



Victorian Equal Opportunity
& Human Rights Commission

Report Racism trial

Outcomes report



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Background

In May 2013, the Commission released *Reporting Racism: What You Say Matters*. The report found that racism and conduct motivated by racial or religious hatred is a daily experience for too many Victorians, but that most people choose not to report the racism that they experience or witness. The most common reason for not reporting racism was the view that nothing would be done about it.

To address the issues raised in the research, and guided by the reference group that oversaw the project, the Commission committed to eight key actions.¹ The first of these was to:

Collaborate with Victoria Police and the Victorian Aboriginal Legal Service (VALS) to trial a third party reporting system, using our antihate website as the access point. Following this initial trial, we intend to extend the program to other communities.

In 2014, the Commission partnered with Victoria Police and VALS to run this trial, which became known as “Report Racism.”

The Report Racism model

The Report Racism model is based on third party reporting mechanisms in the United Kingdom.² Third party reporting allows an individual to report racial vilification or discrimination to a community organisation, rather than directly to police or a regulator. Third party reporting aims to build community confidence to report racism, which can lead to resolution of disputes or crimes, and to increase data collection that allows agencies to improve responses to discrimination and racially motivated crime and to prevent future incidents.

The trial focused on the Aboriginal community because research shows that this group experiences high levels of racism that is very unlikely to be reported. Although Report Racism was only promoted to the Aboriginal community, the initiative accepted and responded to reports about racism toward any person in Victoria.

The Commission worked with the Regional Aboriginal Justice Advisory Committees (RAJACs) to select Shepparton (including Mooroopna) and Northern Melbourne (Cities of Yarra, Darebin and Whittlesea) as the two trial sites. Population demographics also supported the selection of these sites.

Consultation in the two trial sites, including open community forums, helped to further refine the model. Report Racism was launched in Northern Melbourne in August 2014, and in Shepparton in February 2015.

Reporting Places

Organisations that volunteered to take part in Report Racism to take reports on behalf of their clients and community are known as ‘Reporting Places’. Reporting Places were either recruited directly by the Commission on the advice of the RAJACs, or were organisations that approached the Commission after learning of the initiative. In each trial site, seven organisations signed up as Reporting Places.

¹ The group was chaired by the Chair of the Commission’s Board, John Searle, and comprised representatives from the Jewish Community Council of Victoria, Islamic Council of Victoria, Australian Muslim Women’s Centre for Human Rights, Victorian Multicultural Commission, Victorian Aboriginal Legal Service, the Ethnic Communities’ Council of Victoria, Federation of Indian Associations Victoria, African Think Tank and Victoria Police.

² For more information, see www.report-it.org.uk.

Northern Melbourne	Shepparton
VALS (Preston)	VALS (Shepparton)
Neighbourhood Justice Centre	Rumbalara Justice Services
City of Darebin – Preston Customer Service Centre	Goulburn Valley Community Legal Centre
Victorian Aboriginal Community Services Association Ltd (VACSAL)	Lulla's Children and Family Centre
Cohealth (Fitzroy and Collingwood)	CatholicCare Sandhurst
Bubup Wilam for Early Learning	Primary Care Connect
Victorian Aboriginal Health Service	GoulburnValley Health

The Commission offered training to these organisations on how to take a report, privacy obligations and the process that the Commission would follow after receiving a report.

In addition to visiting a Reporting Place, people could also make reports online at www.reportracism.com.au or by calling the Commission on 1300 292 153.

The Commission is responsible for all reports made through Report Racism. On receiving a report, the Commission contacts the reporter (unless the person wants to remain anonymous) to discuss their options. With the reporter's consent, the Commission can refer reports of crime or complaints about police members to Victoria Police. Victoria Police provides updates on how these reports are progressing to the Commission and/or direct to the reporter (if that is what the reporter wants). The Reporting Place can also receive updates on progress with the reporter's consent.

