: You note that victims of racial vilification would prefer face-to-face interviews with police, rather than engagement via the online portal.

Ms Wong: Yes.

THE CHAIR: Can you expand on why that is?

Ms Wong: With the online portal, you need to be familiar with the computer or navigating online. If you go into the online complaints portal, they list all these categories that you have to select—which one is more suitable for you and whether it is racial discrimination or whether it is a workplace issue—so you need to have a better understanding of how to navigate the system.

We feel that with a face-to-face interview, if it is recorded, the community do not have the stress of having to put it in writing. A lot of the communities have limitations on the way that they express themselves in writing the report. Even I have difficulty sometimes with what to put in the report, in case it comes back to me. Even here, I am a bit scared about saying things that I am not supposed to say.

THE CHAIR: Fair enough.

MR DAVIS: I have a quick one that could potentially be a long one. I would not mind getting a better understanding of your organisation's relationship with the Human Rights Commission: if you have formalised that relationship and if you meet regularly. Regarding some of the recommendations that you have made through the form of this submission that relate to the Human Rights Commission, are they aware of some of these opportunities to collaborate? I would like a better idea about how you work together.

Ms Wong: A quick answer is that we know Karen Toohey very well and we have been working with her. We know that her hands are tied, too, because she is a commissioner for everything, and our focus is on racial abuse and discrimination. We are very pleased that, with the budget, there is increased funding. I will say to you that we do not work closely, but we will be working a little bit more closely with Karen because we made a commitment when we met with her through the community consultation that was set up by Giulia before she left. CMCF have made a commitment to work with the Human Rights Commission to run some community forums and information sessions for the communities. We probably will do that in September-October.

MR DAVIS: Okay; thank you.

MS LAWDER: I think you mentioned earlier that international students were quite a target for racial abuse.

Ms Wong: Yes.

MS LAWDER: Are there any particular groups within that, particular cultural or language groups, that maybe suffer even more than others, and why might that be?

Ms Wong: Yes. I re-state the recent incidents, because the Chinese group, Chinese international students, certainly have suffered a lot since the strain of the Australia-China relationship. We know that the Indian community, and certainly international students from those areas, also experience it because we have spoken with the Indian community leaders. Whether it is culture or whether it is misunderstanding or whether it is language issues, we do not want to go into that.

Certainly, we have international students, especially Chinese students, being bashed up. I have to say this, unfortunately: when this incident happened, we tried to address it, and I think law enforcement and the authorities in the education department viewed it as bad behaviour and not a racial case. But we know that, whether it was or not, they were targeted by a group of Australian kids. The incident was actually reported in the international media, through the Chinese channel. It is not very good for the Australian education system because it was broadcast through the Chinese media. With that Chinese group we certainly are still addressing some of these incidents.

The African community, the students, they do experience it too, but the international students do not want to report it. A lot of them are too scared to report because they fear that their visa will not be renewed or they will get sent home.

THE CHAIR: The time being 2.05 pm, we are going to have to end it there. Ms Wong, thank you so much for appearing today. The secretary will provide you with a copy of the proof transcript of today's hearing, when it is available, to confirm for accuracy.

Ms Wong: Thank you very much for your time.

THE CHAIR: The committee will suspend briefly.

Short suspension

KALOKERINOS, MR JOHN, Chair, ACT Multicultural Advisory Council

THE CHAIR: The committee now welcomes Mr John Kalokerinos, Chair of the ACT Multicultural Advisory Council. Please be aware that today's proceedings are covered by parliamentary privilege, which not only provides protection to witnesses but also obliges them to tell the truth. The provision of false or misleading evidence is a serious matter, and all participants today are reminded of this. Can you confirm for the record that you have read and understood the privilege statement that has been provided to you?

Mr Kalokerinos: I have.

THE CHAIR: Do you wish to make an opening statement?

Mr Kalokerinos: Thank you. I do have a short opening statement which, with your permission, I will proceed to make. I am then happy to take any questions or go to a discussion.

