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AHRC Efforts Action to Reduce Racial Discrimination Cases Occur in Australia

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Abstract

This article discusses the efforts of the Australian Human Rights Commission (AHRC) to reduce cases of racial discrimination in Australia 2015-2018. The AHRC's efforts are defined in five rules and procedures for resolving complaints of racial discrimination. Among them are socialization or early warning, complaints and investigations, compliance, continuation of legal action, and public hearings. The moment Australia ratified the United Nations Human Rights Commission (UNHRC) rules, namely the CERD rules on the International Convention on the Elimination of All Forms of Racial Discrimination which sparked the 1975 Racial Discrimination Act that could form the formation of the AHRC in 1986. In principle UNHRC is an organization known as the regime adopted in Australia in the form of the AHRC. This journal aims to discuss, describe, and find out the efforts of the Australian Commission on Human Rights in reducing cases of racial discrimination in Australia 2015-2018. Describes the rules and procedures for resolving racial discrimination complaints received by the AHRC through the five stages of resolution. After that it analyzes whether the five rules and procedures applied by the AHRC are implemented optimally to reduce cases of racial discrimination that occurred in Australia in 2015-2018.

Keywords: UNHCR, CERD, AHRC, Human Right, Efforts, Racial Discrimination, Australia

Introduction

Cases of racial discrimination in this modern era are still found in many countries. Differences in skin color, ethnicity, belief, culture, and individual, group or group background are often the main elements that trigger discrimination. Racial discrimination is a violation of human rights that focuses on weakening the psychology of individuals, groups or groups. The differences that arise are still difficult to be well received by the community. The pattern of self-defense that they carry out through real attitudes has unknowingly given rise to a bad

stigma against these differences (Ballantyne & Giarrusso, 2023). Cases of racial discrimination often occur in society, in this case between individuals, groups, and individuals with groups. (AHRC, Racial Discrimination Know Your Rights, Sydney, 2014, p. 2.) Australia is a country that has problems with racial discrimination. The large number of diaspora from several ethnicities that enter Australia makes this country one of the countries with ethnic diversity. Therefore, the Australian government ratified the rules of the United Nations of Human Rights Commissioner (UNHRC), regarding the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 1975 and implemented them in Australia by making The Racial Discrimination Act rules in 1975.(Eastman, 2023)

After the Australian Government ratified the CERD and RDA, phenomena or cases of racial discrimination were still found. The Australian government receives complaints from people who are being treated unfairly or feel they are being discriminated against. Cases of racial discrimination are often found in public places such as bus stops, schools, offices or workplaces, restaurants and shopping areas as well as city parks. Due to the large number of cases of racial discrimination, the Australian government then formed a body called the Australian Human Rights Commission (AHRC) based on the rules of the Australian Human Rights Commission Act of 1986. Since the formation of the AHRC, racial discrimination cases in Australia have decreased in number or nominal. (Freedom from Discrimination: Report on the 40th anniversary of the Racial Discrimination ACT, National Consultation Report 2015", handles many humanitarian cases including racial discrimination, gender equality, immigrants and asylum seekers, sexual discrimination, persons with disabilities, sexual identity orientation, child protection, and rights to freedom(Brooks et al., 2023)

The following describes the mechanism flow from UNHRC to the emergence of the National Anti-Racism Strategy. Based on the mechanism flow in figure 1, AHRC in this case has a Race Discrimination Commission operating under the Race Discrimination Act (RDA). The Australian government together with the AHRC Discrimination Commission created the National Strategy Anti-Racism. The National Anti-Racism Strategy was prepared with the full commitment of the Australian Government and AHRC in 2011(Yeasmeen et al., 2023). This strategy was prepared by listening to several inputs, consultations and cooperation from the Attorney-General's Department, Ministry of Family, Housing, Community Services and Indigenous Affairs, Department of Immigration and Citizenship, the National Congress of Indigenous Australians and the Federation Council of Australian Ethnic Communities hosted by the AHRC Racial Discrimination Commission. (AHRC, National Anti-Racism Strategy and Racism It Stops with Me - 2015, Sydney, 2015, p. 13.)

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of Australian Ethnic Communities hosted by the AHRC Racial Discrimination Commission(Bennett, 2023). (AHRC, National Anti-Racism Strategy and Racism It Stops with Me - 2015, Sydney, 2015, page 13.)

