

Settlement Council of Australia

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29 April 2014

Senator the Hon. George Brandis
Attorney-General and Minister for the Arts
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Attorney-General,

Re: Reforms of the Racial Discrimination Act

The Settlement Council of Australia (SCOA) is grateful for the opportunity to make a submission to you on the proposed reforms to the Racial Discrimination Act (RDA). SCOA represents over 80 agencies in the settlement sector, which comprise the vast majority of agencies involved in funded settlement programs. SCOA members are involved in providing settlement support to recently arrived migrants and people of refugee background across Australia. Within the settlement services SCOA members provide they work directly with a wide range of people from diverse backgrounds and the mainstream Australian community. SCOA members receive a wide range of funding from government departments at federal, state and local levels, as well as grant funding from philanthropic foundations. The professional expertise and repository of knowledge developed over time within the settlement sector is a critical nationally and internationally acknowledged asset to the broader Australian community, acting as an important bridge for newer communities to link with and positively engage with their mainstream neighbours and mainstream services. This expertise and SCOA consultations with members informs our response to the proposed legislative changes.

SCOA members do not support any changes or reductions in protections offered through the Racial Discrimination Act. The settlement sector's work with communities across Australia regularly focusses on strengthening social inclusion, fostering community cohesion and promoting respectful engagement within and between the many diverse communities that comprise the multicultural nation of Australia. The current provisions within the RDA provide a basis for the respect and tolerance which is core to any community and essential in a multicultural democracy.

The settlement sector is concerned about existing levels of discrimination in the community, members already regularly hear reports of direct and indirect discrimination and racism.

The concern which has been raised is that changes to the legislation are likely to worsen the situation.

The changes proposed in repealing clause 18C are of particular concern because the changes to language and standards will weaken the legislation. Weakening legislative protections is a serious action which should only be undertaken if there is a clear urgent need, and also if there is no danger of unforeseen consequences. Changes to the Racial Discrimination Act are not recommended or needed on either front. There is no clear urgent need to change the provisions and there are significant dangers both foreseeable and unforeseen in reducing protections. SCOA endorses the submission made by the Human Rights Legal Centre which covers these issues in greater depth.

Recent research by the Scanlon Foundation points to disturbing trends in reduction of social harmony and tolerance, with reported increases in experiences of discrimination. These findings indicate the need to strengthen provisions under the law and work with community to reinforce standards of respectful behaviour. From the 2013 Mapping Social Cohesion report the Scanlon-Monash Index of social cohesion was the lowest level recorded, and the second largest change (dropping 5.9 points to 88.48).

<http://www.scanlonfoundation.org.au/research.html>

Reduction in legislative protection from discrimination also sends a contradictory message to the community, both in Australia and internationally. Australia's reputation as a tolerant, safe multicultural nation has significant impacts on ensuring we can continue to attract skilled migrants and international students, which has significant impact on our economy and competitiveness internationally.

Discrimination and racism negatively impact individuals and the community in a host of ways, including significant health impacts both in direct health problems and within the mental health area. The settlement sector provides a host of programs to foster social cohesion and limit racism, and provides support to individuals affected by racism and discrimination. Strengthening community tolerance, mutual understanding and nurturing social cohesion are of key concern to the sector.

Please feel free to contact Sky de Jersey at eo@scoa.org.au should clarification or further information be required on any of the points in this submission.

Yours sincerely,



Michael O'Hara
Acting Chairperson