Racial vilification is a matter of great concern to many people in the ACT. People with diverse cultural backgrounds have suffered racism overtly, or through more subtle means. It is not always recorded, for a variety of reasons. Overt racial vilification often occurs through such obvious means as being the victim of racial epithets, yelled or scrawled on a wall. These, of course, are very visible and confronting.

However, there are more subtle means that can be more serious. They can take the form of racism through unintentionally offensive language, through discrimination in the provision of goods and services, or in matters relating to employment or leasing and tenancy arrangements.

This inquiry is a terrific opportunity for the ACT Legislative Assembly to make a significant contribution to improving community cohesion. It comes at an excellent time, given a range of other developments coinciding with it, such as, locally, the ACT government's announced intent to introduce a multicultural recognition bill and, nationally, the new government's intention to revive the national multicultural framework.

In this opening statement I wish to recommend three main matters for the committee's consideration that will contribute to solutions. Firstly, data collection and use need significant improvement. Secondly, leadership is important, and the multicultural recognition bill is an important step, but only if it contains strong provisions and is backed up with strong support. Thirdly, there is the development of an antiracism strategy for the ACT.

In this opening statement I will speak about each of these three; then I am happy to discuss them further. They will all require leadership, sustained attention and resourcing, given that the problem needs to be addressed across a variety of settings.

First, data collection and use need significant improvement. The lack of data is a

significant problem and is due to a variety of reasons. For many people who suffer racism, it is a matter of great shame and they do not report it, as previous witnesses to this inquiry have stated. It is also sometimes under-reported because there is a tendency to silence conversations about racism. There is also the matter of poor data collection practices, often because of a lack of resourcing to obtain that data.

To properly address racial vilification, the evidence base in this area needs to be strengthened. I note that, in her evidence to this committee on 9 May 2022, the Minister for Multicultural Affairs stated that, in terms of data, it is very difficult for us to collect that in a meaningful way.

In looking for potential solutions, it is sometimes helpful to look at what other jurisdictions do. Canada has recognised data as a problem and has done something about it. Canada has introduced an antiracism strategy, *Building a Foundation for Change*. It is publicly available on the internet, and I commend it to the committee. The strategy notes:

Better, more precise and more consistent tracking, collection and management of data is necessary for any effective antiracism effort.

Some of the previous submissions and witnesses before this inquiry have already highlighted the problem with inadequate data in this area. One notable exception, with some helpful data provided, is that provided by the ACT discrimination commissioner in her submission of 16 March. Helpfully, it included statistics about the number of racial discrimination complaints reported to her office. The numbers for the full year 2021-22 are not yet available, but the data which was provided in that submission would suggest that they are well on track to be over 50, which is more than it was for the three preceding years, for each of those years.

However, even that data does not go down to the level of breaking down what particular groups were targeted. For example, we do not have data broken down by cultural group, by age, by location in Canberra where incidents occurred, or by what type of incident to which the complaint related—for example, whether it was online, in-person verbal abuse, a physical assault or a form of formal discrimination. Further investment is needed to improve the collection of non-identifiable data which can be broken down by useful categories, such as ethno-cultural background, location and time.

Improved data should also support strengthened impact measurement and performance reporting. This would, for example, ensure that data is collected to measure the effectiveness and impact of government grants, community programs and other initiatives. Improved data would also measure increases in equality of access and participation by communities and people most affected by racism and discrimination.

Another important step as part of this improved data is the proposed multicultural recognition bill. As committee members may be aware, the ACT government has recently conducted public consultation on the draft bill. In its submission to that process, the Multicultural Advisory Council recommended that strong data provisions be included in the bill.

In doing so, the council drew on better practice in other jurisdictions, such as the Multicultural Victoria Act. The inclusion of data provisions would provide a stronger evidence base for making decisions about interventions and the effectiveness of policy settings.

The multicultural recognition bill will be an important step, but only if it contains substantive provisions and is backed up by strong support. In the minister's evidence to this committee, she spoke about the benefits of the bill, if enacted, and referenced, in particular, the charter which would be contained in that act. I agree that it will be a useful measure. It ought to be a good reference point for government and community leaders in the ACT to point to, in highlighting behaviours and values that are considered desirable and those which are not.

