

National approach to planning and policy

Introduction

6.1 Since Australia's introduction of a multicultural policy in the 1970s, following the abolition of the 'White Australia' policy, Federal multicultural policy statements have evolved in response to changing government priorities and challenges facing Australian society.¹

... Multiculturalism has been a hugely successful social policy in Australia and multicultural policy's bipartisan support in the 80s and early 90s was instrumental in creating social cohesion and a real sense of acceptance and belonging among newly arrived Australians from diverse backgrounds.²

6.2 The Australian migration program is primarily Federal, with increased State and Territory involvement and local government being important for front line service delivery. There is, therefore, a need for coherent infrastructure for policy development, planning and implementation that is informed by all three tiers of government and a cross section of portfolios.

1 E Kolet, Department of the Parliamentary Library, 'Multiculturalism: a Review of Australian Policy Statements and Recent Debates in Australia and Overseas', *Research Paper No. 6*, 2010-11.

2 Fairfield Migrant Resource Centre (FMRC), *Submission 404*, p. 2.

6.3 All Australian States and Territories currently have policies and bodies dealing with multiculturalism³ and a number of the state approaches were outlined in evidence received by the Committee.

6.4 While all Australian State and Territory governments had established bodies or agencies dealing with issues of cultural diversity by the 1990s, jurisdictions varied in their approaches and the nature of their multicultural policy structures, ranging from legislatively enshrined principles, statutory bodies and mandatory reporting requirements to declaratory policy statements.⁴

6.5 A significant proportion of multicultural policy development and implementation now occurs at the State and Territory level and a great deal of work is also undertaken at the grassroots level, by community organisations and non-government organisations (NGOs).⁵

6.6 Multiculturalism is a set of interests relevant across a range of portfolios including health, education, housing, and employment services. CALD issues, including settlement, are also lifelong and inter-generational and require cross-portfolio engagement:

The challenge for good government is to develop multicultural policy, programs and services that positively address this diversity to optimise good outcomes for individuals, local communities and the wider society.⁶

6.7 The Committee believes that the principles of multiculturalism should be embedded in policy development, and public and private service delivery.

6.8 Palliative Care Victoria supported a national policy commitment to multiculturalism in Australia as providing an important philosophical underpinning reflecting our vision and values and informing policies.⁷

When we understand the culturally and linguistic diversity within our multicultural communities, we are much better able to plan,

3 E Kolet, Department of the Parliamentary Library, 'Multiculturalism: a Review of Australian Policy Statements and Recent Debates in Australia and Overseas', *Research Paper No. 6*, 2010-11, p. 20.

4 E Kolet, Department of the Parliamentary Library, 'Multiculturalism: a Review of Australian Policy Statements and Recent Debates in Australia and Overseas', *Research Paper No. 6*, 2010-11, p. 20.

5 J Jupp, *From White Australia to Woomera*, Cambridge University Press, Cambridge, 2007, p. 99 (Ref: Department of the Parliamentary Library, 'Multiculturalism: a Review of Australian Policy Statements and Recent Debates in Australia and Overseas', *Research Paper No. 6*, 2010-11, p. 3).

6 Municipal Association of Victoria (MAV), *Submission 465*, p. 5.

7 Palliative Care Victoria, *Submission 459*, p. 2.

provide access to, and deliver high quality culturally responsive and inclusive services. We are also more likely to create an environment and associated opportunities that promote health and wellbeing, participation in community life and engaged and productive communities across Australia.⁸

Australian Multicultural Council (AMC)

6.9 The Australian Multicultural Council was officially launched on 22 August 2011. The AMC's priorities as listed in its terms of reference are to:

- advise the Government on multicultural affairs;
- have a formal role in a strengthened access and equity strategy;
- have a research and advisory role around multicultural policy;
- assist with cultural diversity celebrations and Harmony Day activities; and
- implement a 'People of Australia Ambassadors' Program to articulate the benefits of, and help celebrate, our multicultural nation.⁹

Federal multicultural policy

6.10 As previously mentioned, *The People of Australia: Australia's Multicultural Policy* was launched on 16 February 2011 by the Minister for Immigration and Citizenship, the Hon Chris Bowen MP, and reaffirms the importance of a culturally diverse and socially cohesive nation.

6.11 The policy grew out of recommendations from the Australian Multicultural Advisory Council (AMAC), which presented its advice and recommendations in 2010 through a statement titled *The People of Australia*.¹⁰

6.12 The adoption of the national policy, and the multicultural principles that it promotes, was generally welcomed and endorsed.¹¹ However areas for improvement were also identified.

8 Palliative Care Victoria, *Submission 459*, p. 3.

9 Australian Multicultural Council (AMC), <www.amc.gov.au/> viewed 10 September 2012.

10 Australian Multicultural Advisory Council (AMAC), 2010, *The People of Australia: the Australian Multicultural Advisory Council's Statement on Cultural Diversity and Recommendations to Government*.