Governance

Planning and oversight of the trial was provided by the Project Advisory Group, consisting of representatives from Victoria Police, VALS, the Commission and the RAJACs in the trial regions.

Following launch, the Commission also coordinated Local Governance Groups in each trial region with representatives from Victoria Police, VALS, the local RAJAC and Reporting Places. The purpose of these meetings was to provide a forum for direct feedback, address concerns and create promotional opportunities.

Results

Report Racism received 54 reports between 21 August 2014 and 31 December 2015. Nine of the reports were made at a Reporting Place, including six from VALS, two from Cohealth, and one from Shepparton Police Station. The remainder were made directly to the Commission (by email, over the phone or on the website). Twelve reports were from people in the Northern Melbourne trial site, three were from Shepparton and the remainder were from other parts of Victoria.

Nearly half (25) of the reports were about racism toward Aboriginal and/or Torres Strait Islander people. Of these, 13 people reported their own experience and 12

reported on someone's behalf. The remaining 29 reports related to racism toward a non-Aboriginal person.

The number of reports is too low to make generalisations of findings about racism in Victoria. However, a qualitative analysis of the reports was conducted and a short summary is provided below.

There were many similarities in the racism experienced by Aboriginal and non-Aboriginal people. Racism occurred in most areas of public life, including in goods and services (16 reports), employment and the workplace (nine reports) and sport (two reports). Reports involved a broad range of issues. Actions to incite racial hatred was the most common theme among the 54 responses as a whole (33 reports consisted of this theme) followed by:

- humiliation and denigration (28)
- verbal harassment or abuse (17)
- online harassment or abuse (10).

Eleven reports related to children, including reports of racist bullying online and at a school, different treatment at a doctor's surgery and in a shop (see case study example) and racist abuse at a sporting event.

Two reports were made about police. One was made by a third party who overheard a police member questioning how someone could be Aboriginal when they had fair skin. The other was from a person who felt they were being targeted by the police due to a complaint they had made about other agencies to the Commission. We reassured this person that we do not provide information about the complaint to police without people's consent because complaints are confidential.

Most of the reported incidents occurred recently and many suggested complex and traumatic experiences rather than one-off remarks or incidents.

Many of the reasons given for reporting via the Report Racism website suggested ongoing problems and distress for the people concerned. Other reasons for reporting included the accessibility of the reporting tool and belief that action would be taken.

Outcomes of reports

The Commission responded to each report according to its particular circumstances and the preference of the reporter. Twenty-two people chose to remain anonymous and did not want to be contacted. These reports help to build our understanding of racism. In most cases anonymous reports cannot lead to an individual outcome, usually because we do not have enough information or we do not have the legislative power to respond. In four cases we could contact the organisation that the report was about to educate them about the law. We never revealed a person's identity when we did this.

Thirty-two people wanted to be contacted by the Commission. Of these, five chose to begin the Commission's dispute resolution process. Another seven were offered this service but chose not to engage.

Twelve people wanted their report referred to police as allegations of prejudice-motivated crime. People could choose whether to have their contact details passed on to police or to remain anonymous. Three of these reports resulted in a man being charged (see case study below). Eight of the reports were recorded as police intelligence, which meant there was not enough information to launch an investigation, but the information might help them solve other cases.

Case studies

These are two examples of what people achieved by reporting racism.

Fiona, John and Peter* work at an Aboriginal organisation. They receive phone calls from a man who calls them racist names and is very abusive.

Fiona and Peter know who this man is because his phone number shows up on the screens on their work phones, and he also tells one of them his name.

Fiona and Peter both report this to Report Racism and ask for the report to be handed on to Victoria Police.

Police members contact Fiona and Peter to ask what they want to do. They decide they want to press charges, and the man is charged with using telecommunications to harass.

Bella* is an Aboriginal girl who likes to go to a big shopping centre on her way home from school. One day a shopkeeper tells her she isn't allowed to come to the shop without supervision from a parent. However, Bella notices that other kids the same age are allowed to stay in the store. Bella's mum tells us this through Report Racism, but does not want to lodge an official complaint, or have the shop know that she has put in the report.