The version of the charter contained in the draft bill was a good version, and consideration should be given to potentially strengthening that prior to introduction—for example, by ensuring that it contributes to promoting a culturally supportive community and reducing racial vilification. The council's suggestions on that were contained in its submission to that consultation process.

However, the charter should be put in its context and its values should not be overstated. It is only one measure, and a suite of other measures will also be needed in order to shift the dial on racial vilification.

A further important measure will be to devote additional funding to effective public education and community training. This could be done, for example, through funding for the Human Rights Commission and through grants to representative community organisations to conduct public education or antiracism training, bystander training or social media campaigns. I am happy to expand on this further in answer to questions.

The development of an antiracism strategy for the ACT would be a valuable step. This inquiry's terms of reference seek perspectives about the value of establishing and the possible content of an antiracism strategy for the ACT.

I am aware that the Australian government has indicated that it is providing funding to the office of the Race Discrimination Commissioner for work to support an antiracism framework at the national level. I am not aware of the timing regarding the issuing of that framework; in any case, it is likely that if the commonwealth issues a framework, it will be a general application, and the actions and settings that will be effective in one part of Australia will not be in another part of Australia, due to the widely differing demographics and distribution of ethnic cultural groups across the country.

It would be bolstered and supported by a supporting strategy at state and territory level. I note that Victoria has indicated that it will soon be issuing its own antiracism strategy. Complementary and nuanced strategies at the local level are essential to ensure effective approaches.

Finally, the development of a strategy will also help to ensure a joined-up, coordinated approach rather than a collection of tactics which might otherwise appear to be random. It would also provide the government with a real opportunity to

showcase its good practices. A strategy would allow for integration to bring these tactics together and set out how they would complement each other. It should also provide a single platform for measurement of its effectiveness. That concludes my opening statement.

THE CHAIR: I will lead off with questions, and we will make our way around the table. You mentioned the antiracism strategies of both Canada and Victoria. My question is: do you think these two jurisdictions are ones that we should look to, to replicate for our own potential antiracism strategy; if so, why?

Mr Kalokerinos: I would suggest looking at the Canadian one. It is a national one for a much bigger jurisdiction, of course, than Canberra. But I would also recommend consulting with the national discrimination commission, the Human Rights Commission, because they are well experienced and have lots of intelligence about the good attributes of a strategy, and how our strategy in the ACT might well link in with or support a national strategy, given that they have indicated that a national framework is coming, which would afford the opportunity for local jurisdictions to put one in place.

Victoria have indicated that they are going to prepare one. They recently held public consultation on the development of a strategy. I do not think it has actually been released yet. At different times there has been a national council of multicultural ministers. That would also be a useful forum for the ACT to join in that conversation about practices which might be best of breed for the ACT to consider adopting in an antiracism strategy.

MR DAVIS: Thank you, Mr Kalokerinos, for appearing today. I have a slightly obscure question, because you pricked my interest in your first sentence, when you spoke about some of the occasions when people can experience racial discrimination, including in tenancy and lease arrangements. Last week the government released an exposure draft of amendments to the Residential Tenancies Act. Has your organisation been consulted in the preparation of that draft? More broadly, do you see opportunities to reform residential tenancy arrangements to account for some of those instances of racial discrimination in the form of tenancy and lease agreements?

Mr Kalokerinos: It is an important area. In the ACT there have been documented cases of people experiencing discrimination based on their culture, ethnic group, or their residency status—whether they are permanent residents or have other visa capacities.

The ACT has legislated in the Discrimination Act that that is a head of discrimination which is prohibited. It has been quite nuanced, and the ACT has been quite progressive and ahead of the game in this respect. Discrimination by prospective landlords, in considering granting leases, is a prohibited form of discrimination. Those amendments came in just a few years ago.

The other thing that is positive is the currently proposed amendments to the ACT Discrimination Act which will bring in a positive obligation to reduce discrimination. I think that will be another important step in that regard, too.

