Leadership and Integrity

A Speech by Judge Margaret Sidis

Presented at the National Law Week Address to Newcastle Women Lawyers, WLA Speakers' Forum 17 May 2000

Judge Margaret Sidis regards the development of leadership skills and the practise of integrity as being obligatory for a lawyer. "Tuition is needed as much for the development of leadership skills as it is for the acquisition of legal skills." For those who don't have the example of a strong role-model, Sidis advises "to search for biographies of great leaders and *self help* literature."

Sidis delineates the central themes of three texts which have influenced her:

that "contradictions are built into human nature" as explicated in *In Search of Excellence: Lessons from America's Best-Run Companies*;

to "Begin with the End in Mind*"* an "effective method of charting a course of conduct to ensure that it is followed with integrity" in *Seven Habits of Highly Effective People*

the analysis of the character of integrity in *Developing the Leader Within You*

These texts Sidis finds are unanimous in endorsing her concept of leadership, one that leads to the establishment of strong working relationships:

"1.   Any relationship has to be based on mutual trust and respect; and
2.   The basic ingredient in building mutual trust and respect is **integrity.** "

Defining integrity to be the pursuit of ethical standards, Sidis reminds lawyers what Sir Ninian Stephen once noted, "that the law and the practice of the law is basic to the democratic ideal. If we have a system where lawyers practice without the essential integrity necessary to safeguard against abuses of process, even at the District Court level, we cannot guard against systemic abuse going to the highest level of the law."

Leadership and Integrity

By Judge Margaret Sidis

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17 May 2000**

I have a personal obsession about two qualities which I regard as essential to any lawyer, regardless of the direction they take in their careers. The first is the need to work consciously towards developing leadership skills. The second is the need to practise with integrity.

Leadership

You are all clever and competent women who have the capacity to lead your community and society in general. I would go further and suggest that, because of the advantages you enjoy of superior intellect and education, you have an obligation to lead.

Tuition is needed as much for the development of leadership skills as it is for the acquisition of legal skills. Some of you will have had the privilege of observing the leadership skills of a strong role model. I would still recommend going back to the library or bookshop to search for biographies of great leaders and *self help* literature.

I have been greatly influenced by three publications:

- Peters & Waterman, *In Search of Excellence: Lessons from America's Best-Run Companies,* Harper & Row Publishers
- Maxwell, *Developing the Leader Within You,* Thomas Nelson Publishers
- Covey, *Seven Habits of Highly Effective People,* Simon & Schuster

Reference to these texts may date me. They were all very fashionable in their time and I am sure that you have read more recently published literature which provides essentially the same information.

I am not talking about *management* and I would warn you to beware of books related only to management. They deal in rationalism, taking account of process only and disregarding the human environment in which those processes operate.

The authors of *In Search of Excellence* make the point that contradictions are built into human nature, such as:

1.   the inner certainty that we have that we are just that bit better

than everyone else at what we do and the need for praise to enforce that opinion, when in fact human talents are generally distributed evenly;

2. the use of intuition or *gut feeling* at least as often as the use of management data;

3. the capacity human mind to hold little more than half a dozen facts at a time, so there is a need to keep things simple. At the same time the unconscious mind can store vast quantities of patterns, so that experience is a very valuable attribute;

4. people are sensitive and responsible to external rewards and punishment but at the same time self-motivated by a strong inward drive;

5. we talk as if express beliefs are important but many of our words mismatch our deeds. *Walk your talk* is a glib but useful maxim to keep in mind;

6. people need meaning in their lives and will sacrifice much to institutions that provide meaning. There is simultaneously a need to feel that we retain some control over our destinies.

So, the conclusion reached in *In Search of Excellence* is that the central problem with the rationalist's view of organising people is that people are not always rational. The human mind is simply not designed to fit into the modern management ideal of an organisational chart.

This is why, notwithstanding so many methods and models of management, none is ever totally successful.

This is why the argument that what you think is totally rational may not appeal to the other party or its representatives or even the judicial officer to whom it is presented.

It is of course very important to be well managed. It will allow you to operate efficiently but it will not always allow you to achieve your goal.

For this reason I go back to my concept of *leadership.* The texts that I have referred to are unanimous in endorsing the following concepts as basic to leadership and thus to the establishment of strong working relationships:

1. Any relationship has to be based on mutual trust and respect; and

2. The basic ingredient in building mutual trust and respect is **integrity.**

Integrity

In *Seven Habits* there is a very simple and effective method of charting a course of conduct to ensure that it is followed with integrity. It is suggested that you *Begin With the End in Mind*. The process recommended in the text is that you project yourself forward to your funeral and ask yourself what you would like to hear people saying about you.

When I was sworn in as a judge of the District Court I used this technique to prepare a swearing in speech based on what I would like people to say when I retire. I considered that the *very* best that I could aspire to would be that they should say that I acted at all times with integrity; that I showed leadership; that I respected all who came before me, whether they were parties or members of the profession, and that I was fair.

There is also an interesting analysis of the characteristics of integrity in *Developing the Leader Within You* as follows:

1.   **Integrity builds trust**

For a leader to have the authority to lead he or she has to have the trust of those to be led.

2.   **Integrity has high influence value**

Integrity is regarded as high on the list of those traits which enhance effectiveness and as the human quality most necessary to business and personal success.

3.   **Integrity facilitates high standards**

Leaders must adopt **higher** standards than their followers. Leaders can give up anything except responsibility either for themselves or, in the case of lawyers, their clients.

As you work your way into a position of leadership, your rights decrease and your responsibilities increase.

4.   **Integrity results in a solid reputation, not just image**

Image is what people think we are. Integrity is what we really are.

Ask yourself these questions as a check on whether you are building an image rather than integrity:

Consistency: Are you the same regardless of who you are with?

Choices: Do you make decisions that are best for others when another choice would benefit you?

Credit: Do you readily recognise the efforts and contributions of others to your success?

5. **Integrity means living it yourself before leading others**

   You cannot lead people further than you have been yourself.

6. **Integrity helps a leader to be credible, not just clever**

   It is said that clever leaders do not last. To have followers a leader must be trusted, that is, there must be confidence that the leader means what he or she says.

   The leader's actions must be congruent or at least compatible and consistent.

7. **Integrity is a hard won achievement**

   Integrity results from self-discipline, an inner confidence and a decision to be relentlessly honest in all situations in our lives.

The author of *Developing the Leader* suggests that such strength of character is a rare commodity. I do not agree with him. I agree that it has to be worked at but, provided a person can see the distinct benefits and advantages of adopting a lifestyle based on integrity, it is not difficult to achieve.

I should warn you that it is not difficult from a judge's perspective to note those practitioners who breach timetables time and again and who offer a range of reasons for their failure to comply. After a while their excuses become thin as does their credibility. Once lost, it takes a long time to regain the confidence of the bench.

On the other hand, those who mostly comply and whose reasons for seeking an indulgence are sound will establish themselves as consistent and worthy of that confidence.

Sir Ninian Stephen, delivering the 1999 Lawyers' Lecture at the St James Ethics Centre on 24 August 1999 remarked that the older lawyers become the more they complain about changing ethical standards and the fact that younger lawyers no longer understand and observe them. He noted this was a privilege of old age. I hope you will not accuse me of complaining.

In giving his reasons for the need to maintain what he called ethical standards and what I call integrity, Sir Ninian noted that the law and the practice of the law is basic to the democratic ideal. If we have a system where lawyers practice without the essential integrity necessary to safeguard against abuses of process, even at the District Court level, we

cannot guard against systemic abuse going to the highest level of the law.

The profession will not be fit to undertake the role suggested by Sir Ninian:

While the preservation of the rule of law rests especially upon the judges and, of course, the legislature, access to the remedies of the law thus depends very largely upon those lawyers in practice, the solicitors and barristers upon whom citizens must rely if they are effectively to invoke the aid of the courts in ensuring that their rights are preserved and the role of law is observed.

In short, that is where I come from.

Women's Leadership in Public Life

Speech by Associate Professor Wendy Weeks, Department of Social Work, University of Melbourne

Presented at the Australian Women Speak Conference Commonwealth Office of the Status for Women, 28 August 2001

Associate Professor Wendy Weeks begins by listing the dramatic and considerable achievements by women in the twentieth century which have demonstrably culminated in a shift in women's public leadership in Australia. Despite this, women's leadership, she says, continues to be measured in "androcentric terms," using men as examples, assuming that there will be one leader. What has been overlooked are the more typical ways in which women lead.

"Women's active tradition of leadership in families and communities, doing caring and servicing work, and organising community schools and other organisations" has been "about power 'for' and 'with', in contrast to 'power over' others, or domination." "Second, there is a tradition of women's leadership which is more actively political, and shows women's apparent commitment to collectivity and to democratisation."

"If the last century was about women entering public leadership, then what are the challenges ahead if women are to maintain and continue active citizenship?" asks Weeks. She focuses on two major challenges.

The first is a "restructuring of public life and work" so that women do not have to "fit in to workplace environments and practices designed by and for men" or "engage in gender and sexuality management, being careful to blend in" or "make a choice between children and a career, something which men have not had to consider. It must be young women's right to have families as well as careers in the future, and to achieve this requires a restructuring of public life and work to take account of family lives."