Literature review

While the framework used in this study is the Regime Theoretical Approach as a reference. Interest in regimes initially arose from dissatisfaction with the dominant conceptions of order, authority, and organization. In essence, the regime, when observed from a substantive perspective, is an arrangement of implicit and explicit norms, principles, rules and decision-making procedures. Regimes are expected to exist to regulate the behavior of actors on certain issues in international relations(Shuttleworth, 2023). In general, the regime is all the behavior of actors in international relations that contain principles, norms and rules in it. Interactions that exist within the state, government, and international relations require an order to regulate the course of these interactions so that they can be managed properly. Regimes are also social institutions, and like most other social institutions, their superiors may not be formally articulated or organized. (Hogan & Ashley, 2023)

Regime refers to the behavioral influence of international organizations on other actors, especially the state. The regime finds state actors as sources influencing international politics. The regime has a focus on actor expectations. Robert Keohane added matters regarding the relationship between international regimes and international institutions, in editing the book Regime Theory and International Relations, in which international institutions include formal intergovernmental or transnational organizations, international regimes conventions(Skillen et al., 2023). Organizations are purposeful entities with bureaucratic and leadership structures that enable them to respond to events or events. Regimes are institutions with explicit rules, agreed upon by governments relating to a particular set of problems or issues in international relations. Robert Keohane also conveyed that conventions are informal institutions with implicit rules and understanding that shape the expectations of actors. (Dege-Müller et al., 2023)

Stephen Krasner says that regimes are defined as follows: "Regimes are the implied or explicit principles, norms, rules, and decision-making procedures by which actors' expectations may be met in a given area." Australia ratified the rules of the United Nations of Human Rights Commissioner (UNHRC)(Fletcher, 2023), namely CERC regarding the International Convention on the Elimination of All Forms of Racial Discrimination in 1975 which then created the Racial Discrimination Act 1975 in the same year as a form of implementation of the International Regime in Human Rights issues Man. Furthermore, the Australian Government established the Australian Human Rights Commission (AHRC) which is a national government-owned institution and handles cases of human rights violations in Australia, in this case the AHRC as an organization that has work assignment procedures according to the rules of the Australian Human Rights Commission Act 1986 In principle, UNHRC is an organization as well as a regime adopted in Australia in the form of the AHRC or Australian Human Rights Commission. The UNHRC rules and procedures for resolving or

reducing racial discrimination are not much different from the AHRC rules and procedures.(Booth, 2023)

Research methods

This study uses descriptive research methods, namely research procedures that produce descriptive data, in the form of written or spoken words from people and observable behavior. Through this method, data is obtained from various literature and then connected between existing facts and then the existing problems are explained and analyzed based on facts from the official website of the Australian Government and the Australian Human Rights Commission, and compiled in a paper and a final conclusion is drawn. from existing data and facts.

Data collection techniques were carried out by utilizing secondary data consisting of literature books and utilizing data through internet sites and other references related to the problems proposed for research. The data analysis and processing technique used is Descriptive Qualitative which is research that describes and summarizes various conditions, situations from various data collected in the form of interviews or observations regarding the problems studied that occur in the field. This aims to explain, test the main arguments of the research variables. The focus of this research is the analysis of the relationships between variables.

Results and Discussion

History and Dynamics of Racial Discrimination in Australia

The Aborigines were the first inhabitants to inhabit the Australian continent long before the arrival of white people to the continent. In addition, there are also people from the Torres Strait Islands who live on the islands between the continents of Australia and Papua New Guinea. Aboriginal people themselves live with different languages, cultures and traditions. For example, in terms of language, there are around 700 languages that are used as a means of communication, both for the Aborigines and the Torres Strait Islanders. The Aboriginal population living in Australia when the British came to Australia in 1788 was around 300,000. (Chapter 3: The Social, Cultural and Historical Context of Aboriginal and Torres Strait Islander Australians".(Sharif et al., 2022)

However, everything changed when white people landed in their territory. Before the arrival of the British to Australia, the Dutch had landed in Australia in 1688, namely by William Dampier. Dampier thinks that the Aboriginal people are some of the saddest people in the world. Dampier made many arguments about Aboriginal people, one of which was that Aborigines had no change from barbarism to civilization. Dampier's three views in his book about Australia, namely "disgust with the aborigines; disgust with the land; and the hope of better things somewhere in its very vastness. Recognition of Indigenous People in Australia.(Thurber et al., 2022)

Not only Aboriginal people who experience discrimination, but immigrants from outside Australia who do not have a European background also experience discrimination. This started with the enactment of restrictions on Chinese immigrants in 1901 through the Immigration Restriction Act 1901. This policy required non-European immigrants to take a difficult language test and be directly supervised by Australian immigration officials. The Australian government at that time preferred immigrants from European countries, especially the United Kingdom to maintain Western economic, societal and cultural standards. This policy was then phased out in 1949 to 1973. (" From myths to policy: Aboriginal legislation in Western Australia", Belco Consulting, Perth, Australia, 2005, p. 21.)

Cases of racial discrimination in Australia based on the 2015-2018 range have a fairly diverse track record and have experienced a decrease in cases every year. This can be seen from the statistical data available at the Australian Bureau of Statistics (ABS) and the Australian Human Rights Commission (AHRC). During this period there were many complaints that came in containing complaints of racial discrimination or racial discrimination that occurred in Australia.(Ben et al., 2022)

Based on the data that has been presented, it explains the percentage of incoming case complaints based on the type of discrimination complained about. Out of a total of 2,013 complaints, 37 % of complaints were filed under the Disability Discrimination Ordinance. Then in second place, as many as 21% of complaints were filed under the Racial Discrimination Act. A further 20% of complaints were filed under the Sexual Discrimination Ordinance, 14% of complaints were filed under the Human Rights Commission Act and 8% of complaints were filed under the Age Discrimination Ordinance. It can be interpreted that in the 2015-2016 period there were 422 complaints, namely 21% of the 2,013 complaints that were received.(Gao, 2022)