11 For example: FMRC, *Submission 404*, p. 2, Conrad Gershevitch, Amareswar Galla and Maria Dimopolous, *Submission 455*, p. 1; Joy Burch MLA, ACT Minister for Multicultural Affairs, *Submission 140*, pp. 4-6 and MAV, *Submission 465*, p. 4.

- 6.13 Fairfield Migrant Resource Centre (FMRC) recommended expanding the AMC's mandate to include an examination of the effectiveness of access and equity measures in place in Australia's States and Territories. This would benchmark best practice and enable determination of whether a Federal Multiculturalism Act would provide more impetus for improvements in public sector performance in respect of the implementation of access and equity measures.¹²
- 6.14 The Australian Capital Territory supported the policy's focus on diversity; inclusion; access and equity; tolerance; and the economic, trade and investment benefits of multiculturalism. However, the Territory's submission adds that strong leadership is 'required from the Federal Government to promote the policy, multiculturalism and the benefits of cultural diversity to move toward Australia becoming a truly respectful, inclusive and cohesive society'.¹³
- 6.15 In 2012, the Parliamentary Joint Committee on Human Rights (PJCHR) was established under the *Human Rights (Parliamentary Scrutiny) Act 2011* to 'enhance the understanding of, and respect for, human rights issues and to ensure the appropriate recognition of human rights in the legislative process'.¹⁴ The Committee examines the compatibility of bills and legislative instruments with Australia's human rights obligations and reports to Parliament. The act defines human rights as the:
- ...rights and freedoms recognised or declared by the following international instruments:
- (a) International Convention on the Elimination of all Forms of Racial Discrimination;
 - (b) International Covenant on Economic, Social and Cultural Rights;
 - (c) International Covenant on Civil and Political Rights;
 - (d) Convention on the Elimination of All Forms of Discrimination Against Women;
 - (e) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
 - (f) Convention on the Rights of the Child;
 - (g) Convention on the Rights of Persons with Disabilities.¹⁵

12 FMRC, *Submission 404*, p. 2.

13 Joy Burch MLA, ACT Minister for Multicultural Affairs, *Submission 140*, p. 6.

14 Mr Jenkins MP, Parliamentary Joint Committee on Human Rights, Chair's statement to the House of Representatives, *House of Representatives Hansard*, 20 June 2012, pp. 7176-77.

15 *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth), s. 3.

- 6.16 Previously, the Charter of Public Service in a Culturally Diverse Society was the key document which guided the Access and Equity Strategy, helping ensure government programs met the needs of a culturally and linguistically diverse society. It integrated a set of service delivery principles¹⁶ concerning cultural diversity into the strategic planning, policy development, budget and reporting processes of government service delivery, irrespective of whether these services were provided by government agencies, community organisations or commercial enterprises.¹⁷
- 6.17 The Committee was told that this was an important framework and set of principles that helped meet service standards for public service agencies. As it is over 10 years old, however, it is in need of review:
- Reviewing the charter will help to increase its relevance to the changed demography, shifting policy settings and national priorities of Australia. It will also help reinforce to government agencies, from the local to national, what are appropriate and professional standards of service and conduct.¹⁸

Multicultural policy at the State and Local level

- 6.18 In 1977 the Fraser Government announced a review of post-arrival programs and services to migrants 'to ensure that the changing needs of migrants (were) being met as effectively as possible', chaired by Frank Galbally.¹⁹ The resulting 1978 Galbally Report was seen as a watershed in the development of multicultural policy. It identified multiculturalism as a key concept for the future development of government immigration policy.²⁰
- 6.19 Prime Minister Fraser agreed that Australia was at a 'critical stage in developing a cohesive, united, multicultural nation' and there was a need to 'change the direction of ... services to migrants and ... further steps to

16 These principles were Access, Equity, Communication, Responsiveness, Effectiveness, Efficiency and Accountability.

17 Department of Immigration and Multicultural Affairs, *2005 Access and Equity Annual Report*, 2006, viewed from <www.immi.gov.au/about/reports/access-equity/access-equity-2005/> Chapter 2, pp. 21-22.

18 C Gershevitch, A Galla and M Dimopolous, *Submission 455*, p. 4.

19 E Koleth, Department of the Parliamentary Library, 'Multiculturalism: a Review of Australian Policy Statements and Recent Debates in Australia and Overseas', *Research Paper No. 6*, 2010-11, p. 6.

20 *Review of Post Arrival Programs and Services for Migrants, Migrant Services and Programs*, Canberra, Australian Government Publishing Service, 1978.

encourage multiculturalism [were] needed'.²¹ Following the Galbally Report, State and Territory governments also established Ethnic Affairs Commissions and Migrant Settlement Councils.²²

- 6.20 A sample of the information on multicultural policies and practices in those Australian State and Territories which contributed to the inquiry is provided below.