MR DAVIS: In your personal experience, or in the experience of the advisory council and everybody on it—it might go to Ms Wong’s point earlier about instances of racism that are difficult to prove—are you aware of instances where somebody feels that they have been racially vilified and have not been provided with security of tenure, or a property, because of their race or their cultural diversity?

Mr Kalokerinos: I could not provide you with a specific example, but if the committee wanted to have documented stories, we would be happy to seek these kinds of documented case studies, in some form. Another source would be through records of the discrimination commission; they would likely be able to find examples, if that was a particular area of interest. There may also be ACAT records, where there have been appeals brought to the ACAT based on that kind of discrimination. Welfare or tenancy rights groups would also be good sources of case studies in the ACT.

MS LAWDER: I will go back to your point about data collection and use. We know that people who feel they may have been abused, harassed, vilified or discriminated against may go to the ACT Human Rights Commission. There is the federal Human Rights Commission. They could go to the police or their local community group.

Are you aware of anyone that does that data collection well, and how might duplication of recording be overcome? For example, with the police, with the ones where they say, “We can’t proceed,” most likely there is no record of that phone call even being made in the first place. Do you have any thoughts about a best-practice way to try to get that data collection better?

Mr Kalokerinos: I do not think there is a simple answer. I think it will start with people giving it serious attention and getting together. Because this is a problem that operates across a lot of sectors and settings, it is about having an acknowledgement of the problem, and getting together to discuss it, so that there will be the police perspective, and the Human Rights Commission perspective as well.

One possible solution or step, as part of it, would be to have a commitment by the government for better data collection—that sort of commitment. It will not be done within a short period of time. It cannot be achieved, I would suggest, within 12 months. But a good start would be getting together stakeholders to see what sort of data, over a long period of time, would be useful to be collected by the ACT, in order to start seeing how big the problem is, and whether any particular solutions are effective or not—measuring the performance, and that kind of thing.

There will be other organisations that will have expertise. There is lots of expertise in the Australian Human Rights Commission and universities as to what sort of data will be useful to collect in order to put good policy levers in place.

THE CHAIR: You have outlined and listed a bunch of data that would be good to collect. Is there any data being collected at the moment that is useful, or is it completely blank?

Mr Kalokerinos: The ACT Human Rights Commission do collect some useful data. You will see in the submission that they gave a breakdown of the number of racial vilification or incidents of racism reported to it. But the extent of the breakdown was

then whether or not they were Aboriginal and Torres Strait Islander related. That is a bit of data, but not much. I have not really seen much more at the ACT level that provides more. It would be useful to get more. I am sure the ACT Human Rights Commission would welcome some commitment, and resourcing, in order to support that. I know that they have so many other priorities; that is part of it.

It is also an issue or a challenge for directorates across the ACT government, with their different lenses, whether it is Justice and Community Safety, Community Services or Health. Each of them has a different share or a stake in it. Getting together and having some agreement about what sort of data would be useful for all, so that it can be collected once and used many times, would be the most efficient and effective way to do it.

MR CAIN: Regarding the multicultural recognition bill, the exposure draft, are there some opportunities that are not currently embraced by that bill to address some of the issues that you, and Ms Wong earlier, have raised? Do you think there is space for some extra features in that bill?

Mr Kalokerinos: I think that the bill itself will be a great step forward. As a jurisdiction, as the government continues with its development, prior to introduction, or in the introduction process, there are opportunities to look at some of the other jurisdictions in Australia which have introduced them. I mentioned earlier the Multicultural Victoria Act, and the Queensland legislation. Those are both good examples of strong multicultural recognition and equivalent acts there.

With things like data collection, in one case, a jurisdiction has provided an ability for the advisory council, or equivalent body, to seek or request information or data from directorates—equivalent directorates—provided that that data is not personally identifiable. That is a useful tool.

The other thing that those acts sometimes have, which is a very effective mechanism, is to include provision that the Minister for Multicultural Affairs of the relevant government should issue a multicultural statement, outlining what sorts of reforms or initiatives the government proposes to take. That can then be measured against after a period of a year, two years or whatever the life of that statement or strategy is.