There were various reasons for the emergence of complaints received by AHRC during 2015-2016. Out of a total of 743 complaints received by the AHRC, race was the reason for racial discrimination with the highest number of complaints received being 401 complaints or with a total percentage of 54% of all complaints. Of course this is quite a concern because the number is quite large and must receive serious attention from the AHRC so that in the following year there will be a decrease in the number of complaints received regarding racial discrimination. The AHRC in this case must realize that indeed there are still many Australians who report complaints of cases of racial discrimination occurring around them.(Dune et al., 2022)

Judging from the data presented, as many as (39%) complaints were filed under the Disability Discrimination Act, then as many as (24%) complaints were filed under the Sexual Discrimination Act. A total of (21%) complaints were filed under the Racial Discrimination Ordinance, (8%) complaints were filed under the Australian Human Rights Act and another (8%) complaints were filed under the Age Discrimination Ordinance. It can be seen that in the 2016-2017 period there were 407 complaints about racial discrimination, which is 21% of the 1,939 complaints that were received.(Ma et al., 2022)

There were various reasons for the emergence of complaints received by AHRC during 2016-2017. Of the total 784 complaints received by the AHRC, race is still the highest reason for racial discrimination with a total of 329 complaints received or a percentage of 42% of all complaints. In 2016-2017, there was a significant decrease from the previous year in terms of reasons for racial discrimination complaints received by AHRC in the scope of Race. There were 401 complaints in 2015-2016 which then decreased to 329 complaints in 2016-2017. (Murray et al., 2022)

The Dynamics of Race Discrimination

Based on the data, it can be seen that as many as (42%) complaints were filed by the public under the Disability Discrimination Act. Furthermore (14%) complaints were filed under the Racial Discrimination Ordinance, (27%) complaints were filed under the Sexual Discrimination Ordinance, (8%) complaints were filed under the Age Discrimination Ordinance and (9%) complaints were filed under Human Rights Act(Han et al., 2023). From the explanation above, it can be seen that there has been a decrease in the number of complaints coming to the AHRC regarding cases of racial discrimination. A total of 373 racial discrimination complaints were received by the AHRC or 14% of the 2,668 total complaints received.(Falls & Anderson, 2022)There were various reasons for the emergence of complaints received by AHRC during 2017-2018, the same as the data for the previous two years. The first observable difference is the total number of racial discrimination complaints received by the AHRC, a total of 616 complaints received by the AHRC. This means that there has been a decrease from the previous two years, namely from 743 complaints in 2015-2016 and 784 complaints in 2016-2017.(Heath & Keptner, 2023)

Australian Human Rights Commission (AHRC) profile

Before entering into a discussion regarding the progress and performance of AHRC in 2015-2018, the profile of AHRC will first be explained. This sub-chapter will explain the profile of AHRC starting from the history of its establishment, organizational structure, rules and procedures or work mechanisms of the institution. The Australian Human Rights Commission, formerly known as the Commission on Human Rights and Equal Opportunity, was established on December 10, 1986. December 10 is now celebrated as International Human Rights Day. (History of the Commission. The AHRC has a role as a supervisor for the enforcement of human rights in Australia. This institution was established to supervise the implementation of Human Rights in Australia. This is very necessary to ensure the enactment of rules and regulations regarding Human Rights, so that these rights will continue to be respected and valued and upheld in Australia. (Mares, 2016)

The AHRC structure is led by a President and assisted by seven Commissioners. In the 2017-2018 management year, Professor Emeritus Rosalind Croucher served as President of AHRC. The working mechanism of the institution is directly supervised by the president of the AHRC himself. The President has the authority to instruct and supervise the Executive Director

who also heads the Policy and Program Director and the Director of Investigation and Conciliation Services. Apart from being responsible to the President of the AHRC and coordinating with the two chief directors under him, the Executive Director also has direct responsibility in the areas of communications, corporate services and law.(lisahunter et al., 2022)

AHRC has goals that must be realized through innovative and fast steps. The AHRC seeks to ensure that communities or organizations in Australia get the maximum benefit from the actions that need to be taken by the Commission. The AHRC framework has a vision of "Human Rights for everyone, anywhere and anytime". The main objective of the AHRC is to fulfill the legal functions of a national institution so that Australians have access to effective complaint handling and public inquiry processes on human rights and discrimination issues, as well as benefit from human rights education, advocacy, monitoring and control activities carried out by AHRC.(Mansouri, 2022)

The Australian Human Rights Commission or AHRC also investigates and resolves complaints about unlawful sexual, racial, disability and age discrimination. Sexual discrimination includes cases of sexual harassment and discrimination based on pregnancy, marital or relationship status, breastfeeding, family responsibilities, gender identity, intersex status and sexual orientation(Edan & Maylea, 2022). Furthermore, disability discrimination includes discrimination based on physical, intellectual, sensory, learning, and mental illness disabilities. This includes medical conditions such as work-related injuries, past, present and future disabilities and association with persons with disabilities. Meanwhile, racial discrimination in this case includes cases of racial hatred and discrimination based on skin color, ancestry, national or ethnic origin and immigrant status. Finally, age discrimination includes discrimination based on being too young or too old.