After receiving the report, we write to all the main shops in the shopping centre, as well as other shopping centres in the area. This letter explains the shop's legal obligations to provide services free from discrimination and explains that if a court or tribunal finds that a staff member has discriminated, a shop manager or owner may be ordered to pay compensation.

Bella's report helped us to target an area while also respecting her privacy.

* Names have been changed to protect people's privacy.

Barriers to reporting

Given the research about the prevalence of racism, the project partners had expected to receive a much higher number of reports. Report Racism has shown how significant the barriers to reporting racism are for the Aboriginal community. Regular discussions with the Local Governance Groups helped us to understand these barriers in more detail, and to hear advice on how these barriers could be overcome. These barriers included:

- a general belief that nothing will be done
- the process of reporting can be traumatic, and may require 'reliving' the experience of racism. This may be a particular barrier to engaging in conciliation
- racism is often covert and difficult to name. Media coverage is usually about racism on public transport and football and not about discrimination in services. This means that people feel a report of covert racism will not be taken seriously
- racism is an everyday occurrence for many people, and therefore one experience does not necessarily 'trigger' a report
- people fear repercussions of reporting, particularly if it is about police or about a person that they will need to continue to interact with, such as their child's teacher
- Aboriginal communities are likely to distrust government bodies and particularly the police

- there is a high threshold for police to charge someone under the *Racial and Religious Tolerance Act 2001*. This also means that crimes that may have been racially motivated are often not recorded as such, which masks the underlying issue.
- completing an online form will be difficult for many people, particularly if a person is under stress.

Representatives of the Local Governance Groups and participants in the evaluation sessions made valuable suggestions about how to address these barriers, including better communication about the possible outcomes of reporting and an education campaign that explains and defines racism.

There are also particular barriers for staff at Reporting Places to make reports on their clients' and community's behalf. These include insufficient time and the risk that Aboriginal staff taking reports of lateral violence will be blamed for any negative outcomes.³ Some Reporting Places also highlighted that there is a fine line between listening, supporting and interfering, particularly for Aboriginal agencies.

Evaluation of the trial

We recognise that the number of reports the trial received does not tell the whole story of what Report Racism has achieved.

For this reason, we contracted an independent consultant, PwC Indigenous Consulting, to evaluate Report Racism. The evaluators conducted interviews, focus groups and surveys with the Project Advisory Group, Local Governance Groups and community members to inform their findings and recommendations.

Findings

The evaluation indicates that the Report Racism trial made good progress towards meeting three of the five objectives, as follows:

- to build the capacity and confidence of the community and individuals to report racist incidents
- to build the capacity of the project partners to support individuals to report racism and, where appropriate, provide responses to reports by improving internal systems and processes
- to reduce barriers to reporting racist incidents, including complicated complaint processes.

However, due to the low numbers of reports the trial did not meet the following two objectives:

- to establish an intelligence driven third party reporting mechanism that is culturally safe and accessible for the Aboriginal community
- to identify and respond to issues of systemic racism.

The evaluation suggests that there is no fault in the overarching third party reporting model as it was trialled. However, a number of challenges became evident

³ The term 'lateral violence' is used to describe intra-racial conflict. The Aboriginal and Torres Strait Islander Social Justice Commissioner explains that lateral violence 'is a product of a complex mix of historical, cultural and social dynamics' and 'doesn't just refer to physical violence but also social, emotional, psychological, economic and spiritual violence.' Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2011* (Australian Human Rights Commission, 2011) 54.

throughout the trial that could not have been fully anticipated prior to commencement.

The evaluation found that the online promotion and community engagement activities for Report Racism have raised awareness among Reporting Places, Local Governance Group and Project Advisory Group members about racism experienced by Aboriginal and Torres Strait Islander people. However, these have not been sufficient for Report Racism to become fully established and embedded within the local areas. It was hoped that Report Racism could collect data on racist incidents in Victoria in order to drive systemic change. However, low levels of reporting were insufficient to this end.