The second major challenge ahead is to diversify and democratise women's leadership so that leadership is not only for "able-bodied white women from the middle and upper-middle classes but also for "indigenous women, women from minority ethnic communities, women with disabilities, single parent women." Weeks concludes, "Unless we achieve this we will see increasing differences between social classes of women, which will be less than democratic."

Women's Leadership in Public Life

Speech by Associate Professor Wendy Weeks

28 August 2001 Australian Women Speak Conference Commonwealth Office of the Status for Women

Before considering the future, I will go back to the past, to see what lessons we can learn from it.

It was not until 1881 that the University Act gave women the right to enter Universities.

It was in 1884, in Sydney, that the first woman was admitted to medical school - and she finished her course in London, as her male fellow students were so hostile.

In 1902 the Commonwealth Franchise Act gave white women the vote, following South Australia in 1893 and Western Australia in 1899.

It was not until the Marriage Act of 1912 that women in Victoria had the right to custody of their children after the death of their husband.

After achieving political citizenship in legislation, the twentieth century has seen a steady climb by women into positions of public leadership:

At first women who stood for parliament were not elected, for example, Catherine Spence in South Australia and Vida Goldstein who ran federally in 1903.

In 1920, Mary Rogers became a Municipal Councillor, in Richmond, Victoria
In 1921, Edith Cowan became the first woman elected to a State parliament, in Western Australia
1925 - Millicent Stanley Preston was the first woman in the NSW State Parliament
1929 - Irene Longman was elected to the State parliament in Queensland
1931 - saw Millie Peacock as the first woman in the Victorian State Parliament
1943 saw Enid Lyons and Dorothy Tangney elected to the Federal government, and by

1949, Enid Lyons was the first woman to hold a Cabinet position.

By 1966 Senator Annabelle Rankin became the first woman to head a government department, as Minister for Housing.

In 1983 the Australian Government adopted the United Nations Convention on the Elimination of all forms of Discrimination against women (CEDAW) (27/8/1983) (1)

In 1990 two State Premiers were women: Carmen Lawrence in WA and Joan Kirner in Victoria, and now Claire Martin is Chief minister in the Northern Territory.

In 2000 we saw the first Aboriginal woman elected to a parliament, Carol Martin in Western Australia, an exciting milestone. And a second Aboriginal woman, Marion Scrymgour, has now been elected to the Northern Territory parliament.

All this has occurred with a lot of organising by women through organisations such as the Australian Federation of Women Voters in WA, the Women for Canberra Movement in the 1940s and the League for Women voters, and more recently in the Australian Labor Party through the efforts of Emily's List.

It marks the twentieth century as one in which there has been a dramatic shift in women's public leadership in Australia, and a century of considerable achievement for women.

Women have demonstrated that they 'do leadership' differently to men.

Yet women's leadership can be understood more broadly than public positional leadership. To a large extent, women's leadership has been measured predominantly in androcentric terms. The scholarly literature on leadership repeatedly uses men as examples: Julius Caeser, Mahatma Ghandi, Winston Churchill. It assumes there will be one leader. A feature article on Women's Power and Influence in The Good Weekend Magazine in 1993 (30/11993 and 6/2/1993) talked about women in senior government positions, wealthy businesswomen, such as Janet Holmes a Court, general managers and directors. They overlooked the more typical ways in which women lead.

First, women have an active tradition of leadership in families and communities, doing caring and servicing work, and organising community schools and other organisations. Within families women's leadership has been a topic of derision, and called 'power behind the throne', but it has been the sort of leadership which melds and joins families and communities and creates harmony. It has been about power 'for' and 'with', in contrast to 'power over' others, or domination.

Second, there is a tradition of women's leadership which is more actively political, and shows women's apparent commitment to collectivity and to democratisation. Not only have women organised politically for better conditions for women and children, but they have been active in many civic and political associations making attempts to democratise organisations and share leadership around. Sheila Rowbotham has argued that there have been centuries of such activity by women.

British social scientist Helen Brown (1992) studied leadership in women's centres in the

early 1990s and challenged organisational theory which claimed leadership always to be hierarchical, with a leader and followers. She found, in contrast, women distributed and shared leadership, and argued that leadership is about skilful organising. Brown considers that it is more useful to think of 'leadership acts' than leadership as a personality trait or characteristic. The history of community-based feminist women's organisations and services in the past 30 years provides much support for her analysis, and demonstrates a commitment to sharing leadership, empowering social participation, and encouraging active citizenship.

The challenges ahead.

If the last century was about women entering public leadership, then what are the challenges ahead if women are to maintain and continue active citizenship?
I will refer to two major challenges.

First, much needs to be done to foster the social conditions which facilitate women's leadership in public and community life.

Women are now well-represented in many areas of education, although this is less so in the scientific and engineering areas. However when women enter the paid labour force they are not always welcomed on their own terms. They must fit in to workplace environments and practices designed by and for men. This is what we call the male-dominated culture of large organisations. Deborah Sheppard's (1989) Canadian studies of women and men's attitudes to women in large organisations found 'femaleness' to be viewed as a problem. It is 'other', different and thus attracts punishment. Pregnancy and maternity leave are also perceived to be threats to organisational life, as the reports of Quenten Bryce in Australia have also shown. Sheppard's research shows that women felt they had to engage in gender and sexuality management, being careful to blend in. Women managers experienced a conflict between femininity and competence. Informal reports indicate that these continue to be issues in the Australian paid labour force (2)

The rules and practices of working life continue to assume that workers have carers at home to care for children and sick, elderly and disabled relatives. The double workday for women is a health hazard and a source of burnout for women. The extent of opposition to the recent win of paid maternity leave at Australian Catholic University reflects the extent to which child bearing and the rights of infants and mothers are poorly supported. We have a major challenge ahead to make workplaces more family-friendly, in a more dramatic way than tinkering at the edges.

Redressing the persistent gender pay gap, increasing women's access to housing, increasing occupational benefits to women in the years they work part-time, and providing affordable child care are other examples of social conditions which are necessary if women are to be sufficiently freed from family responsibilities for unpaid caring to engage in and make their full social contribution to public life. Too many young women see a choice between children and a career, something which men have not had to consider. It must be young women's right to have families as well as careers in the future, and to achieve this requires a restructuring of public life and work to take account of family lives.

The second major challenge ahead is to diversify and democratise women's leadership. At

present women who are leaders in public life tend to be able-bodied white women from the middle and upper-middle classes. Many of these have economically well-established partners and their combined family economy allows them to buy themselves household help and care. Some have other women living in as nannies and housekeepers.

The challenge for this century is to create social conditions where the diversity of women can make their social contribution: indigenous women, women from minority ethnic communities, women with disabilities, single parent women. Unless we achieve this we will see increasing differences between social classes of women, which will be less than democratic.

Notes

1. All dates quoted are available and sourced in Weeks (1994) Chart pp 12 -26.

2. See comparison between women co-ordintaors in women's organisations and Shappard's women managers in large both gender organisations, Weeks, 1994 pp- 168-169

3. Overheads used are from *International Women's Tribune* May 1999, New York.

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Women Framed in Stereotypical Fashion

Article by Kathie Muir

This article focuses on a poignant theme for women - Is the media's representation of women sexist? Does the Australian media portray women through "sexist news frames and news values" that "re-circulate traditional myths, stereotypes and figures of femininity?"

Kathie Muir, a lecturer in Labour Studies at Adelaide University, SA, currently completing her PhD on Print media representations of women as political actors in Australia, argues "Australian political figures of stature such as Janine Haines, Joan Kirner, Kerry Chikarowski, Jennie George (as ACTU leader), Cheryl Kernot, Carmen Lawrence and Stott Despoja have all been subject to this kind of

sexist reporting. It is already happening to Jenny Macklin whose election to ALP deputy leader was reported in one newspaper under the headline: "Can a mum with a sense of humour save Labor?"

Does such framing provide the readers with useful information about the quality of the performance of these women political figures?

Kathie Muir asserts, "These women deserve better. Certainly newspaper readers deserve better and more intelligent reporting."

Women Framed in Stereotypical Fashion

By **Kathie Muir**

'PRINCESS perfect", "Mother Russia", "suicide blonde", "Miss Piggy", "the lonely leader", "impossible princess", "sexiest face in politics".

These are not only epithets that have been applied to particular Australian women, they are also actual news media headlines and captions that have framed news reports about some of our foremost contemporary women.

Other representations of these politicians in photographs, headlines, reports, cartoons and graphics include: sulky teenager, dominatrix, iron lady, bride, martyr, harpy, new messiah, and participants in a catfight. A woman politician's sex is always on display. She is judged more often as a woman than as a professional.

Internationally, media analysts have commented upon the ways in which sexist news frames and news values re-circulate traditional myths, stereotypes and figures of femininity. United States political commentator Pippa Norris has aptly described these sexist representations as "a splash of colour in the photo-op". And that's exactly how Natasha Stott Despoja was positioned in this election.

Men in grey suits against a khaki background dominated the presidential-style leadership campaign. The role allocated for the Democrat leader was the colour supplement, the light relief. Consequently, her attire and performance received greater attention than the Democrat policies. This was most obviously demonstrated in the North Queensland environmental policy launch.

The policy received no attention, but Stott Despoja's understandable unwillingness to do a swimsuit photo-shoot received plenty. The resultant compromise photo in cargo pants and a halter top with snorkel and flippers in hand was reported as though it was a micro bikini by many commentators. The media needed Stott Despoja to signify difference in a boring campaign, now she is being criticised for her participation in media image-making.