Therefore, as an institution, the AHRC is directly responsible for handling cases of racial discrimination in Australia to the Australian community and government. Apart from that, in terms of its institutional nature, the AHRC which adopted the UNHRC system within its institutional body has a moral responsibility to the international body for its efforts to uphold human rights in Australia. The AHRC, which functions only as an agency to deal with rampant cases of racial discrimination, also continues to carry out its continuing role in bringing complaints of racial discrimination that cannot be resolved by conciliation process to the courts.(Calnan, 2022)

The work of the Australian Human Rights Commission (AHRC)

The progress of the AHRC is certainly inseparable from several factors, ranging from historical factors, governance, to the dialectics that occur in Australian society and the Australian government. It should be noted that the Australian system of government is built on a liberal democratic tradition. It is based on the values of religious tolerance, freedom of speech and association, the rule of law, Australian institutions and government practices that reflect those of the United Kingdom and North America. Human rights in Australia have experienced

significant development, starting with the early history of the introduction of human rights in Australia.(Cochrane et al., 2023)

AHRC's progress since it was founded in 1986 has had an up and down pattern of development. However, after the removal of the Australian White Policy and the existence of the Australian National Strategy regarding racial equality, the AHRC underwent significant developments. In 2015-2016, for example, it was recorded that 84% of racial discrimination cases in Australia were able to be resolved by the Australian Human Rights Commission (AHRC) within one year. Data provided to the Commission shows that in 2015-2016, approximately 3% of complaints resolved relating to unlawful discrimination cases went to court. In that year, less than half of incoming complaints were resolved within 3 months with a total percentage of 47%, then 82% were resolved within 6 months, the next 94% within 9 months and 98% within 12 months. The average time for resolution of complaints required from the time of receipt to resolution of complaints is around 3.8 months. ("Corrigendum to: 'Are We OPCAT Ready? So Far, Bare Bones', (Alternative Law Journal, (2022), 10.1177/1037969X211065185)," 2022)

AHRC's progress in the following year, namely the 2016-2017 period, also had significant development results. The AHRC in that year resolved 1,987 incoming complaints. AHRC in this case conducted 1,128 conciliation processes of which 843 complaints or 75% of them were successfully resolved. The result of achieving this resolution was successful resolution of the issue for the more than 1,686 people and organizations involved in the grievances faced by AHRC. This is the second highest conciliation success rate on record by the AHRC. (2016-2017 Complaint Statistics.

Furthermore, AHRC's progress in the 2017-2018 range resulted in the settlement of discrimination cases similar to the previous two years. The AHRC resolved a total of 2,111 complaints during 2017-2018. The Commission completed 1,262 conciliation proceedings of which 931 complaints or 74% were resolved successfully. This was a successful case resolution for over 1,862 people and organizations involved in the grievances faced by AHRC. Information obtained regarding the outcome of complaints under the Anti-Discrimination Ordinance indicates that 31% of the proceeds from settling cases benefit people beyond the individual complainant. This year's AHRC survey data also focuses on the educative effect of the complaint resolution process conducted by AHRC. An example is in relation to complaints received, approximately 77% of participants surveyed by AHRC indicated that involvement in the complaint resolution process has helped them to better understand their rights and responsibilities under Human Rights law and the Anti-Discrimination Ordinance.(Australian Human Rights Commission, 2022)

This fact has the same pattern as what happened in 2015-2016 and in 2016-2017. The data presented by the AHRC shows that in 2017-2018, less than 3% of the total complaints received were proceed to court. This is because as many as 3% of these complaints are complaints of unlawful discrimination. The results of AHRC's performance in handling and reducing cases of racial discrimination in Australia in 2015-2018 also produced quite positive results in terms of Racial Discrimination Complaints Received by AHRC Based on Reasons. It can be seen that the statistical data of the AHRC annual report regarding the reasons for racial

discrimination in 2015-2018 experienced a positive graphical increase. This can be found in the total number of racial discrimination complaints received by the AHRC each year which continues to decrease. A total of 743 complaints in 2015-2016, then increased slightly with a total of 784 complaints in 2016-2017 and again decreased with a total of 616 complaints in 2017-2018. (Windle & Fensham, 2022)

Efforts to Reduce Racial Discrimination Cases in Australia by (AHRC)

In 1975 Australia ratified the rules of the United Nations of Human Rights Commissioner (UNHRC), namely the rules regarding the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which then sparked the Racial Discrimination Act 1975 in the same year as a form of implementation and compliance with the Regime. International on Human Rights issues . Furthermore, the Australian government formed the Australian Human Rights Commission (AHRC) which is a national government agency to handle cases of human rights violations in Australia, in this case the AHRC as an organization that has work assignment procedures according to the rules of the Australian Human Rights Commission Act 1986.(Ramia, 2021)

In principle, UNHRC is an organization as well as a regime whose basic implementation is adopted in Australia in the form of AHRC. The UNHRC rules and procedures in addressing or reducing racial discrimination are not much different from those of the AHRC. AHRC rules and procedures that are related to UNHRC rules and procedures include socialization or early warning, shelter or accommodation, inquiry or investigation, settlement or conciliation and forwarding of legal action and the last mechanism is public hearings(Hopkins, 2021). (AHRC Making Complaint.