THE CHAIR: Community leaders are probably more burdened with the responsibility of dealing with racism than the wider community, because they are the focal point for community concerns. What further support should the government provide to community leaders and community groups to better combat racism?

Mr Kalokerinos: Some support for the antiracism campaign; some support, perhaps, for community groups to undertake that kind of antiracism training, and bystander training as well. I think those are very useful things that can be undertaken, in terms of support. The classical education campaigns, better funding for discrimination initiatives, a serious effort at an antiracism strategy and promoting it here in the jurisdiction would be useful. The leadership being seen to be doing things, and speaking about it as well, is important. It is often said, not just at the Multicultural Festival each year, that this needs to be something that is undertaken throughout the year.

MR DAVIS: I do not want to dismiss the very real instances of racial discrimination that people have experienced. Having said that, as with all things, there are pressure points, places and spaces where it might be more likely to happen than in other places. We have touched on things like tenancy agreements or the letting of a property. If the government were to fixate its resources a bit deeper than the broader education campaigns and community conversations, and actually try to target a specific place and space where people were experiencing racial discrimination, where would you advise them to start?

Mr Kalokerinos: With young people and schools. That is the most fertile ground. That is when we have the most opportunity to influence young people—in schools, and those sorts of settings. There are things like cultural exchange programs. It is only when we stand in the shoes of another person that we can really understand them. It is only by exposure to difference, whether it is difference in colour or difference in thought, thinking and people's experience, that we can understand what they have gone through. In terms of focusing resources, that is what I would say is the best bang for buck.

MR DAVIS: Does the advisory council currently have any dialogue or ongoing relationship with the Education Directorate, to have these conversations in a more formalised, regular way?

Mr Kalokerinos: Not as a structured opportunity. It is something that we would absolutely be open to. We have been encouraged by the minister to feel free to have conversations with directorates and to provide advice in any areas, not just to her but to other parts of the ACT government.

MR DAVIS: The committee has heard evidence in some of its other inquiries when it comes to schools that one of the challenges of our autonomous school-based management system is that sometimes some schools are doing best practice and some others are not. We have heard some very interesting feedback about the very different sex education given across the schools, depending on the efficacy of the teacher. Are you aware of any particularly good programs or particularly good approaches in any schools that you think the government could emulate and spread across its other campuses?

Mr Kalokerinos: I am not, but I think that is a very good question. I wonder whether the Education Directorate or the Human Rights Commission might have some examples which could be furnished.

MS LAWDER: We touched briefly on discrimination in employment. We heard—I do not know whether it is a good term to use—about the bamboo ceiling, and those types of things. Over the years, especially in the public service, we have had a lot of training about not discriminating against people, and some affirmative action plans et cetera, but it is still happening, as far as I am aware. What more can we do? Is it about going back and starting with young people, so that it follows through for the rest of their lives? Is there more that we can be doing?

Mr Kalokerinos: I think that the ACT has done very well in this regard, and it does

have diverse levels of employment. There are things that can still be explored. It is not just the ACT; internationally, things like blind recruitment have been considered. That refers to not knowing the person's name.

MS LAWDER: Or gender.

Mr Kalokerinos: Yes, precisely—gender or age; those sorts of things—to ensure there is a more level playing field for people who might have conscious or unconscious bias. Within employment settings, we need to look at why people might leave organisations. It is not only about recruitment; it is about why they leave. Census data about the prevalence of bullying, harassment or discrimination which is related to race is worthwhile examining, to see whether there are issues in pockets of organisations, or in organisations, and a culture there which leads to people not remaining in their place of employment.

In terms of promotion and advancement, we should have examples for people. The utilisation of champions or multicultural champions within organisations is a good one, so that people of a particular cultural background can see one of their own succeeding, and advocating for those kinds of values, at a higher level.

THE CHAIR: Mr Kalokerinos, unfortunately, we are out of time. Thank you for appearing before the committee today. The secretary will provide you with a copy of the proof transcript of today's hearing, when it is available, to confirm its accuracy. The committee's hearing for today is now adjourned.

The committee adjourned at 2.40 pm.