Dutch media analyst Liesbet van Zoonen argues politics is still seen as an odd

place for a woman to be. It is particularly so for a young woman. The available figures and stereotypes of successful young women suggest they are precocious, spoilt and ruthless, the puppets of powerful men. Or that they gained their success either through their good looks or their allocation of sexual favours.

Of course, such sexist representations do not stop when a woman becomes mature.

Some of the myths and stereotypes that circulate about mature and older women are that they are dangerous sexual predators, hard career women, unlovable, lonely, bad mothers, bitter and barren.

It is not always the journalists that evoke these myths or figures. Often they are used by sub-editors in the headlines and captions to provide a quick, attention-grabbing summary of the story.

Or in an attempt to inject entertainment via puns.

These simplistic sexist figures are also implied in photographs such as the over-exposed image of the Democrat leader awkwardly holding Andrew Bartlett's newborn baby.

After all, a picture tells a thousand words.

Combined with a pointed headline, you'd need to be blind or disengaged to miss the message: women and politics are an odd mix.

Of course, it's not only the media that utilise these images; political opponents use them as weapons against women politicians.

However, these myths and stereotypes belong to a previous era. They may still resonate with fears about the impact on family life of women in the full-time workforce. Or the fears some men hold that the influx of competent women into arenas such as parliament may threaten their own job prospects. Or that assertive women jeopardise their masculinity.

However, the reality of contemporary Australian public life is that women are contesting and gaining leadership positions in political, business and non-government sectors in increasing numbers.

Australian political figures of stature such as Janine Haines, Joan Kirner, Kerry Chikarowski, Jennie George (as ACTU leader), Cheryl Kernot, Carmen Lawrence and Stott Despoja have all been subject to this kind of sexist reporting.

It is already happening to Jenny Macklin whose election to ALP deputy leader was reported in one newspaper under the headline: "Can a mum with a sense of humour save Labor?"

Such framing fails to provide the readers with useful information about the quality of the performance of these women political figures, their principles, policies and

credentials. It also belittles their commitment and hard work.

These women deserve better. Certainly newspaper readers deserve better and more intelligent reporting.

It's time news reporters, editors and all those others involved in the production of news accepted this and updated their techniques for selecting and framing stories.

Kathie Muir is a lecturer in Labour Studies at Adelaide University. She is currently completing a PhD on representation of women in politics.

'I Want Respect and Equality'

Federal Race Discrimination Commissioner Dr William Jonas recently released a summary of six months of Australia-wide consultations on racism. 'I want Respect and Equality' reveals that racism and racial discrimination are still part of the everyday experience of some Australians.

This summary reports on the outcomes of national civil society consultations on racism conducted by the Acting Race Discrimination Commissioner and his staff from May to August 2001. In its list of recommendations are those pertaining to how the causes of racism, the victims of racism, prevention and protection, legislation and Australia's international role and obligation in which it states:

26. The Federal government ratify the Optional Protocol to the International Convention on the Elimination of All Forms of Discrimination Against Women.

27. The Federal government encourage nations that have not yet done so to ratify or accede to international human rights treaties and their optional protocols, particularly the Convention on the Elimination of All Forms of Racial Discrimination.

28. The Federal government remove Australia's reservation to article 4 of the Convention on the Elimination of All Forms of Racial Discrimination requiring the dissemination of ideas based on racial superiority or hatred to be outlawed.

29. The Federal government positively contribute to the finalisation of the Draft Declaration on the Rights of Indigenous Peoples through full recognition of the rights of Indigenous peoples (including those of self-determination) and implement the principles of the declaration in domestic legislation.

"I want respect and equality"

A summary of Consultations with Civil Society on Racism in Australia

Contents

racism, racial discrimination, xenophobia and related intolerance

Theme 4: Provision of effective remedies, recourse, redress, [compensatory] and other measures at the national, regional and international levels

Theme 5: Strategies to achieve full and effective equality, including international cooperation and enhancement of UN international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow-up

Recommendations

Foreword

2001 proved a year of challenges in Australian race relations. I have expressed my concerns about the bipartisan political support for Australia's treatment of boat people, about the stalled reconciliation process and about retaliatory attacks on Australians from the Middle East in the wake of the terrorist attacks on the USA in September, among other trends. In the same period, during consultations preparatory to the 2001 World Conference Against Racism, my staff and I have been privileged to hear the concerns of many Australians about racism in our society and to receive many invaluable proposals which aim to eliminate it and protect its victims.

As I have stressed throughout this process, in order for the World Conference to move beyond rhetoric it had to relate to the day to day experiences of people at the local level, wherever and whoever they may be. Our focus here, therefore, is not on the international processes of the World Conference but on the domestic mechanisms that need to be

reviewed, refined or in some cases begun at all levels of government, by my Commission and by civil society.

The responses and comments we received during the consultation process clearly demonstrate an overwhelming sense that racism and related forms of intolerance are serious problems that affect many people in Australian society. The consultations indicated that racially discriminatory practices are widespread, institutional in nature and practiced at all levels of society. Every community consultation identified the Indigenous people of Australia as those worst affected by racism. As one Indigenous woman stated during the consultations:

"We just live with racism every day. It's like getting up, washing your face and having a cup of tea."

I was particularly struck by the widespread acknowledgment that Australia's colonial history is the principal cause of the racism experienced today. The privileged position of the colonisers has historically been maintained at the expense of the Indigenous people and those from non-English speaking backgrounds and this has led to a sense of marginalisation for those who do not fit the stereotype of the "typical" Australian.

We are confident that the process we commenced with the civil society consultations will develop initiatives which will reduce and ultimately eliminate racism from Australian society. Our aim and duty as Australians is to provide equality and respect for each other within our civil society. It was put succinctly by a participant in the Orange NSW consultation on 24 July 2001:

"I don't want to be tolerated.
You can tolerate a headache.
I want to have respect and equality."

Dr William Jonas AM
Acting Race Discrimination Commissioner and
Aboriginal and Torres Strait Islander Social Justice Commissioner
Human Rights and Equal Opportunity Commission
November 2001

Introduction

This summary reports on the outcomes of national civil society consultations on racism conducted by the Acting Race Discrimination Commissioner and his staff from May to August 2001. It reflects the issues, concerns and suggestions raised by those who responded to our invitation to participate by writing submissions or attending public meetings or focus groups. The information we received provided the basis for the Commissioner's contribution at the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban South Africa from 31 August - 7 September 2001.

The World Conference presented us with a timely opportunity to examine the status of racism in Australia. With the financial assistance of the Office of the United Nations High Commissioner for Human Rights, the Commission has conducted the following activities:

- Release of the discussion paper, *Combating racism in Australia*;
- Invitation to the public to provide written submissions on racism;
- Launch of moderated bulletin board on racism on the Commission's website (www.humanrights.gov.au/worldconference);
- Launch of issues paper on the intersectionality of race and gender;
- National Youth Summit on Racism;
- National Summit on Civil Society on Racism;
- 15 regional civil society consultations across Australia;
- Financial and organisational support for 3 state-based youth forums on racism;
- Financial and organisational support for 3 gender and race forums;
- Focus groups with refugee and migrant women;
- Focus groups with Indigenous women; and
- Consultations with Victorian Indigenous organisations.

The success of the regional civil society consultations was enhanced by state and local government agencies and a wide range of community organisations and individuals who provided additional valuable support and assistance. The details and outcomes of these activities are available on the Commission's WCAR website www.humanrights.gov.au/worldconference.

This summary and the compilation of records from all the regional consultations are but one step in an ongoing process. Following the World Conference, we will conduct further consultations with civil society to feed back the practical actions identified here and through the World Conference process, to stimulate further debate and to identify best practice for addressing racism in Australian society.

The next major phase in this process will be in March 2002 at a National Conference to present the findings of these consultations and to develop a national plan of action for combating racism in Australia.

Structure of this summary

This summary is structured according to the five themes of the World Conference. These themes are explained in detail in the Australian context in the discussion paper, *Combating racism in Australia*.

Theme 1: Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance

This theme seeks to identify what causes racism, what are its sources and what are its forms and contemporary manifestations. In order to facilitate debate on these issues, participants were invited to identify the extent to which they believe racism exists in Australian society; to give examples of racism and explain their own experiences of racism; to identify what lessons (both good and bad) can be learnt from our shared history

so that we are able to combat racism; and to explicitly identify sources, causes and factors that contribute to racism.

Sources and causes of racism

The vast majority of participants agreed that racism is pervasive and entrenched throughout all aspects of Australian society. Throughout the consultation process a range of sources and causes were identified and there was overwhelming, if not unanimous, agreement about the following issues:

Colonialism

The legacy of colonialism is seen as the main cause and source of racism in contemporary Australia. This was expressed in two major ways:

- The inherently racist process of colonisation provided the basis and continued presence of systemic racism in Australia. Indigenous Australians were subjected to colonialism and its aftermath by governments in the most direct and systemic manner. The consequences of colonialism are evident in the disadvantaged position of Indigenous Australians today.

- Australia's public institutions and structures were based on cultural models derived from the British colonisers. This has led to the institutional structures largely being based upon, and operating within, a mono-cultural paradigm, one result of which is systemic racism and intolerance of diverse cultural modes. A regularly raised example was that of the educational sector with the school system seen as a product of a specific cultural model, one unresponsive to cultural differences in learning and teaching.