Through these rules and procedures, the stage of settling racial discrimination cases carried out by AHRC only reaches the conciliation or public hearing stage. This is based on the task of the AHRC Commission which is not to carry out the settlement process in court. This explanation is contained in article 10 A, the second paragraph. In the basic rules of the duties and functions of the AHRC it is explained that the function of the AHRC is to investigate complaints and resolve them by means of conciliation. Not as a judge of discrimination cases that have been happening in Australia.(Pittaway & Dantas, 2021)

The AHRC rules and procedures in reducing cases of racial discrimination in Australia are definite and legal efforts before the law. The five stages of the handling and resolution efforts can be said to be successful in reducing cases of racial discrimination in Australia in the 2015-2018 period which have received complaints from the AHRC. In 2015-2018 the AHRC received a total of 2,046 complaints of discrimination in 2015-2016, 1,939 complaints in 2016-2017 and 2,013 complaints in 2017-2018. Of the total discrimination complaints received by AHRC, in 2015-2016 as many as 21% of them were complaints related to racial discrimination. In that year, the AHRC received 429 complaints of racial discrimination and managed to resolve 396 of them. Then in the following year, 2016-2017, as much as 21% of the total complaints received were racial discrimination complaints 2017-2018 Complaint Statistics.

If seen from the explanation above, it can be said that the graph of racial discrimination complaints that have been received and resolved by AHRC from 2015-2018 has experienced a decrease in the number of complaints received and an increase in complaints that can be resolved. The efforts made by the AHRC in reducing the number of racial discrimination in Australia in 2015-2018 are of course inseparable from the stages or settlement efforts owned by the AHRC. Regarding the extent of the role of each of these efforts in reducing cases of racial discrimination in Australia, the following will describe AHRC's efforts through the rules and procedures for resolving racial discrimination cases by AHRC. (Truong et al., 2022)

Socialization Efforts or Early Warning to the Community by AHRC

The first attempt to resolve racial discrimination cases was through a socialization or early warning mechanism by AHRC. The Australian government together with the Head of the AHRC Race Discrimination Commission are trying to find concrete steps in actualizing the UNHRC CERD mechanism. The Australian Government and the Head of the AHRC's Racial Discrimination Commission developed the strategy with the involvement of the Attorney/General's Department, the Ministry of Family, Housing, Community Services and Indigenous Affairs, the Department of Immigration and Citizenship, the Australian National Congress of Indigenous Peoples and the Federation Council of Australian Ethnic Communities. The Australian Government and AHRC listened to consultative inputs and suggestions from the parties mentioned above to obtain evaluations and solutions to determine steps to actualize the mechanism that AHRC had implemented. This National Anti-Racism Strategy has a focus on actualizing Early Warning or early warning only(Lee, 2021). AHRC chose to target the media sector, government services, education or education and the community sphere.

In this first effort, AHRC acted more as a preventive measure through outreach and early warning to every Australian. One of the platforms used by AHRC is through its official website at (www.humanrights.gov.au). Through the website, AHRC provides and displays educational content and articles related to preventing and reducing racism in Australia. Apart from going through the official website, AHRC also provides socialization regarding racism through its social media platforms, namely Facebook, Twitter, Instagram and YouTube. Of course, all of these social media accounts are integrated with the official website owned by AHRC, the following is the appearance of the AHRC website:



AHRC's official website has various features provided by AHRC in socializing the reduction of racial discrimination issues. Starting from news columns about AHRC's activities in reducing racial discrimination in the form of articles and videos, publication of humanitarian activities, AHRC's agenda with the public and AHRC's early warnings through education. In addition, AHRC plays an active role in making positive activities or projects related to outreach to prevent cases of racial discrimination through social projects and other activities. (Levey, 2021)

Apart from going through the website, the AHRC education sector also provides outreach regarding racial discrimination on their social media platforms. Through Facebook, Instagram, Twitter and YouTube, AHRC publishes many videos and articles containing calls for or calling to stop the culture of racism. One example of the project is Racism, It Stops With Me, Colors of Australia and the Human Rights Awards Program. This racism campaign aims to promote understanding within the Australian community of what racism is and how to prevent and combat it. The strategy through the Racism It Stops With Me campaign has a focus on public awareness, youth involvement, and the world of education and sports based on partnerships. This partnership is established with 364 organizations that are members of the Australian Community. This campaign is in the form of videos taken from the experiences of a person or group of people who have experienced racial discrimination in Australia.(Molla, 2021)

