

8.1 NOTICE OF MOTION - DISCRIMINATION BY CASTE

Submitting Councillor/s:	Cr Anjalee de Silva
---------------------------------	---------------------

RECOMMENDATION

That Council:

1. Direct Officers to include 'caste' as a protected characteristic in a similar manner to race, religion, etc in relevant Council policies and plans as they come due for review, including Council's Municipal Health and Wellbeing Plan;
2. Seek the perspective of the Multicultural Advisory Committee on the issue of caste as it relates to Council business.

INTRODUCTION

The issue of the impact of the caste system has been raised as a matter that Council could take a leadership role in, particularly given the multicultural demographics of the municipality. For example, over 10% of the population identifies as having South Asian ancestry.

ISSUES AND DISCUSSION

Monash has a large multicultural diaspora, some members of whom may be impacted on by issues of caste. Though caste is not explicitly included as a protected attribute in existing Victorian and Australian anti-discrimination legislation, it is included in some American jurisdictions with similarly large diaspora populations. The inclusion of caste as a protected characteristic in the same way as race, religion, etc in Council's relevant policies and plans would assist to address discrimination of this kind. There is also no material legal or social distinction between caste and other characteristics currently protected under those policies and plans that would justify its exclusion.

CONCLUSION

Monash can take a leadership role by adding 'caste' as a protected attribute in relevant policies and plans and through the development of its next Health and Wellbeing Plan. It would also be valuable to seek the perspectives and experiences of Council's Multicultural Advisory Committee.

ATTACHMENT LIST

1. NOM Officer Report Discrimination by Caste [8.1.1 - 2 pages]

NOTICE OF MOTION – OFFICER RESPONSE
DISCRIMINATION BY CASTE

Submitting Councillor: Cr Anjalee de Silva

MOTION

That Council:

1. Direct Officers to explore inclusion of 'caste' as a protected characteristic in a similar manner to race, religion, etc. in relevant Council policies and plans as they come due for review, including Council's Municipal Health and Wellbeing Plan;
2. Seek the perspective of the Multicultural Advisory Committee on the issue of caste as it relates to Council business.

BUDGET IMPLICATIONS

This motion has no financial impact to Council.

IMPACT ON INTERNAL RESOURCES

There is minimal impact on internal resources given the commitment and work currently being undertaken by officers to address discrimination in all its forms in Monash.

If the NOM is supported, officers would work in consultation with the Multicultural Advisory Committee and other key stakeholders in diversity and inclusion to explore the practicality of including 'caste' as a protected characteristic a similar manner to race, religion, in Council owned documentation including Gender Impact Assessments, Shared Language Guide and Council's Diversity Statement, and relevant internal policy documents.

COUNCIL PLAN AND COUNCIL POLICIES

This motion will have impacts on the following plans regarding inclusion of caste discrimination:

- Monash Health and Wellbeing Plan 2021-2025
- Community Safety Framework 2022-2026

This could also have implications for Council's internal Anti-Discrimination Policy.

RELEVANCE TO WORK ALREADY UNDERTAKEN BY OFFICERS OR COMMITTEES

Council currently hosts information sessions regarding racial and religious discrimination which can be elements of caste discrimination.

Addressing **all** forms of discrimination is priority 19 of the current Monash Health and Wellbeing Plan. Proactively addressing and responding to all forms of discrimination including race, age, gender, sex, sexuality, disability or religion is currently an all-of-Council commitment.

A main responsibility of the Multicultural Advisory Committee is to consult on issues affecting Monash's culturally and linguistically diverse community and provides feedback and advice to Council on its policies, plans and services that impact people of Culturally and Linguistically Diverse (CALD) backgrounds. Communities affected by caste discrimination are included in this responsibility.

FURTHER CONSIDERATIONS

It is important to note that the number of Monash residents born in South Asia is notably higher than in Greater Melbourne.

The *Racial Discrimination Act 1975* makes it unlawful to discriminate against a person because of their race, colour, descent, national origin or ethnic origin, or immigrant status. However, it does not specifically mention caste.

The Australian Human Rights Commission is currently working towards creating a [National Anti-Racism Framework](#). As part of their process, in 2022 they released a [Scoping Report](#). This Report does talk about the impact of casteism in Australia (pages 73 and 74), noting for example a submission that explained:

“We emphasise that casteism is an intersectional system of discrimination which includes but is not reducible separately to either of skin colour, religion, gender, ethnicity, nationality, ancestry/descent, work or occupation...”

The Scoping Report notes that impacts of casteism are felt in Australia today, and that impacts can be wide-ranging and severe, noting the “need to recognise caste as a protected category in anti-discrimination legislation and policy.” Indeed, it was also noted that while there is overlap between caste and racism, this an intersectional experience and we need to better recognise the intersectional experiences of caste discrimination.

It is too early to say what approach the AHRC will take in any final National Anti-Racism Framework however what is clear is that caste is being considered in different forums.