Ignorance, fear and lack of understanding of cultural difference

These were identified as recurring and major issues in all our consultations. The specific areas of concern to participants were:

- Many of the participants agreed that ignorance and fear have been present throughout Australia's history of immigration of non-British people after colonisation. This was manifested primarily through the White Australia Policy. While public policy advances such as multiculturalism were recognised, many felt it is still common for non-British people to be defined as "others" and for cultural practices different from those of Australians of British origin to be regarded with suspicion, even fear.

- The attempts by some in positions of influence and power in Australian society to promote models of national identity that are based on stereotypical images and masculine and euro-centric views of history which implicitly exclude or marginalise diverse communities and women.

- The effects of globalisation such as the resultant major restructuring of Australia's economy, the increased movement of peoples across the globe in search of

improved social and economic quality of life, and other forces of social dislocation have generated a sense of fear and isolationism among many Australians.

- *"Go home to your country!"*
  As one participant observed, "Some of us don't have a country to go to."
  Canberra consultation, ACT - 31 July 2001

- Fear and lack of understanding are also present among, and between, culturally and linguistically diverse communities. No one group in Australia has a monopoly on racial intolerance or xenophobia.

Power and privilege

Throughout the consultations a recurring theme was the interrelationship between structures and power in Australian society:

- The maintenance of power and privilege and the fear of having to concede these in part or whole were seen as a major factor behind racism in Australia. Racism therefore is not an irrational phenomenon but rather a reflection of historical and contemporary power relations within society.

- *"Government and politicians encourage a sense of competition between groups, especially in relation to economic security, which would allegedly be threatened by reparation, land rights and compensation to Indigenous people or by more humane treatment extended to 'boat people'".*
  Perth consultation, WA - 13 June 2001

- Women saw these structures and power relationships as male dominated. Thus they experience the 'double burden' of racism and sexism when attempting to access power or utilise these structures.

Forms and contemporary manifestations of racism

In many ways the separation of cause from manifestation is a difficult exercise as the causal relationships are often two way and not necessarily linear. The majority of the consultations identified the following common issues:

Political sphere

- There was a recurring recognition that racism is becoming more evident in the broader political sphere. There is an increase in the space and support gained by political parties and organisations which are openly expressing racist, discriminatory and xenophobic views. This is seen as being coupled with the lack of political leadership from the major political parties in taking a strong anti-racist stance. On the one hand governments espouse principles of inclusiveness but at the same time they enact policies and start public debates which reinforce xenophobia, if not racism. Examples cited by participants related to the Australian Government's treatment of asylum seekers and the overriding of the *Racial*

Discrimination Act through amendments to the *Native Title Act*.

- A number of participants were of the view that the under, if not total lack of, representation of Indigenous and culturally and linguistically diverse people in parliaments and other elected institutions is a reflection of institutionalised discrimination.

  "We hold 75% of the voting power here, yet we can't get a black local government."
  Indigenous women's forum, Brewarrina, NSW - 26 July 2001

- Women from minority backgrounds in particular lack representation at all levels of government - from local councils to State and Federal parliaments.

Employment

- Many participants expressed concern at the continued lack of employment opportunities for Indigenous Australians; there was general agreement that the issue could not be simply identified as being one of lack of skills on the part of Indigenous Australians. In many sectors structural barriers hinder access to the labour market and other economic opportunities. The fact that Indigenous people in many regional areas have almost no presence in paid employment in the private sector, particularly in the service sector where there is direct contact with non-Indigenous customers, was seen as a major form of racism.

- *"We want our kids in offices, not out with shovels."*
  Indigenous women's forum, Walgett, NSW - 28 July 2001

- People from culturally and linguistically diverse backgrounds also experience structural discrimination in employment and economic opportunities. This is evidenced by the high unemployment rate within certain communities and general labour market segmentation along ethnic and gender lines.

- The difficulties confronted by people with overseas qualifications in having their training, skills and experience recognised in order to practice in their area of expertise were also identified as discrimination at a structural level.

- A number of Indigenous and non-Indigenous participants recounted experiences of dealings with financial institutions and being denied access to capital products necessary to purchase or commence economic enterprises.

- On a more individual level there were constant references to racial discrimination in the workplace perpetrated by employers, supervisors and work colleagues. These ranged from comments made about a person's appearance, to ascribing negative cultural stereotypes to individuals, through to being denied advancement opportunities. This issue was a recurrent theme in the focus groups with women from culturally and linguistically diverse backgrounds.

Education

- The continued low levels of educational and occupational outcomes achieved by Indigenous Australians were identified by many participants as being the result of structural discrimination in the education sector. This was seen as the perpetuation of systemic racism and the unwillingness of education authorities and governments to incorporate diverse cultural models of learning and teaching into the curricula.

- *"We have to constantly keep asking ourselves whose viewpoint is being promoted in the education system."*
  National Summit, Canberra, ACT - 7-8 May 2001

- Many participants identified the limited resources provided for training in English as a Second Language and for the maintenance of other community languages as discrimination which affects both Indigenous and non-Indigenous communities.

- The lack of adequate and appropriate representations of Indigenous and immigrant history and experiences within education curricula was seen in itself as an expression of racism and a cause of further racism based on ignorance.

Accommodation

- The denial of accommodation based on race was also another recurring example of discrimination. Examples were given by people who had been told that accommodation was available, only to be informed that it was no longer available when their race or ethnic background became known.

- In a number of regional areas the issue of inadequate and inappropriate public housing stock was raised. The houses do not cater for the extended family nature of Indigenous households. It was said that Indigenous families are often asked to pay damage bonds/fees for houses even if there is no damage.

- In accessing accommodation the double burden of being from a particular ethnic background or race and being a woman was highlighted. Examples included the difficulty that Aboriginal single mothers face in accessing public housing.

- *"Upon complaining about a refrigerator or requesting a house with extra rooms to accommodate three children, housing providers are often unsympathetic to women, expecting them to display a grateful attitude and asking them whether they had a refrigerator or extra rooms in Afghanistan-"*
  Immigrant and Refugee Women's consultation - Sydney, NSW -July 2001

Service provision

- A theme that emerged in all the consultations concerned discrimination in the day-to-day provision of goods and services, for example the lack of services provided by many local Councils. Both Indigenous people and people from visible minorities gave numerous examples of being ignored in preference for "white" people. There were regular claims of Indigenous people being "stalked" and

searched in shops by security personnel - without any justification.

"If you are black - stand back.
If you are brown - hang around.
If you are white - you are right."
Broome consultation, WA - 15 June 2001

- Aboriginal women highlighted the impact on their culture when medical services in their local area were cut. A physical connection with a particular geographical area, central to Aboriginal culture, is lost when, as a result of lack of access to birthing facilities in towns with predominantly Aboriginal populations, women have to go to other cities or towns to give birth.

Criminal justice

- The continued disproportionately high rates of incarceration of Indigenous Australians were seen as a reflection of systemic discrimination. Many of the participants raised concern that although systemic racism in the criminal justice system was clearly identified by the Royal Commission into Aboriginal Deaths in Custody in 1991, little has been done to rectify it. Mandatory sentencing legislation in the Northern Territory and Western Australia were also identified as clear cases of indirect discrimination whereby an apparently "race-neutral" policy has an adverse effect on mainly Indigenous Australians.

- A number of consultations raised the issue of "ethnic" communities and over-policing, particularly of young males. This was linked to the "ethnic" descriptors used by the police, media and politicians. The outcome was often the "criminalisation" of certain communities in the public mind.

- Numerous personal experiences were recounted of how police officers expressed racist attitudes in their dealings with individuals. This was seen as pervasive especially towards Indigenous communities and certain culturally diverse communities.

"I am of East Timorese background, the police automatically think I am a drug dealer
when they see me walking in the street. I am sick of being asked for ID."
Written Submission, #21

- Many of the participants viewed the use of punitive measures such as mandatory detention and criminal sanctions to deal with asylum seekers as another example of how contemporary xenophobia, if not racism, is manifested in Australia.

- The youth forums expressed the view that systemic racism is demonstrated in the prisons and juvenile justice sector where the Indigenous, Lebanese, Vietnamese and Pacific Islanders are the main groups in gaol.

- Consultations with Aboriginal women revealed that some are reluctant to report domestic violence incidents due to fear that the criminal justice system's response to the perpetrators will be excessively punitive. Many seek protection from

violence rather than punishment of the perpetrators. However, their distrust of the system leaves them without the protection and support they need.

Regulation of public space

- Concern was expressed about the increasing tendency for police and security guards to regulate public space and move people on. In numerous places it was clear that this increased regulation is implemented in a manner which has a racially disparate impact, with selective enforcement disproportionately affecting Indigenous peoples, and people of non-English speaking background.

- Other examples of concern were the security guard and police presence in Todd Mall in Alice Springs; the newly introduced *Public Order and Anti-Social Conduct Act 2001* in the Northern Territory; the NSW legislation empowering police to remove unsupervised young people under 15 from public places; and dry-zone regulation in Adelaide, Cairns and the Northern Territory.

Other issues

- Many participants recounted how subtle forms of racism are experienced in everyday life such as people averting their gaze, not sitting next to them on a bus, or ignoring their presence. This has a debilitating effect on individuals, denying a person's humanity and thereby attacking the basis of their identity.