Accommodation and Investigation of Public Complaints by AHRC

The next effort to reduce cases of racial discrimination in Australia is through shelter or accommodation. At this stage the Conciliator accommodates complaints from the public or victims of racism that enter through the Commission's National Information Hotline or through the online AHRC website. Then when the investigation was underway, the Conciliator investigated complaints from victims that had entered and issued a warning to the perpetrators. The conciliator will contact both parties, both the complainant or victim and the reported or perpetrator via online, telephone or face-to-face. These rules and procedures also adopt UNHRC rules and procedures number two and three, namely examining complaints or grievances.(Byron, 2022)

There are requirements and procedures for filing complaints at this stage, including complaints or questions that must be submitted in writing. Australians can fill out a complaint form and send it back by mail or fax to the AHRC or can file a complaint online on the AHRC website via www.humanrights.gov.au. Furthermore, Australians with questions and complaints can file a complaint in the language of their choice and the AHRC can also assist in writing the complaint if required. Australians do not need a lawyer to file a complaint. If later the AHRC is unable to handle the complaint submitted, the AHRC will explain the reasons. The next presentation is about how many questions Australians ask regarding discrimination cases. Based on the annual report data presented by AHRC, in 2015-2016 the Commission received 16,836 questions.(Almeida-García et al., 2021)

Based on the data, the majority of questions received by AHRC through the Commission's National Information Hotline were 63% of the total questions. While the main

issues raised by the questioners in 2015-2016 included disability discrimination of 37%, general employment issues including harassment and bullying of 21%, sexual discrimination or the Sex Discrimination Act of 20%, racial discrimination including racial hatred of 14% and issues related to human rights including immigration and immigration detention as much as 8%. From the explanation above, it can be seen that the highest number of questions received by AHRC in 2015-2016 were two matters, namely disability discrimination and racial discrimination. (Mishra & Panda, 2021)

The number of questions related to racial discrimination in 2015-2016 was 21% of the 16,836 questions. This means that there were 3,535 questions submitted regarding racial discrimination. This figure is of course still relatively high when compared to other questions received by AHRC. Furthermore, still from the statistical data of the AHRC's annual report, in 2016-2017 the Commission received 14,911 questions. Of the total questions received by AHRC in 2016-2017. (Mubiru, 2022)

Based on the data in table 5, the majority of questions received by AHRC were through the Commission's National Information Hotline, namely 53%. While the main issues raised by the questioners in 2016-2017 included disability discrimination of 39%, general employment issues including harassment and bullying of 8%, sexual discrimination or the Sex Discrimination Act of 24%, racial discrimination including racial hatred of 21 % and issues related to human rights including immigration and immigration detention as much as 8%. From the explanation above, it can be seen that the highest number of incoming questions received by AHRC this year is still the same as the previous year, namely disability and racial discrimination. The number of racial discrimination questions received in 2016-2017 was 3,131 or 21% of the 14,911 questions. There was a decrease in the number of questions regarding racial discrimination this year compared to 2015-2016, namely 3,535 questions following year, 2017-2018, AHRC received 14,164 questions. The majority of incoming and received inquiries still go through the AHRC National Information Hotline as much as 55%.(Horiguchi et al., 2023)

Based on the data presented, in the 2017-2018 range 42 % of questions were asked within the scope of disability discrimination. As many as 14 % of questions were asked within the scope of racial discrimination including racial hatred. Next were questions on sexual discrimination cases by 27%, questions within the scope of Human Rights by 8%. Furthermore, the question of recorded age discrimination was raised by 8%. From the description above, within the scope of racial discrimination there were 1,983 questions asked or 14% of the total 14,164 questions. This indicates that there has been a decrease in questions regarding racial discrimination received by AHRC from previous years.(Sutton, 2021)

After collecting complaints by the complainants, AHRC will then enter the investigation effort stage. Through this effort, AHRC will contact the complainant to discuss the complaint that has been submitted and AHRC will ask the complainant to provide further information. In general the commission will contact the person or organization that has filed a complaint, then provide them with a copy of the complainant's complaint and request their comments and other relevant information. The AHRC will provide follow-up information to the complainant regarding the outcome of what they said in response to the complaint.

The AHRC will then contact the persons the complainants have alleged harm about the complaint filed and provide them with the parts of the complaint pertaining to them. In some cases, the AHRC has decided not to proceed with the complaints that have been filed. If this happens, the AHRC will explain the reasons why the complaint cannot be handled further. The AHRC has the authority to speak with complainants and try to resolve their complaints through conciliation.

