



# Submission to the Australian Government's Attorney-General's Department: Community consultation on the proposed draft reforms to the *Racial Discrimination Act 1975*

**April 2014**

The Victorian Aboriginal Community Controlled Health Organisation (VACCHO) was established in 1996. VACCHO is the leading advocate for Aboriginal health and the peak Aboriginal health body representing Aboriginal Community Controlled Health Organisations (ACCHOs) in Victoria. The role of VACCHO is to build the capacity of these members and to advocate for issues on their behalf. Capacity is built amongst members through strengthening support networks, increasing workforce development opportunities and through leadership on particular health areas. Advocacy is carried out with a range of private, community and government agencies, at state and national levels, on all issues related to Aboriginal health.

Nationally, VACCHO represents the Community Controlled Health sector through its affiliation and membership on the board of the National Aboriginal Community Controlled Health Organisation (NACCHO). State and Federal Governments formally recognise VACCHO as the peak representative organisation on Aboriginal health in Victoria. VACCHO's vision is that Aboriginal people will have a high quality of health and wellbeing, enabling individuals and communities to reach their full potential in life. This will be achieved through the philosophy of community control.

## Introduction

VACCHO is committed to improving the health of Aboriginal and Torres Strait Islander people to a level equitable to that enjoyed by the general Australian population. Racial discrimination has negative impacts on health and well-being, making legal protections

promoting community safety and tolerance crucial. VACCHO welcomes the opportunity to provide consultation advice to the Attorney-General's Department in regard to the proposed reform to the *Racial Discrimination Act*. The *Racial Discrimination Act* has successfully resolved hundreds of complaints about racial hatred over the past two decades. VACCHO strongly believes that the proposed reform to the Racial Discrimination Act will negatively impact on Aboriginal and Torres Strait Islander health.

The argument in this submission is two-fold. Firstly, racist behaviours are correlated with higher rates of poor health which translates to increased costs for government in health and social service provision. The proposed reform to the *Racial Discrimination Act* will provide a clear message to Australians that racial discrimination protection is not a priority, resulting in increased incidences of racial discrimination with lessened racial discrimination protection.

## Recommendations

1. Proposed reforms to the Racial Discrimination Act as currently drafted do not proceed.
2. Any amendments to the Racial Discrimination Act involve extensive public consultation, particularly consultation with those communities whose members are most vulnerable to experiencing racial discrimination, such as Aboriginal and Torres Strait Islander communities.
3. Any amendments to the Racial Discrimination Act involve thorough assessment of the case law and the experiences of other jurisdictions, including potential impacts on health and well-being.

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## Discussion

### Racism impacts on Health, Education and Employment

Racial discrimination is a contributing factor to lowered levels of health, education and employment for Aboriginal and Torres Strait Islander people.<sup>1,2,3,4</sup> Issues with racism exist in Victoria and Australia with Aboriginal and Torres Strait Islander peoples particularly affected.<sup>5</sup> Recent research in Victoria revealed that 97% of Aboriginal people reported experiencing racism in the last 12 months, with 70% experiencing eight or more racist incidents.<sup>6</sup>

There is a strong correlation between experiences of racism and a range of mental health conditions, including psychological distress, depression and anxiety.<sup>7</sup> Individuals who experience more than eleven incidences of racist behaviour have poorer mental health outcomes, with anxiety and depression continuing long after exposure to racist incidents. Individuals also experience anxiety on behalf of relatives and loved ones.<sup>8</sup>

Physical outcomes of experiencing racism include high blood pressure, infant low birth weight and heart disease. Racism has also been directly linked to health risk factors including alcohol, cigarette and other substance abuse.<sup>9</sup> Victimised individuals may also avoid public services they associate with racist attitudes; racism therefore further health impacts by effectively reducing access to services which support health and wellbeing, including housing and employment services.<sup>10,11</sup>

Employment and education achievement levels are issues of inequity for Aboriginal and Torres Strait Islanders and racism is a contributing factor to this.<sup>12,13</sup> Workplace effects of racism include high rates of absenteeism, low overall workplace morale and productivity, high staff turnover, and increased health care and social service costs.<sup>14</sup>