- The youth consultation participants in particular stressed the impact of attacks on identity and specifically the consequences for a young person's developing sense of self.

- Sport was another area where individuals felt they had to excel prior to gaining selection because they were Indigenous or of diverse cultural or linguistic background. If they were on a par with or only marginally better than a "white" player they would be overlooked. References were also made to the use of racial slurs by opponents and spectators.

Lessons from past experiences of racism

The majority of the participants at our consultations as well as the submissions received were of the view that there are both negative and positive aspects to our past and we need to be able to draw on these experiences to develop effective strategies to combat racism. The main focus of discussions related to the continued denial of past racist practices. Until this is addressed it is difficult to understand the causes and manifestations of racism in contemporary Australia.

Acknowledgement of impact and legacy of racism

- There was common agreement that the racism which Indigenous Australians were, and still are, subjected to needs to be officially recognised and that apologies should be made for past racist practices such as the removal of children from their families. This will allow society as a whole to move forward towards a cohesive

identity.

- The White Australia Policy has had a lasting impact on the national social development of Australia. It allowed the construction of a populist national identity which excludes and marginalises groups on the basis of ethnicity and race. This has led to popular ideas of the need for people to conform to a set of perceived cultural and social norms if they are to be truly "Australian". It was generally agreed that there have been some advances in addressing this legacy however it was also noted there are still practices that need to be identified and eliminated from contemporary society.

Positive aspects

- Australia's multicultural society was seen as a positive on which we could draw. The level of relatively peaceful interaction and development should provide us with lessons to assist in combating racism. It was clear to many that this is not a "natural" process which just happens. There are people and institutions which undertake positive actions to assist this process to occur. It is necessary to ensure that we continue to work in a positive manner to challenge those who argue that diversity has a negative impact on our society. The current Commonwealth Government *Living in Harmony* initiative was on one hand viewed poorly in this light, as it did not adequately address the key issues and failed to engage and consult with those communities most affected by racism. On the other hand, a number of participants stated that *Living in Harmony* had supported a range of successful projects.

- Many of the participants noted that it was necessary to learn from those individuals, communities and organisations which have combated colonialism and racism over the period of Australia's history since colonisation. The success of the 1967 "Aboriginal citizenship" referendum campaign is just one example. These instances of people resisting racism and achieving change need to be incorporated into the recording and teaching of our history.

- Constant references were also made to past and present anti-racism programs funded by various spheres of government. While there are positive elements of these programs, it was noted that there needs to be a more coordinated and long term approach which directly consults and involves local communities and addresses local manifestations of racism.

Theme 2: Victims of racism, racial discrimination, xenophobia and related intolerance

This theme seeks to identify who suffers racism in Australian society, and the different ways in which people, groups or communities are its victims. It also seeks to identify the complex inter-relationships between racism and different experiences of discrimination. To facilitate debate on these issues participants were asked to identify who they consider are the victims of racism in Australia; how it impacts differently on individuals, groups and communities; and whether experiences of discrimination based, for example, on

gender, sexuality, disability or age, compound people's experiences of racism.

Victims of racism

The use of the term "victim" with its connotation of being passive or defeated was frequently debated in the consultations. The participants did however identify some groups that are subjected to racism on a more regular and pervasive basis than others. There was also clear consensus that the consequences of racism have a negative impact on every individual member of society.

"Racism is about putting in systems which stop us working together as a community."
Kalgoorlie consultation, WA - 15 June 2001

Indigenous people

- There was general agreement that Indigenous people are the main victims of racism in Australian society. This racism is manifested in direct and indirect ways, and is systemic in nature. Many people saw that past discrimination has left many Indigenous people in a disadvantaged position, for example through limited access to education and consequent lower educational achievement rates and higher unemployment. Many people considered that this historical dimension must be recognised to ensure real equality for Indigenous people.

- Many people were also concerned about the perception that Indigenous communities receive special treatment through large amounts of government spending. People saw a need for factual information to rebut the myths about expenditure on Indigenous services and to give greater information about the need for special measures to redress Indigenous disadvantage.
  People of culturally and linguistically diverse backgrounds

People of non-English speaking backgrounds and different cultural and linguistic groups were identified as victims of racism through lack of tolerance of cultural diversity and the inappropriateness of service delivery.

- "Visible" ethnic and religious minorities were also identified as being groups regularly subjected to racism. Examples raised at the consultations included Arabs, Muslims, Africans, Jews, Palestinians and Turkish people. Members of these communities identified that their "difference" in terms of skin colour, dress or cultural/religious practices singles them out as targets of racism.

  "People automatically assume that I can't speak English and speak to me really slowly, just because I wear a hijab."
  Western Young People's Independent Network, Written Submission, #2

- Significant concern was also expressed about the stigmatisation and criminalisation of asylum seekers as "undeserving". This was seen as leading to an increase in xenophobia against particular nationalities such as Palestinians and generally against people from the Middle Eastern region.

- It was widely agreed in consultations that there is a need to distinguish clearly between the racism experienced by Indigenous peoples and by ethnic minorities. This is necessary in order to understand the complexity of racism and to develop policies and programs which are targeted and strategic.

Intersectionality

- There was general agreement throughout the consultative process that discrimination is rarely based on one ground. For individuals who are subjected to discrimination the experience is compounded by other characteristics such as gender, disability, age, religious beliefs and sexuality.

- Young males recounted that if they are of Indigenous background or of a particular "ethnic" background they are labelled with the negative term "members of a gang". This often leads to over-policing and being perceived as a threat. They noted that groups of young males of "Anglo" background are seldom referred to as "gangs". This stigmatisation compounds the young Indigenous and "ethnic" men's sense of marginalisation from the broader society.

- In the specific youth consultations it was clear that young people have an appreciation of the intersectionality of race, gender, sexuality, disability, age, and religious beliefs which can result in a very specific type of discrimination. An example given was of a young Pakistani Muslim woman who wears the hijab (head scarf) to school. She may experience discrimination not only based on her ethnicity, but also her age, her gender and her religious beliefs. This experience will be significantly different from the experience of discrimination an older Indigenous man may face within Australian society. Racism is not just about skin colour or ethnicity.

Gender

- In many consultations it was suggested that women and men experience racism differently because of the intersection of racism and sexism which is often difficult to separate. For example, the racism experienced by some Asian women included the assumption that they were promiscuous.

- Women found linguistic and cultural barriers often present in services such as government departments, non-government agencies, charities and religious organisations contracted to deliver welfare and support services on behalf of government. Often the double discrimination on the basis of race and gender was not fully considered by these agencies - there were regular instances of both subtle and direct discrimination on gender, religious and language grounds.

- Women are treated differently because of their attire - women's clothing is more likely to be identified with a religion or particular culture, whereas men, who do not usually wear culture-specific clothing, can "blend" more into Australian society. Women are therefore under a lot of pressure to dress in a western style so that they do not stand out in the streets, university, job training etc. This can have repercussions for them at home as their families may disapprove of changes in

their dress or outlook. The pressure for women to dress in western clothing is reinforced by the fact that women in cultural dress are "invisible" in Australian public life. For example, rarely are service providers seen wearing hijab. Wearing cultural attire such as the sari or hijab often prevents women from getting jobs, as being "well dressed" is defined in terms of western standards of dress.

In the focus group discussions with Indigenous women a number of specific issues were raised. They indicated:

- Indigenous men are more likely to sit back and say nothing whereas women are more likely to stand up and defend their rights. This makes women more vulnerable to backlash and racism.

- There is a common perception that only Indigenous men have authority to represent their communities. An example given was when a woman applies for a job that needs someone who can speak on behalf of the community or liaise with communities, she will not be hired because of a concern that a woman will not have the standing in the community to perform these roles.

- On another level it was also maintained that women may respond to racism differently from men. While men may physically fight someone who calls them names, women may walk away and internalise the hurt.

  "Racism leaves women with a broken spirit."
  Indigenous women's forum - Brewarrina, NSW -26 July 2001

Individual experiences

- For many participants their individual experiences of racism could not be detached from the societal construction of "other" through negative stereotypes and accepted cultural "norms". Examples which were reflective of this included:

  o An Aboriginal woman was told by a bank employee to go to the pub to cash her cheque. She identified an underlying stereotype that all Aboriginal people are alcoholics and once they have some money they will go and spend it on alcohol, an image regularly presented by some in the media.
  o A Palestinian man recounted how he entered a shop and was having a conversation with the shopkeeper. The shopkeeper asked him where he was from and when he replied he was Palestinian, the shopkeeper's attitude changed immediately to one of discomfort. For the Palestinian man the changed attitude of the shopkeeper resulted from the populist image portrayed of a so-called "Arab or Palestinian mentality" of terrorism and fanaticism.

- Most participants were in agreement that it is difficult for those who have not been directly subjected to racism to understand how it affects an individual's or community's everyday quality of life. It was agreed that there needs to be more safe and supportive space for individuals to publicly recount their personal

experiences. This would lead to a greater sensitisation of the general community to the effects of racism.

- The impact of racism reaches out from the individual who is its direct target and impacts on the families and communities who feel that they too have suffered the racism of the individual directly involved as they have to provide support and assistance.

