



**Victorian
Aboriginal
Legal Service**



**South Eastern Australian
Aboriginal Justice Services
Limited**

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2 June 2022

The Hon Sheena Watt
Co-Chair, Anti-Racism Taskforce
Anti-Racism Taskforce
Department of Families, Fairness and Housing
By email: antiracism.taskforce@dffh.vic.gov.au

The Hon Katie Hall
Co-Chair, Anti-Racism Taskforce
Anti-Racism Taskforce
Department of Families, Fairness and Housing
By email: antiracism.taskforce@dffh.vic.gov.au

To the Co-Chairs of the Anti-Racism Taskforce,

Re: Anti-Racism Data Act recently adopted in British Colombia

In December 2021, the Victorian Aboriginal Legal Service (**VALS**) provided a submission to the Anti-Racism Taskforce regarding the new Anti-Racism Strategy. In this submission, we highlighted the need for data on systemic racism, and recommended that the Victorian Anti-Racism Strategy should include:

- Measures to increase collection of and access to data on racism in all its forms in Victoria, in accordance with Indigenous Data Sovereignty (**IDS**) and Indigenous Data Governance (**IDG**);
- Legislative and policy reform to protect Indigenous Data Sovereignty and Indigenous Data Governance for Aboriginal people and communities in Victoria.

Since December 2021, there have been important developments in British Columbia, Canada, which we would like to bring to the attention of the Anti-Racism Taskforce. In particular, the introduction of the [Anti-Racism Data Bill](#) in British Colombia in May 2022.

We strongly urge the Victorian Anti-Racism Taskforce to follow the lead of British Colombia and recommend legislation in Victoria to regulate the collection, use and disclosure of information for the purposes of identifying and eliminating systemic racism and advancing racial equity.

The Anti-Racism Data Act (British Columbia)

In May 2022, British Columbia became the first government in North America to introduce an [Anti-Racism Data Bill](#). The Bill aims to “[dismantle systemic racism and discrimination](#)” by helping to “identify gaps in programs and services, and allow government to better meet the needs of Indigenous, Black and racialized British Columbians.” It will also help



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advance IDS and IDG, by establishing a process for government to [seek consent from Indigenous communities](#) to use their data.

The Bill follows a [major report](#) by the BC Office of the Human Rights Commissioner in 2020, which recommended that the Government legislate the collection, use and disclosure of demographic data for social change. According to the report:

By making systemic inequalities in our society visible, data can lead to positive change. The same data, used or collected poorly, can reinforce stigmatization of communities, leading to individual and community harm.

The Act has been co-developed with Indigenous leadership under the [Declaration on the Rights of Indigenous Peoples Act 2021](#), which provides a road map for implementing the [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) in Canada.

What does the Act do?

The Act provides a framework for collecting personal information for the purposes of identifying and eliminating systemic racism and advancing racial equity. In particular, it provides for:

- Public bodies can be required to collect and disclose information, including personal information, for the purpose of identifying and eliminating systemic racism and advancing racial equity;
- Development of data standards and directives, including to support culturally safe collection, use and disclosure of personal information;
- Annual publication of statistics or other information respecting systemic racism and racial equality, in consultation and cooperation with Indigenous peoples whose rights or interests could be affected;
- Annual identification of research priorities relating to the identification and elimination of systemic racism and advancement of racial equality, in consultation and cooperation with Indigenous peoples whose rights or interests may be affected by the research;
- Creation of an anti-racism data committee - composed of a majority of individuals who are racialised - to collaborate with government on how data is collected and used;
- An enforcement mechanism to ensure that public bodies are complying with the Act.

The Anti-Racism Data Act in British Columbia is a critical example of strong legislative and policy reform to address systemic racism, in line with the government's commitments



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under the UNDRIP. We believe that an equivalent legal framework in Victoria would go a long way towards identifying and eliminating systemic racism in Victoria.

We would welcome the opportunity to discuss this issue with you in more detail.

Kind regards,

Nerita Waight

Nerita Waight
Chief Executive Officer, Victorian Aboriginal Legal Service