



1st February, 2012

Assistant Secretary
International Human Rights and Anti-Discrimination Branch
Attorney-General's Department
Robert Garran Offices
3-5 National Circuit
Barton ACT 2600

Dear Mr Hall,

The Settlement Council of Australia (SCOA) is pleased to provide this submission into the Consolidation of Commonwealth Anti-Discrimination Laws discussion paper. SCOA represents the broad network of over 60 settlement agencies around Australia. As advocates and service providers, the sector has a unique knowledge of the realities of the settlement experience, over time, across the country, and among hundreds of different ethno-cultural communities. Within this settlement work our member agencies are one of the first to help newly arrived refugees and migrants who experience discrimination.

SCOA's consultation with members and our research into the area have informed the preparation of this submission, which highlights the impact of discrimination on the day to day lives of people from diverse backgrounds who are making Australia their home. The submission does not go into legal specifics, as that is not our (or our members) area of expertise, but highlights the impact of discrimination on migrants and refugees. It is important that the necessary legal structures remain accessible by all, and that the community development work to strengthen understanding and access of discrimination and human rights are supported by the law.

SCOA supports the consolidation of Commonwealth Anti-Discrimination Laws, consolidated laws will be clearer and more consistent, and thus easier for all to understand. Australia is a diverse multicultural nation, where the expression of the rights of all is a foundation to community and civic life. Ensuring the legal framework which supports tolerance and fairness in all aspects of society remains strong and relevant is important. The added task of ensuring all understand their rights and obligations is vital. Migrants and refugees come from a great diversity of backgrounds (culturally and linguistically), so it is important that communication and access are supported by policies and practices which include multilingual information and consistent use of trained interpreters as two key examples.

SCOA supports the concept that public sector organisations have a positive duty to eliminate discrimination and harassment. The public sector is both a major employer, and, in its variety of forms, represents a regular key interface for the Australian public. Migrants and refugees often experience their first engagement with Australian civic life (outside their own communities) when engaging with public sector organisations. Strengthening support for anti-discriminatory practices in this arena will flow through to support positive culture change.

Extending the prohibition on harassment to include all protected attributes will clarify and simplify the prohibitions in relation to harassment, and is a positive step which will make defining harassment clearer. Again, communication of harassment prohibitions to community members from diverse backgrounds will be important to strengthen community understanding and foster positive practice.

Intersectional discrimination is a problem many refugees and migrants experience, as often migrants and refugees have multiple characteristics which lead to discrimination (gender, race, language for example). Strengthening protections against intersectional discrimination is a positive move which will enhance the capacity of individuals who experience discrimination on multiple intersecting grounds to challenge discrimination.

In relation to conciliation processes and dispute resolution access and equity provisions (which are already implicit) are important for people from migrant and refugee backgrounds in ensuring capacity to engage fairly. Common issues around language, access to interpreters and conveying complex processes in simple language are relevant in this area.

SCOA is concerned that consolidation of the acts will not diminish protections within the racial discrimination act in relation to activity. Currently all areas of public life are protected, and it is important that this level of protection remain true in any consolidation of the act. Comprehensive coverage, which includes for example a racial insult incident in the street, is important.

The current Racial Discrimination Act contains strong provisions in relation to not allowing exemptions. Ensuring that the strength of these provisions are retained in a consolidated act, particularly in relation to racism, is important for people from diverse backgrounds, particularly those that may be visibly different within the community (such as those that may wear particular religious clothing).

These brief comments are put forward to indicate SCOA's support for the consolidation process, and raise some issues which are relevant for our members and the communities they serve, recently arrived migrants and refugees. Please feel free to contact me for further information on any points raised in this submission.

Yours sincerely,



Sky de Jersey
Executive Officer