Theme 3: Measures of prevention, education and protection aimed at eradicating racism, racial discrimination, xenophobia and related intolerance

This theme seeks to identify strategies for the prevention of racism, including measures of education and protection. To facilitate debate on these issues participants were asked what they saw as the priority measures that the Government and/or other sectors of society should take to combat racism and to provide examples of programs that they considered effective. Participants were also asked to consider the role of the Internet and emerging technologies in combating racism.

Throughout the consultative process there was broad agreement that all members of society have a responsibility and a role to play in combating racism. The majority of participants were of the view that most Australians are opposed to racial discrimination. In all the discussions education was identified as the priority area.

Education - primary, secondary and tertiary

- There was overwhelming agreement that anti-racism education is the key to providing a basis for being able to develop wide community support for effective long-term prevention and protection measures.

- A common thread throughout the consultations was the need to undertake structural and institutional change informed by the diverse learning and teaching cultures which exist within Australian communities. There needs to be cultural change within the education sector achieved through developing appropriate curriculum and assessment methods. The need for specific Indigenous and ethnic schooling was also stressed.

- The focus on teaching history was regularly identified as the key to redressing the ignorance and stereotypes which have been reinforced through the existing educational system. In terms of curriculum development for schools and broader community education there was agreement that it is necessary for Australian history to appropriately reflect and incorporate its Indigenous origins and the resistance to colonialism. It was important that this be done in collaboration with Indigenous Australians and must include their oral history traditions. The teaching of history was also seen as being an area where the existing curriculum does not adequately address the reality of Australia's multicultural development.

- Participants positively noted that there had been an increase in the availability of courses covering areas such as Aboriginal studies, anti-racism and broad cultural awareness at all levels of education. However, these are often limited in scope and are neither compulsory nor part of the core curriculum. It was suggested that these

types of courses should be expanded and included in the compulsory requirements of all aspects of education including professional university courses such as medicine and law.

- There was recognition that the school system itself is not the sole source of learning for young people and that the domestic environment plays a major role in the formation of views and values. Therefore, it is important that any anti-racist and general civic value courses in schools involve the broader school community, the parents and guardians of children.

  "The first responsibility lies with the individual and in the case of very small children with their families who are the first educators.... Individuals, communities, governments need to take responsibility for themselves and their area of influence to eliminate as much as possible racist and discriminatory dialogue, actions and practices..."
  Written Submission, #23

- A broad range of specific initiatives was canvassed throughout the consultations. These included:

  - teaching must include diverse conceptual approaches
  - increased support for community language training including Indigenous languages
  - increased funding for courses on English as a second language
  - employment of more teachers from diverse backgrounds.
- To ensure effective youth participation, specific leadership, mentoring and conflict resolution programs should be implemented for young people to give them a direct voice in developing anti-racism strategies.

- To ensure leadership roles are encouraged especially among young women from minority backgrounds, programs on leadership skills, mentoring and education programs specifically on topics of government systems and lobbying government should be implemented.

Education - community

- Public education campaigns were identified as a key measure in dealing with racism in the broader society. It was noted that Australia has had many successful examples of public education campaigns aimed at addressing social issues such as HIV-AIDS, smoking and littering.

- Many participants noted that public education campaigns should be targeted at diverse levels from the general community, at communities in particular geographic localities, and at particular sectors of society such as young people, older people and people from culturally and linguistically diverse backgrounds. It was maintained that identifying the "market" for these campaigns is a crucial factor in them being appropriately developed and effective.

  "In 1995, I used to think of us as mostly just parochial but we are racist. You think

about how many people you know who would say, 'those people are so ... but I'm not a racist'.
Written Submission, #4

- There was broad agreement about the basic elements which should inform public education campaigns:

    o   developed in consultation with communities
    o   adequately resourced and long term
    o   regularly evaluated and refined
    o   focussed on the development of shared values of inclusiveness and anti-racism.

Education - commercial and public sectors

- There was general agreement that the workplace is a site for ongoing anti-racism education initiatives as every individual has the right to work in a non-discriminatory workplace. It was also noted that there are economic, service quality and efficiency benefits to be achieved through providing a non-discriminatory work environment. These should be joint programs involving both employers and employees.

- All participants agreed that both the public and private sectors have responsibility for addressing anti-racism issues in their organisations. Employer representatives were generally of the view that many positive initiatives have been put in place, that the existing laws covering discrimination in the workplace were adequate and that the emphasis should be on self-regulation and voluntary codes of practice. Though a key principle of anti-discrimination laws is that of vicarious liability of employers for the racially discriminatory actions of its employees, many participants felt that employers had not done enough. There were also many who considered that the existing vicarious liability laws and the related sanctions were too weak to be effective.

- There is a common view that industry codes of conduct in relation to overcoming racism could be developed with certificates of accreditation to be issued giving complying companies a marketing edge. Communities and individuals could participate by their custom and patronage of such companies. These codes need to be developed in a collaborative fashion between the relevant industry bodies and agencies such as HREOC.

The media

- Many of the consultation sessions identified the role of the media in contemporary society as a major area where measures need to be undertaken or improved to ensure that the media addresses racism rather than fostering it. It was noted that in Australia media include the non-English language media and all other media outlets.

    "When it's a negative story they are ethnic; when it's positive they're Australian."

Brisbane consultation, Qld - 18 July 2001

- There was recognition that there have been initiatives where communities have engaged with the media and journalists in developing anti-racism efforts. These require expansion and further support. Examples include the Australian Arabic Council which gives annual awards to Australian journalists whose constructive media stories break down stereotypes of the Australian Arabic community.

- A number of groups raised the need to regulate the media so that it creates representations and content that more accurately reflect Australia's demographic and social reality and thus reduce the perpetration of negative stereotypes. Negative media stereotypes of women from minority backgrounds in particular need to be addressed, as women specifically highlighted the negative impact of these media portrayals on their lives. For example, media reporting of the Muslim religion tended to characterise Muslim women as weak and oppressed. Muslim women commented how this resulted in an attitude being fostered in the broader society that it is acceptable to treat Muslim women in an extremely sexist manner.

- The issue of self-regulation of the media was raised, with particular reference to complaints. There were contrasting views in terms of either providing a more prescriptive legislative response to complaint handling in the media industry, or reinforcing the self-regulation regime by including community members on review panels and opening up the deliberations and process to public hearings.

General programs and initiatives

Throughout the consultations a number of general programs and specific initiatives were canvassed to address specific structural issues:

- Many participants identified that programs are needed in the private and public sectors to address the mono-cultural dominance of decision-making processes, the lack of employment opportunities for particular communities and other barriers to economic opportunity. Proposals canvassed included:

- ethics courses for senior executives to include accountability performance about cultural diversity
- providing mentoring programs between senior executives and people from particular target groups
- provision of entrepreneurial and public confidence skills for people from particular communities
- economic and affirmative action programs aimed at increasing the number of Indigenous people and people from a broader range of cultural and linguistic backgrounds in senior management and decision-making positions
- affirmative action programs, mentoring and leadership skills programs to promote the involvement of women from minority backgrounds at all levels of government.
- The arts and cultural sector was also identified as an area where specific programs need to be implemented. It was maintained that it is through arts and culture that representation and exploration of identity take place. A number of consultations

proposed that affirmative action programs need to be introduced to ensure that every level of this sector reflects Australia's cultural diversity.

- In a number of consultations the issue was raised of both the positive and negative community education aspects of "celebrations" of diverse cultures. On the one hand, the "celebration" of ethnic and Indigenous cultures ran the risk of setting up a sense of divide and rule where the "mainstream" celebrates the "others". On the other hand, sometimes the event of a "celebration" provides the opportunity for initial insights, links and contacts which otherwise would not occur. Cultural activities were seen as potentially providing a great opportunity to increase broader community understanding and participation. However they need to be inclusive of diversities within communities and not portray stereotypical images.

"In many ways we are different, and that is cool. We need to be united, but different. Unity in diversity."
Youth Forum, Canberra, ACT - 7 May 2001

- There is a need for adequate and ongoing research to assist in both identifying the key areas of concern and developing well focussed and targeted programs and initiatives. In particular gender specific research in relation to the numbers and circumstances of refugees is needed. This would help to identify any special needs of newly arrived refugee women.

The internet

- All consultations raised specific issues in regard to the role the internet could play in developing positive programs of prevention of racial discrimination. However, the internet was also identified as being a site of concern because of its proliferation and dissemination of racism and race hate. People expressed concern that race hate sites on the internet are being used to coordinate and bring together extremist organisations on an international level.

- There were contrasting views on effective programs to deal with racism on the internet. A number of proposals sought national government actions similar to censorship or anti-gambling laws to ban racist material from the internet. It was noted that this would require close cooperation among governments at an international level, given the borderless nature of internet material and its dissemination. On the other hand, others argued that censorship and prescriptive legislation have had limited, if any, effect. The programs that need to be developed involve codes of ethical practice for the internet industry and, most importantly, educating young people to become discerning readers and users of the internet.

- Many participants identified positive uses of the internet such as collaborative projects between schools involving children of different cultural backgrounds on a national and international level.

- It was also recognised that the internet is of limited importance given the information divide which exists within and between nations and social classes.

One participant succinctly put the case: "People who don't have electricity don't have computers". Therefore focus on regulation of the internet as a form of media should not lead to neglect of other sites of struggle, particularly for those who already suffer from economic marginalisation and exclusion.

