## To ensure Canberra is a safe and welcoming place for everyone, the ACT Government must:

* Assess current complaint mechanisms regarding racial discrimination and vilification
* Imbue ACT Human Rights Commission (ACTHRC) with an oversight mechanism and accountability function to ensure best practice and respectful conduct in government service provision, and create an ACT Civil and Administrative Tribunal (ACAT) mechanism to enforce conciliation agreements through financial orders for breaches (in line with [No Rights Without Remedy Petition](https://epetitions.parliament.act.gov.au/details/032-21))
* Introduce and resource an ACT Anti-Racism Strategy
* Increase funding of community legal centres to support work protecting against racial vilification
* Fund anti-racism education programs for the ACT community, including awareness raising of complaint pathways and support and advocacy resources
* Continuous provision of cultural safety training for all ACT Government staff, including but not limited to Corrections staff, ACT Policing, CYPS staff and staff in the Housing Directorate
* Improvement of cultural awareness training for ACT Police including practical skills necessary for interaction with CALD communities
* Establish and fund an Independent Advocacy Voice for CALD Canberrans with a specialised service for Aboriginal and Torres Strait Islander peoples. Empower the Independent Advocacy group to have autonomy in defining and designating the bounds of racial vilification
* Increase funding for grant opportunities to cover bonds and rent for refugee and migrant groups settling in the ACT
* Invest in solutions to address racism experienced by children and young people as outlined in the [ACTHRC 'It really stabs me' Report 2023](https://hrc.act.gov.au/wp-content/uploads/2023/03/It-really-stabs-me_2023.pdf)
* Fund a multicultural health service to provide culturally sensitive care
* Appropriately fund the *Multiculturalism Act 2023* for targeted actions that support advocacy services and CALD community groups.

## The Justification

* The [ACTHRC 'It really stabs me' Report 2023](https://hrc.act.gov.au/wp-content/uploads/2023/03/It-really-stabs-me_2023.pdf) found that 54% of culturally and linguistically diverse identifying children/young people surveyed reported experiencing racism
* Racial vilification is notoriously hard to prove. Often, the person on the receiving end *knows* that they have just experienced racism but is unable to point to particular words or behaviours as definitive evidence of malicious intent. This is particularly true of engagement with and denial of services.
* Mainstream mental health services may not be appropriate for the provision of support to all sections of the community. A range of resources are available to improve cultural competence including, the [Framework for Mental Health in Multicultural Australia](https://www.embracementalhealth.org.au/index.php/service-providers/framework-landing) which was developed with Commonwealth Funding by the Embrace Multicultural Mental Health project.

## The Issues

* To see the best possible outcomes from legislation surrounding multiculturalism, the ACT Government must facilitate further consultation with Culturally and Linguistically Diverse (CALD) communities and this consultation needs to be a robust, consistent and continuing practice.
* Multicultural community organisations and advocacy bodies including the [Canberra Multicultural Community Forum](https://cmcf.org.au/) (CMCF) take on heavy workloads in advocating for CALD community members, however, community organisations in this space often operate without adequate funding, limiting the supports they can provide for the community.
* Currently the only easily available and accessible vilification or racism complaint mechanism is The ACT Human Rights Commission. If complainants have difficulty with the online form required to make a complaint through the ACTHRC or lack trust or faith in the advocacy available to them, their options are limited. This effectively discourages the making of complaints.
* The availability of an accountability mechanism for service providers and government departments including the ACT Police and CYPS is integral to ensuring appropriate and respectful behaviours. Currently individual complaints must be made to the ACTHRC to prompt a process of assessment, investigation and conciliation. Without an official oversight and accountability mechanism in place, the ACT Government is currently failing to prevent or account for the likelihood of incidents of racial vilification.
* Accessible and efficient discrimination complaint mechanisms is often stifled by lacking awareness of available services. Education targeted at raising awareness of the available supports, processes, mechanisms and remedies needs to be produced for and distributed specifically to migrant and refugee communities.
* Targeted education campaigns to obstruct a culture of racism in the ACT would demonstrate an active commitment to protecting marginalised groups from further disadvantage. Relevant education should be disseminated through the ACT Education Directorate as well as to those working in industries and government departments receiving the highest numbers of complaints of racial vilification (i.e. CYPS, Department of Housing, ACT Police and ACT Corrections staff).
* The full resourcing of an Anti-Racism Strategy would produce tangible outcomes in combatting racism in the ACT. The production of an Anti-Racism Strategy at a Federal level has been recommended by the Australia Human Rights Commission.[[1]](#footnote-1) The introduction of an ACT Anti-Racism Strategy was initially recommended in Ericha Smyth’s report ‘Enhancing civic participation amongst Australian multicultural communities’ produced whilst working in the Office of MLA Andrew Braddock.[[2]](#footnote-2)
* Establishment of an independent advocacy voice will account for provision of a support person or advisor to act on a complainant's behalf or represent them in a tribunal. Access to an advocate in such spaces is necessary and the lack of available or funded supports is a major failing in the ACT.

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| Delivering commitments in the ACT Parliamentary and Governing Agreement |
| The Government should prioritise some of its commitments **under the** [**Parliamentary and Governing Agreement**](https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0003/1654077/Parliamentary-Agreement-for-the-10th-Legislative-Assembly.pdf) for this term of Government as they relate to   * 5. Ensure ACT legislation can identify and effectively respond to modern day slavery * 11. Enact the Multicultural Recognition Act, to establish a multicultural charter, enshrine in legislation the existing Multicultural Advisory Council, and establish reporting obligations against the Multicultural Framework * 3.1 Continue to implement our Future of Education Strategy, which prioritises equity and inclusion. This includes continuing the successful provision of free Chromebooks to all public high school students, trialling free meals at five public schools, and establishing a $12 million Education Equity Fund to help parents buy school uniforms, glasses and sports clothes, and pay for excursions and camps, so all children can fully participate in school life. * 15.2 Construct a large new multicultural events venue at EPIC for cultural performances and available for hire for large private functions, such as weddings * 18.1 Consulting with the community on the development of the Multicultural Recognition Act, to establish a multicultural charter, legislate for the Advisory Council, and establish reporting obligations against the Multicultural Framework * 18.2 Working towards attaining the ‘advanced’ level in the Welcoming Cities standard, and advocate for a national anti-racism strategy * 18.3 Constructing a large indoor venue at EPIC for cultural performances and large events such as weddings |

1. Australian Human Rights Commission, [*AHRC National Anti-Racism Framework*](https://humanrights.gov.au/sites/default/files/document/publication/ahrc_cp_national_anti-racism_framework_2021_.pdf), 2021, accessed 10 March 2023.   [↑](#footnote-ref-1)
2. Smyth E, *Enhancing civic participation amongst Australian multicultural communities*, Personal Communication, accessed March 3 2023.  [↑](#footnote-ref-2)