Settlement or Conciliation Efforts by AHRC

Furthermore, the third effort in the rules and procedures of the AHRC related to handling and reducing the problem of racial discrimination in Australia is the stage of settlement or conciliation efforts. In this third stage the Conciliator will bring victims and perpetrators together to be able to meet face to face, make settlements via voicemail or correspondence. This settlement is of course taken based on the agreement of both parties through a conciliation process. Conciliation means that the AHRC will try to assist the complainant and the person or organization that has complained and try to find a way to resolve the issue.(Gunawan et al., 2022)

Conciliation can take place in a face-to-face meeting called a 'conciliation conference' or via telephone conference. In some cases grievances can be resolved through an exchange of letters or by sending messages by phone or email through the Conciliator. If the conciliation is resolved by a meeting, then the Conciliator will allow the reporting party and the reported party to bring one partner who helps them provide solutions or provide moral support. The conciliator may be held by the Head of the Commission directly, or by the auxiliary staff of the commission. Conciliation can be done at the AHRC office, or at a place agreed upon by all parties. Complaints can be resolved in various ways. For example with an apology, a change in policy or compensation. The length of time from receipt of the complaint to resolution by the AHRC depends on this third stage average time for complaints to be received until resolved takes 6-12 months. Indeed, in the first 3-6 months, there have been many complaints that have been resolved by AHRC. However, the percentage of completion is still around 75%. Meanwhile, from 2015-2018 AHRC almost resolved complaints received with a percentage of 98% of complaints resolved in 2015-2016, 94% of complaints resolved in 2016-2017 and 96% of complaints resolved in 2017-2018. Of course this is a positive number for AHRC in terms of the final performance that has been carried out throughout the year.

As an example of the case experienced by two workers with Nigerian ethnic backgrounds. They made a complaint to the AHRC under the RDA which told the supervisor of the company where they worked had behaved racist by bringing their ethnic origin, namely Nigeria. The conciliator received the complaint and asked for detailed company information from the complainant. The conciliator then conducts an investigation and directs all parties to resolve it by conciliation. Conciliation was successfully reached with several agreements, among others, the company made a written apology letter to the complainant, the company provided compensation in the amount of 17,550 dollars to each complainant, the company implemented anti-discrimination regulations in the company, the company will provide anti-

discrimination training to all workers and bring supervisor of the company to follow the guidance of counseling from AHRC. (AHRC, " Freedom from Discrimination: National Consultation Report 2015", Sydney: AHRC, p. 24.)

Efforts for Continuation of Legal Action or Continuation of Judiciary

Next after conciliation efforts is the process of forwarding legal action or proceeding to court by AHRC. At this stage the AHRC does not have the authority to provide sanctions or legal action if the conciliation process in the third stage fails. The AHRC will only advise the victim to forward the case that has been complained to the Australian Federal Court. This is because the action and imposition of sanctions are only entitled to be carried out by the FDA. These fourth rules and procedures are also the adoption of UNHRC rules and procedures number five, namely regarding general recommendations. (Edison et al., 2023)

At this stage of the effort the AHRC does not have the power to decide whether the racial discrimination that has been complained of is unlawful. If the complaint filed by the victim is not resolved or is discontinued for other reasons, the complainant or victim can take the matter to court. The court can then decide whether the racial discrimination that has occurred violates the law. As a victim, you will only have 60 days from the time the AHRC finalizes the complaint to submit an application to the Australian Federal Court or Federal Circuit Court. Then in certain circumstances, the victim or complainant can only apply to the court if the court has given permission for the victim to do so. The Commission cannot take this matter to court for complainants or assist victims in presenting cases that have occurred in court. At this stage, the victim or complainant may need to speak with a lawyer or legal services if they wish to go to court to resolve the racial discrimination they have experienced. AHRC is not unwilling to help or hands off in this matter. However, this step has been regulated in the basis for the establishment of the AHRC regarding its role, function and position in dealing with issues of racial discrimination.

During 2015-2016 AHRC succeeded in resolving complaints to various stages with a total of 396 incoming complaints. As many as 70% or 268 complaints have been resolved peacefully. Then as many as 8% or 29 complaints were terminated, as many as 13% or 55 complaints ended with reasons of not being able to reach conciliation, 8% or 29 other complaints were withdrawn from settlement and as many as 1% or 15 complaints ended with certain reasons. From the results of complaints that were resolved by AHRC, there were a number of complaints that were continued to the court stage because it was no longer possible to reach the conciliation stage and the case was terminated by AHRC with a total of 63 complaints.

Then, during 2016-2017 AHRC succeeded in finalizing complaint settlements to various stages with a total of 474 incoming complaints. As many as 50% or 237 complaints have been resolved peacefully. Then as many as 20% or 94 complaints were terminated, as many as 10% or 47 complaints ended with reasons of not being able to reach conciliation, 6% or 28 other complaints were withdrawn from settlement and as many as 14% or 66 complaints ended with certain reasons. From the results of complaints that were resolved by AHRC, there were a

number of complaints which were continued to the court stage because it was no longer possible to reach the conciliation stage and the case was terminated by AHRC with a total of 66 complaints.

Whereas in 2017-2018 AHRC succeeded in resolving complaints to various stages with a total of 364 incoming complaints. As many as 40% or 145 complaints have been resolved peacefully. Then 22% or 80 complaints were terminated, 17% or 61 complaints ended with reasons of not being able to reach conciliation, 13% or 47 other complaints were withdrawn from settlement and as many as 7% or 25 complaints ended with certain reasons. From the results of complaints that were resolved by AHRC, there were a number of complaints that were continued to the court stage because it was no longer possible to reach the conciliation stage and the case was terminated by AHRC.