- In contrast, some participants from remote communities noted that the internet has an added importance due to their isolation, and spoke positively about the role of the Internet in promoting tolerance and understanding about their cultures. They encouraged the mentoring of young people in rural and remote areas so that they were technically proficient and able to use the Internet for this purpose.

Theme 4: Provision of effective remedies, recourse, redress, [compensatory]1 and other measures at the national, regional and international levels

This theme seeks to identify the appropriate response to an act of racism. It seeks to evaluate the effectiveness of existing measures for remedy, recourse, redress and compensation to respond to racism, as well as to identify further necessary steps to provide redress. To facilitate debate about these issues participants were invited to identify how adequate they considered laws dealing with racism in Australia to be, as well as to suggest how these laws might be improved and what focus they might take (eg should they aim more for rehabilitation than punishment, or focus more on education-). Participants were asked to identify what other measures aside from legislation need to be adopted to ensure that victims of racism have an effective remedy.

The common message coming out of all consultations was that the existing laws in Australia dealing with racism are inadequate and require not only strengthening but also a range of new measures to be introduced. It was also clear that many people did not understand their rights or the legislation. Some did not know that they even had a remedy for racism.

Enshrining human rights in a Bill of Rights or the Constitution

- There was almost unanimous agreement throughout the consultations that human rights must be fundamentally entrenched in our Constitution so that they cannot be overturned by simple legislative changes. Various models were suggested with the recurrent theme being that of a Bill of Rights. As an example of why constitutionally enshrined rights were required, participants referred to the racially discriminatory impact of the *Native Title Act* amendments which had overridden the *Racial Discrimination Act*. A few participants supported, instead or as an interim measure, a statutory Bill of Rights.

- The issue of constitutional amendment was also raised with particular reference to what were perceived as racially discriminating clauses such as section 51(xxvi) of the Constitution which provides power to make special laws for the people of a particular race (including for a negative or discriminatory purpose). It was also proposed that the Constitution should recognise the Indigenous peoples' prior ownership of Australia.

Existing laws - adequacy and access

- One issue raised on a number of occasions was that before the adequacy of the specific racial discrimination and vilification laws could be considered, the whole Australian legal framework needs to be reviewed. Part of this review would remove any systemic and indirect discrimination from existing laws and legal practices. In relation to this there needs to be more plurality and recognition in the Australian legal system of the laws and customs of Indigenous peoples.

- Another recurrent suggestion was that Australian laws should be benchmarked against international human rights best practice. They need to comply with the intent and aims of international agreements and treaties such as the Convention on the Elimination of all Forms of Racial Discrimination, the Refugee Convention, the Genocide Convention, the Convention on the Elimination of All Forms of Discrimination Against Women and the International Covenant on Economic, Social and Cultural Rights. There were frequent references to how Australia should contribute positively to the finalisation of the Draft Declaration on the Rights of Indigenous Peoples and then enact it into domestic legislation.

- Participants called for reform of policy and legislation governing the status of bodies such as HREOC and the State-based equivalent agencies so that they are guaranteed greater independence from government. A greater level of resources is required if these bodies are to be in a position to operate effectively and to deal both with individual complaints and initiate test cases in relation to systemic racism.

- Many participants urged that bodies such as HREOC should be empowered with the resources and mandate to bring representative actions on behalf of classes of victims, and to initiate investigations into instances of systemic and endemic racism. The powers and functions of the Australian Competition and Consumer Commission was given as an example of the role envisaged.

- A recurring criticism was of the "complaints" model of protection from discrimination. Under this model the onus is on individuals or groups to take the initiative to prove that discrimination has taken place. Many participants saw this as placing an undue burden on people who are aggrieved and in positions of relatively less power and fewer financial resources. It was proposed that legislative reform to allow for third parties such as representative bodies to lodge complaints on behalf of aggrieved parties is needed.

- Many women stated that they are not comfortable using the legal system, so they do not use laws that are available to them. The women in the focus groups also expressed their dissatisfaction with the current complaints process: they seldom have the emotional and economic resources to continue with long protracted complaints.

- Sanctions and remedies under existing legislation were seen as limited. A broader range of options including criminal penalties for some cases was proposed. These could include stronger commercial and financial measures such as increased fines,

deregistration of companies, individual management and director responsibility and community service orders.

- Many participants noted that racial discrimination laws need to be amended and new ones developed to address issues of intersectionality of factors such as gender, religion and age.

- There was almost unanimous agreement that it is of little consequence to have the best legislative framework if community members are not aware of their rights or do not have access to adequate resources to pursue them. In this regard it was regularly noted that HREOC and similar agencies have a responsibility to undertake educative campaigns to ensure that people are fully aware of their rights and responsibilities. In line with this it was agreed that governments have the responsibility to provide HREOC and other agencies with the necessary resources. There was also a call on governments to provide access to funding for legal services so that individuals or groups could pursue their claims and complaints.

- Another area of contention was the length of time that often elapses between the lodging of a complaint and its resolution. Many participants expressed concern that the drawn out nature of the process is a deterrent to people lodging complaints or carrying them through to completion.

Theme 5: Strategies to achieve full and effective equality, including international cooperation and enhancement of UN international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow-up

This theme considers the international dimension of mechanisms and efforts to combat racism, particularly the role of the United Nations and the impact of globalisation. To facilitate debate on this theme participants were asked whether globalisation contributes to racism, and what safeguards are necessary to protect people from any negative impacts of globalisation. Participants were also asked how they thought Australia should contribute to international fora for example such as through United Nations committees and special mechanisms. However, it was clear at many of the community consultations that there was limited knowledge of the technicalities and operations of UN mechanisms and processes and consequently there was limited debate about these issues in some consultations.

Globalisation

- One of the recurrent themes was that of the impact of globalisation. The participants were in agreement that globalisation has many layers of meaning, from the economic and the political to new media and the strengthening of international mechanisms for protection against racism.

- The majority of those consulted were of the view that globalisation carries the risk of exacerbating the wealth divide between and within nations and this could reinforce racism and xenophobia. Thus a more equitable distribution of resources is needed to ensure that the world community has access to the "greater wealth"

which globalisation proponents say will be generated by a world economy. While economic conditions are not the only or inevitable causes of racism, it was noted that we need to provide everyone with economic security in order to reduce the incidence of racism.

- Participants were of the view that there are a number of aspects of the international system that need to be strengthened in order to combat racism. The first is the accountability mechanisms applying to transnational corporations. The Global Compact was seen as a potential safeguard, but implementation, monitoring and enforcement mechanisms are lacking. There should also be mechanisms through the World Bank and the International Monetary Fund for corporations to be bound by the principles of the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination Against Women in particular. Mechanisms were suggested that Australia could implement, for example a code of conduct for Australian companies governing their activities overseas, similar to the Sullivan Code governing US companies working in South Africa during the apartheid era.

- Many participants noted that communities have developed links and alliances across national borders and shared experiences. This was seen as necessary, and should be expanded, to develop a better understanding of international trends and the common causes of xenophobia and racism which are manifesting themselves in developed nations as globalisation reaches out. The use of new globalised tools such as the internet can also serve to increase international communication between local communities seeking to combat racism.

International mechanisms

- It was noted that the parties to international treaties are States, giving only a limited role to individuals for action. Therefore it was proposed that the roles of national human rights institutions and non-government organisations should be strengthened within UN forums to give more participatory rights and a greater reflection of the views of civil society.

- Many participants maintained that it was necessary to strengthen the international human rights treaty system. Australia should ratify the statute of the International Criminal Court and the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination Against Women, and should urge other countries to ratify each of the major human rights instruments, especially the Convention on the Elimination of all Forms of Racial Discrimination.

- There was consensus that Australia can and should take a stronger role in the international struggle against racism. Most importantly, Australia should renew its support for the UN human rights system, specifically the functions of the Committee on the Elimination of Racial Discrimination. Many participants were of the view that Australia has been embarrassed by its dismissive response to the concerns expressed recently by many of the treaty committees on Australia's human rights record.

- Participants were of the view that the best contribution Australia could make to international efforts to combat racism would be to establish itself as a model of best practice in applying international laws at a domestic level. This would furnish Australia with some moral authority, which it is currently losing, to engage in international debates and push for positive changes at the UN level as well as in bilateral discussions.

Recommendations

The following recommendations reflect the main issues and proposals raised by participants during the consultation process. The recommendations are loosely grouped by reference to themes. In some meetings, recommendations were made which were specific to the context of that region or time. Those recommendations can be found in the individual regional consultation reports (available on the HREOC World Conference website).

Recommendations addressing the sources of racism

1. Australian governments at the State and Federal levels provide recurrent funding for independent research into all facets of racism in Australia, including identifying its causes, sources and extent.

2. The Federal government provide HREOC with funding for an annual national summit on racism to identify areas of concern and to highlight best practice examples of combating racism.

Recommendations addressing the victims of racism

3. All levels of government recognise that women suffer racial discrimination differently from men, and adopt a gender perspective in the design, delivery and evaluation of all policies and programs.

4. The Federal government fully acknowledge the past injustices perpetrated against Australian Indigenous peoples by making a formal government apology, endorsed by Parliament. The Parliament should commit to the negotiation of framework agreements, or treaties, with Indigenous peoples about "unfinished business".

Proposed measures of prevention and protection

5. All levels of government evaluate existing anti-racism education programs in order to assess their effectiveness, and to identify gaps, areas for improvement and best practice.