Throughout the trial, Reporting Places became a platform to openly discuss racism. This was identified as a significant strength of the trial. In particular, for non-Aboriginal organisations, being part of Report Racism proved to be a catalyst for considering their own service delivery and service access for Aboriginal and culturally diverse backgrounds, and to give a structured focus to examining their internal practices and approaches to racism.

Some Reporting Places highlighted that although people did not always want to make a formal report, Report Racism had prompted clients to recognise the issue and had generated positive discussions. In some cases, learning that there was an option to report empowered people to seek alternative solutions. Reporting Places cited several examples of community members using Report Racism material to resolve issues directly with organisations where they had encountered racism.

The evaluation concludes that while the creation of Reporting Places has created various access points of support for Aboriginal community members, it has not overcome the significant and entrenched barriers that prevent people from reporting.

Recommendations

The evaluation makes eight recommendations to improve the Report Racism model:

1. The Commission working with local governance groups to broaden approaches to community engagement. This includes awareness programs to continue with marketing materials and strategies to promote the program.
2. The Commission in consultation with the local governance groups develop a suite of real life case studies of different paths people can take to report racism and promote to communities through a range of mediums such as stories in the local papers, radio and also online.
3. Identify and appoint community ambassadors (Aboriginal and non-Aboriginal) to promote messages of zero tolerance to racism.
4. The Project Advisory Group review their terms of reference to incorporate changes recommended through the evaluation in particular the role of data review and monitoring.
5. Re-develop training for reporting places to enhance confidence and clarity in making reports and re-affirm their role in reporting incidents.
6. Development of a toolkit for Reporting Places and other interested organisations to be able to utilise the resource to implement approaches to dealing with racism.
7. Project partners and local governance members agree to develop targeted approaches to address the barriers which have been highlighted through the evaluation. In doing so prioritise those barriers in which the project can expect to have an influence over changing.

8. The Project Advisory Group closely monitor complaints data collected by Reporting Places to determine if the formal complaints process of each organisation is increasing.

The evaluation report also notes that in considering the next steps for Report Racism, the Commission and project partners should consider the return on the investment, in terms of both finance and time, of the initiative.

Next steps

The Commission remains committed as always to the core objectives of Report Racism, and will continue to work to overcome the barriers that prevent people from reporting racism.

However, we know that the model we have trialled is highly resource-intensive, and that we would not be able to support this model statewide. We also know that we would not be able to extend the current model to other communities, such as culturally and linguistically diverse communities.

This means that we need to find a sustainable model for Report Racism. We have already had some great suggestions for what this would look like, and want to talk with interested RAJACs, Aboriginal community members and also people from culturally and linguistically diverse communities about their views.

Consultation will run until June 2016. Together, the evaluation and consultation findings will inform the next stage of Report Racism.

While this is underway, people can continue to use the Report Racism website, and existing Reporting Places will continue to offer a safe place for community members to make reports (see www.reportracism.com.au/index.php/service-providers).

Questions for consultation

- How can we best learn about racism that occurs in Victoria? How should that information be used by the Commission?
- How would it affect your community/client group if Report Racism:
 - was/was not expanded state-wide?
 - was/was not extended to communities with culturally and linguistically diverse backgrounds?
 - changed the way local reporting places participate?
- What is most important (and how should the following be done?):
 - making it easier for people to report racism?
 - raising awareness that people have the right to report racism?
 - raising awareness that racism is not ok?
 - generating local discussions about racism?
 - assisting people to make complaints of racism and/or vilification?
- Are there particular racism issues in your region that need to be addressed?
- Has there been positive/negative progress in relation to racism in your region? And what contributed to this?

Contact

If you want to be involved in the consultation to scope the next stage of Report Racism, or have any questions about Report Racism, please contact Kate Lahiff on (03) 9032 3425 or at kate.lahiff@veohrc.vic.gov.au.