Attempts at Public Hearing or Submission of AHRC Decisions

The final stage of the AHRC's efforts to reduce cases of racial discrimination in Australia is through the public hearing stage. In this final stage, AHRC provides information to victims who submit cases of discrimination they have experienced to the Australian Federal Court and are waiting for the final decision from the Australian Federal Court. The latest AHRC rules and procedures are the adoption of the rules and procedures that have been carried out by UNHRC in handling international cases. Namely rule and procedure number six regarding thematic discussions and conferences.(Tse et al., 2023)

If the reported complaint is not resolved or terminated for some reason, the chairman of the commission will decide whether there has been an act of gross discrimination or a violation of human rights. The chairman of the commission can hold a public hearing in which each party can state their own opinion and view of the incident and answer the questions raised. If the chair of the commission believes that discrimination or human rights violations have occurred, the chair of the commission will report the matter to the Federal Attorney General. In the report, the chairman of the commission can recommend compensation for the loss or injury suffered by a person. However, the report must be tabled in Parliament. An example of the chairman's decision on human rights and discrimination is available on the AHRC's official website.(Huaicun et al., 2023)

Based on the presentation of Figure 3, the five stages of efforts undertaken by AHRC in reducing cases of racial discrimination in Australia in 2015-2018 have had positive results. From year to year, the number of complaints received by the AHRC regarding racial discrimination has decreased. Meanwhile, AHRC's performance in resolving complaints of racial discrimination continues to increase. This is evidenced by the many complaints that have managed to reach the point of reconciliation and reach conciliation. Then racial complaints that cannot be handled legally by the AHRC were also immediately submitted to the FCA (Federal Court Australia) for trial. The five efforts to resolve complaints of racial discrimination implemented by AHRC are rules and procedures adopted from UNHRC with adjustments by AHRC in function and implementation.

As long as efforts to resolve racial discrimination cases carried out by AHRC take place, it is certainly possible if there are obstacles and obstacles during the process. During the process of resolving racial discrimination cases, obstacles and obstacles can arise from various aspects. The first obstacle or obstacle that emerged was the perception by the Australian community that Australia was a racist country. The survey found that 93% of Aboriginal people and 77% of the general public think Aboriginal and Torres Strait Islander culture is so important to Australia's national identity.(al-Modallal et al., 2023)

The majority of Australians also view the relationship between the two as important. However, this figure is slightly lower than the first survey in 2008. If so, the main problem that will still be faced by the AHRC in reducing cases of racial discrimination in Australia is how to change the perspective, perception and values of diversity believed by the population. Australia to the diversity and pluralism of races or ethnicities in Australia.

Conclusion

Australia is a country that has a high number of problems with racial discrimination. The large number of diaspora from several ethnicities that enter Australia makes this country one of the countries with quite diverse ethnic diversity. However, this fact actually creates a different situation in the environment and situation of socialization of its citizens. The growing cases of racial discrimination in Australia show that not all Australian citizens have escaped from the historical shadow of colonialization. Although Australia is also a country that highly upholds the principles and values of human rights, Australia can simultaneously be said to be a country with a high rate of racism.

The Australian Human Rights Commission (AHRC), which was founded on December 10, 1986, exists as a government agency that aims to combat the high rate of racial discrimination in Australia and strives to suppress the emergence of such racial acts. This is very necessary to ensure the enactment of rules and regulations regarding the equality of human rights, so that these rights will continue to be respected and valued and upheld in Australia indiscriminately. The AHRC has so far handled many humanitarian cases including racial discrimination, gender equality, immigrants and asylum seekers, sexual discrimination, persons with disabilities, sexual identity orientation, child protection, and freedom rights.

The existence of the AHRC makes it easy for people to report cases of racial discrimination that befell them. The AHRC acts not only as a grievance receptacle, but also as the body responsible for carrying out the conciliation process until the grievance is resolved amicably. The definite efforts that have been made by the Australian Human Rights Commission (AHRC) in reducing cases of racial discrimination in Australia in 2015-2018, namely through the implementation of rules and procedures for outreach or early warning, shelter, investigation, settlement, continuation of legal action and public hearings. Based on the results of the research above, the existence of the AHRC has succeeded in suppressing and resolving many complaints related to racial discrimination cases in Australia in 2015-2018.

According to the author, racism is a big problem faced not only by Australian society but by the world community today. Racism has been rooted in people's lives since centuries ago. Racist acts that are committed often lead to acts of social discrimination, enslavement, segregation or restrictions, racial violence to genocide or racial extermination. Racist acts have several reasons to continue to flourish until now.

Based on the research that has been presented, the lesson that can be drawn is the consistency of Australia's efforts through the AHRC in defending and fighting for the rights of racial minorities who have long been oppressed and marginalized and efforts to reduce cases of racial discrimination in Australia which can be seen decreasing from 2015-2018. The AHRC has gradually provided assistance and made significant changes to racial issues that have existed in Australia for many years since the era of the White Australia Policy was abolished. This shows that there are actually high hopes from the Australian government and the Australian public today to abolish the racial divide that has been built since the early days of the occupation. The desire to share the same role and place in the life of the nation and state has made the AHRC an institution that is expected to be able to do much to save the future of Australia's pluralism.

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