6. All levels of government work towards the creation of strategic partnerships with the private sector, non-government organisations and community representatives to develop practical human rights and anti--racism programs and to encourage and facilitate the development of anti-racism and human rights best practice by the private sector.

7. All levels of government fund extensive anti-racism campaigns which are flexible

enough to respond adequately to the multi-faceted and different manifestations of racism. Anti-racism programs should be coordinated between governments, long term in nature, designed and implemented with the effective participation of individuals and communities affected by racism, made in consultation with anti-discrimination and equal opportunity commissions at all levels, and be regularly monitored and evaluated.

8. All levels of government re-affirm their commitment to opposing all forms of racism. In particular, the leaders of all political parties should commit to denouncing all expressions of racism by members of their own parties.

9. All levels of government make greater efforts to ensure adequate representation of Indigenous people and people from minority groups in public sector employment, including through affirmative action and workplace diversity plans.

10. All levels of government actively commit to facilitating adequate representation of Indigenous people and people from minority groups in public life, particularly in the judiciary, education and parliament, through culturally appropriate training and leadership programs.

11. Governments at all levels and industry representatives of the arts and cultural sector develop affirmative action programs to ensure that Australia's demographic and cultural diversity is reflected in all areas of the sector including creation, presentation, performance and administration.

12. The Federal Minister for Communications require the development of a media code of conduct which includes effective monitoring mechanisms which:

i positively promote cultural diversity; and
ii include community representatives and effective and transparent complaint mechanisms and enforcement provisions.

Proposed education measures

13. The Federal government implement a program of human rights education in accordance with the plan of action for the UN Decade for Human Rights Education. Such a program must be based on adequate consultation with HREOC, non-government organisations and civil society in its design and delivery and be adequately resourced on a recurrent basis.

14. State and territory education departments evaluate and, where necessary, rewrite existing school curricula to ensure that they recognise Indigenous history and the struggles and impacts associated with colonisation, as well as the important role of migration and the contribution of migrants in our nation's development. Such review and rewriting must take place in consultation with Indigenous and migrant communities. The content of these curricula should become compulsory for all students.

15. State and territory education departments include the diverse cultures of learning and teaching that exist in Australia in the whole of the education sector from the structural to the direct delivery level. This would include bi-modal delivery and assessment,

recognition and teaching of Indigenous and other community languages and, where appropriate, the establishment of bilingual, ethnic and Indigenous schools.

Proposed legislation and reforms

16. Human rights be protected through a Bill of Rights or equivalent instrument in constitutional or statutory form. The Federal government must allocate adequate funding and resources to the development and implementation of such an instrument.

17. All levels of government ensure that they comply with Australia's obligations under international conventions and amend, repeal, rescind or nullify all laws that are inconsistent with those international obligations. That the Federal government monitor the compliance of states and territories with Australia's human rights obligations and, where necessary, pass legislation which overrides racially discriminatory provisions.

18. The Federal and State parliaments require the introduction of, or reinforce existing measures relating to, the development of accompanying statements which assess proposed legislation for any impact with regard to racism.

19. The Federal government amend the *Native Title Act* so that it is consistent with Australia's obligations under the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

20. The Federal government review the *Migration Act* and other relevant legislation on the treatment of asylum seekers to consider alternatives to mandatory detention requirements and to ensure that its treatment of asylum seekers is based on the broad humanitarian aims and intent of its international human rights obligations.

21. All levels of government implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody, *Bringing Them Home* (the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families), the final report of the Council for Aboriginal Reconciliation, the *Roadmap to Reconciliation*, and the HREOC *Racist Violence* report.

Recommendations relating to discrimination complaints

22. In order to recognise the systemic nature of much racial discrimination and the often insurmountable burden placed on individuals to bring complaints, all Federal and State governments evaluate anti-discrimination legislation with the aim of identifying additional mechanisms for grievance processes which go beyond the individual complaint system.

23. Federal and State governments amend anti-discrimination and other relevant laws in order to:

i provide criminal sanctions for racial discrimination and racial vilification and hatred;
ii permit organisations to bring representative complaints on behalf of groups or individuals; and

iii permit HREOC and state and territory anti-discrimination commissions to self-initiate complaints.

24. Federal and State governments significantly increase legal aid funding for discrimination and vilification matters to ensure broader and more equitable access to legal assistance for complainants.

Recommendations relating to Australia's international role and obligations

25. The Federal government promote and support the development by all UN member states of protocols which monitor and enforce transnational organisations' compliance with human rights and anti-racism obligations.

26. The Federal government ratify the Optional Protocol to the International Convention on the Elimination of All Forms of Discrimination Against Women.

27. The Federal government encourage nations that have not yet done so to ratify or accede to international human rights treaties and their optional protocols, particularly the Convention on the Elimination of All Forms of Racial Discrimination.

28. The Federal government remove Australia's reservation to article 4 of the Convention on the Elimination of All Forms of Racial Discrimination requiring the dissemination of ideas based on racial superiority or hatred to be outlawed.

29. The Federal government positively contribute to the finalisation of the Draft Declaration on the Rights of Indigenous Peoples through full recognition of the rights of Indigenous peoples (including those of self-determination) and implement the principles of the declaration in domestic legislation.

1. Note: The word compensatory was in brackets as there was no consensus among governments to include it under this theme.
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Ways to make a Community Stronger, Wiser, More Resilient and Engaged

American academic Tom Atlee provides us with 26 ways to make a community stronger, wiser and more resilient, sustainable and engaged. There are hundreds of other approaches, and these give a useful tool to gauge vibrance and connectivity in a community.

Asset Mapping, Friendship Webs, Neighbourhood Email and a Fishbowl Process are some of the interesting ways presented.

To view this article, see:

Ways to make a Community Stronger, Wiser, More Resilient and Engaged

Human Rights Medal and Awards Winners 2001

The Winners and Highly Commended entries in the Human Rights Medal and Awards were announced at a ceremony held in Sydney on Sunday 9th December 2001.

Human Rights Medal 2001

The late Dr Arnold "Puggy" Hunter was named as the recipient of the Human Rights Medal 2001. "The award acknowledges the late Dr Hunter's unwavering commitment over many years to improving Aboriginal health in the face of hostility, disruption to his family, financial hardship and his own health." (HREOC)

Highly Commended for the Human Rights Medal 2001:

Eileen Pittaway (Director of the Australian National Committee on Refugee Women)

& Brother Paul Smith (Kids Helpline)

Community Award:

Women with Disabilities Australia (WWDA) for working nationally for the most marginalised and disadvantaged groups in Australia.

Highly Commended:

(The late) Helen Leonard for her tireless commitment to the rights of women, and broader issues of social justice.

To access information about the Human Rights Awards Winners and Highly Commended see: http://www.hreoc.gov.au/hr_awards/entry.html#about

"HIV/AIDS and Human Rights - Young people in Action"

UNESCO and UNAIDS have developed a kit entitled "HIV/AIDS AND HUMAN RIGHTS - Young people in Action" - a kit of ideas for youth organizations. The kit is available on-line in English in PDF format. Should you need more information about the kit, please contact Ms.L. Haxthausen at <l.haxthausen@unesco.org > or Ms. A. Taftali <a.taftali@unesco.org>.

The Kit focuses on Public Education and Peer Education; Advocacy; Care and Support.

to view the online "HIV/AIDS AND HUMAN RIGHTS - Young people in Action" Kit see: http://www.unesco.org/human_rights/index.htm

Gateways to Law Explored

A new report examines the way non-profit agencies assist clients with legal problems. Gateways to the Law was initiated by the Law and Justice Foundation of NSW, which seeks to improve access to justice, particularly for socially and economically disadvantaged people.

The Foundation undertook the project because it recognised the high level of legal need in the community and the vital role that non-profit agencies play in providing preliminary assistance to meet this need, especially to socially and economically disadvantaged members of the community.

The aim of Gateways to the Law is to highlight different factors and issues that affect practice and service delivery of these non-profit agencies, and to draw out the implications these may have for current policy initiatives. Agencies that participated in the study include Chamber Magistrates, community legal centres, legal aid offices, and government access centres.

Copies of Gateways to the Law are available for $20.00 (including GST and postage and handling) from the Law and Justice Foundation of NSW. Please call Tel: (02) 9221 3900 or Email: emma@lawfoundation.net.au to order copies.

If you would like to discuss the issues raised in the project, please contact Sue Scott, Law and Justice Foundation Tel: (02) 9221 3900 or Email: sscott@lawfoundation.net.au

IYV Forum - Volunteering: Planning for the Future

Are you interested in contributing to a Plan of Action for Volunteering?

The NSW Advisory Committee for International Year of Volunteers is preparing a Plan of Action for Volunteering as a key legacy from the Year. The Committee would like wide input into the development of this Plan. The Forum is being held on 18 February 02 from 9am to 5pm at the Country Embassy, Level 44, Grosvenor Place, 255 George Street, Sydney. Organised to allow discussion of the content of a Plan of Action for Volunteering, it will consider the priority areas identified from community input as well as looking at other issues that have been identified during the International Year.

If you can't make the Forum but would still like the opportunity to contribute then you can submit an Input Form that asks you to nominate 5 priority areas for volunteering and make suggestions for addressing these areas of concern. You can access the Input Form and information about the Forum at:
http://www.communitybuilders.nsw.gov.au/events/20011221_171.html

Source: NSW Communitybuilders