### Weakening of Legal Protections

VACCHO strongly supports the legal argument outlined in the Victorian Equal Opportunity and Human Rights Commission and the Australian Human Rights Commission submission to this enquiry. These submissions provide strong evidence that the proposed reforms to the *Racial Discrimination Act* will remove effective mechanisms to combat racism.<sup>15,16</sup>

## (Endnotes)

1. Ferdinand et al (2012) *Mental Health Impacts of Racial Discrimination in Victorian Aboriginal Communities: The Localities Embracing and Accepting Diversity (LEAD) Experiences of Racism Survey*, The Lowitja Institute, Melbourne.
2. Paradies, Yin (2006) "A systematic review of empirical research on self-reported racism and health", *International Journal of Epidemiology*, (35) pp. 888-901.
3. Paradies, Yin and Joan Cunningham (2012) "The DRUID Study: racism and self-assessed health status in an indigenous population," *BMC Public Health*, Bio Med Central (Open Access)
4. Ferdinand et al (2012) *Mental Health Impacts of Racial Discrimination in Victorian Aboriginal Communities: The Localities Embracing and Accepting Diversity (LEAD) Experiences of Racism Survey*, The Lowitja Institute, Melbourne.
5. Kevin Dunn et al, Challenging Racism: the anti-racism research project, 2008 Attitudes to cultural diversity, old racisms and recognition of racism, state level comparisons (opens in new window), 4Rs Conference (University of Technology, Sydney) 30 Sept - 3 Oct 2008. Accessed at [http://www.uws.edu.au/ssap/school\\_of\\_social\\_sciences\\_and\\_psychology/research/challenging\\_racism/publications](http://www.uws.edu.au/ssap/school_of_social_sciences_and_psychology/research/challenging_racism/publications) (viewed 2 February 2012).
6. Ferdinand et al (2012) *Mental Health Impacts of Racial Discrimination in Victorian Aboriginal Communities: The Localities Embracing and Accepting Diversity (LEAD) Experiences of Racism Survey*, The Lowitja Institute, Melbourne.
7. Atkinson et al (2010) "Trauma, Transgenerational Transfer and Effects on Community Wellbeing", Chapter 10 n Purdie et al, *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*, Australian Government Department of Health and Ageing, Australian Council for Educational Research, Kulunga Research Network, Telethon Institute for Child Health, Canberra, ACT.
8. Ibid: pp. 1, 5, 21.
9. Paradies, Yin (2006) "A systematic review of empirical research on self-reported racism and health", *International Journal of Epidemiology*, (35) pp. 888-901.
10. 1Priest, Naomi and Paradies, Yin (2010) *The Economic Costs of Racism in Australia: Scoping Project Report*. Social Justice Discussion Paper No.5 March 2010, The Social Justice Initiative, University of Melbourne.
11. Victorian Equal Opportunity and Human Rights Commission (2013) *Reporting Racism: What you say matters*.
12. Priest, Naomi and Paradies, Yin (2010) *The Economic Costs of Racism in Australia: Scoping Project Report*. Social Justice Discussion Paper No.5 March 2010, The Social Justice Initiative, University of Melbourne.
13. Australian Bureau of Statistics. (2010) 4704.0 - The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples, Oct 2010. URL <http://www.abs.gov.au/AUSSTATS/abs@.nsf/lookup/4704.0Chapter360Oct+2010>
14. Ibid
15. VEOHRC (2014) Submission to proposed amendments to Racial Discrimination Act 14 April 2014. URL: <http://www.humanrightscscommission.vic.gov.au/index.php/news-and-events/commission-news/item/778-submission-to-proposed-amendments-to-racial-discrimination-act>
16. *The Australian Human Rights Commission. (2014) Australian Human Rights Commission submission to the Attorney-General's Department 28 April 2014. URL <http://www.humanrights.gov.au/submissions/amendments-part-ii-a-racial-discrimination-act-1975>*