State policies

New South Wales

- 6.21 In NSW, the Community Relations Commission for a multicultural NSW (CRC) has responsibility for 'promoting community harmony, participation and access to services in order that the contribution of cultural diversity to NSW is celebrated and recognised as an important social and economic resource'. It acknowledges that multiculturalism is a deliberate public policy and takes 'proactive steps to ensure a cohesive and harmonious society'.²³
- 6.22 The legislative basis for the NSW policy is contained in the *Community Relations Commission and Principles of Multiculturalism Act 2000* (NSW) and the principles are implemented and assessed through the Multicultural Policies and Services Program (MPSP).²⁴
- 6.23 The CRC oversees the MPSP, is responsible for assessing agency compliance with annual reporting obligations, and publishes a report on compliance in the annual Community Relations Report to Parliament:²⁵
- ...each government agency is required to have a current multicultural plan which shows how it will conduct its business within a culturally, linguistically and religiously diverse society.

21 Commonwealth of Australia, 'Statement by the Prime Minister, the Right Honourable Malcolm Fraser, April 1978', in *Background to the Review of Post Arrival Programs and Services for Migrants*, Canberra, Commonwealth Government Printer, 1978, p. 2.

22 E Kolet, Department of the Parliamentary Library, 'Multiculturalism: a Review of Australian Policy Statements and Recent Debates in Australia and Overseas', *Research Paper No. 6*, 2010-11, p. 8.

23 Community Relations Commission for a Multicultural NSW, 'About Us', <crc.nsw.gov.au/about_crc> viewed 10 August 2012.

24 Multicultural Policy and Planning in NSW, <crc.nsw.gov.au/mpsp> viewed 10 August 2012.

25 Premier's Memorandum M2011-05 Multicultural Programs and Service to Provision in New South Wales, <www.dpc.nsw.gov.au/announcements/ministerial_memoranda/2011/m2011-05_multicultural_programs_and_service_to_provision_in_new_south_wales>, 25 February 2011, viewed 10 August 2012.

Like any other corporate plan, a multicultural plan will identify strategic priorities, assign corporate responsibilities and detail / outline timeframes for implementation.²⁶

Victoria

- 6.24 Established in 1983, the Victorian Multicultural Commission (VMC) provides independent advice to the Victorian Government to inform the development of legislative and policy frameworks, and the delivery of services to the culturally, linguistically and religiously diverse society.²⁷
- 6.25 The VMC is an independent statutory authority operating under the *Multicultural Victoria Act 2011*. Its objectives include the promotion of:
- full participation by Victoria's diverse communities in the social, cultural, economic and political life of Victoria;
 - access by Victoria's diverse communities to government services;
 - unity, understanding, mutual respect and harmony among Victoria's diverse communities;
 - co-operation between bodies concerned with multicultural affairs and diversity;
 - a better understanding of Victoria's diverse communities;
 - the social, cultural and economic benefits of diversity, and
 - all of Victoria's diverse communities retaining and expressing their social identity and cultural inheritance.²⁸
- 6.26 A number of policy and program functions formerly located within the VMC have been recently transferred into the new Office of Multicultural Affairs and Citizenship (OMAC) within the Department of Premier and Cabinet. This office focuses on the settlement of newly arrived immigrants and manages programs and projects in language, cultural, multi-faith and student care areas as well as housing the Settlement Co-ordination Unit (Refugee Action Program).²⁹
- 6.27 In 2012, the VMC established eight Regional Advisory Councils across Victoria to provide advice on settlement, multicultural affairs, service delivery and citizenship issues; advocate on behalf of CALD communities;

26 NSW Government, 'What is MPSP'? <crc.nsw.gov.au/mpsp/what_is_mpsp> viewed 10 August 2012.

27 Victorian Multicultural Commission (VMC), <www.multicultural.vic.gov.au/about-us> viewed 10 August 2012.

28 VMC, <www.multicultural.vic.gov.au/about-us> viewed 10 August 2012.

29 Office of Multicultural Affairs and Citizenship, <multicultural.vic.gov.au/about-us/office-of-multicultural-affairs-and-citizenship> viewed 10 August 2012.

and promote the benefits of cultural and religious diversity at the local level.³⁰

- 6.28 Victoria also has a Charter of Human Rights and Responsibilities, which outlines the basic human rights of all people in Victoria and gives specific legal protection to 20 fundamental rights. It is enabled through the *Charter of Human Rights and Responsibilities Act 2006* and came into full effect on 1 January 2008.
- 6.29 The Charter requires that governments, local councils and other public authorities comply with Charter rights and consider relevant Charter human rights when they make decisions.³¹

Australian Capital Territory

- 6.30 The Territory's key multicultural policy document is the *Australian Capital Territory Multicultural Strategy 2010–2013*, which has as its vision:

That the Australian Capital Territory is recognised as a leader in multicultural affairs and human rights.³²

- 6.31 The six focus areas of the strategy are:
- Languages;
 - Children and Young People;
 - Older People and Aged Care;
 - Women;
 - Refugees, Asylum Seekers and Humanitarian Entrants; and
 - Intercultural Harmony and Religious Acceptance.
- 6.32 All ACT Government agencies report annually on their progress against the actions and key performance indicators of the strategy.³³
- 6.33 The ACT was the first jurisdiction in Australia to enact a Human Rights Act, the *Human Rights Act 2004*. This act provides an explicit statutory basis for respecting, protecting and promoting civil and political rights

30 VMC, 'About RAC', <multicultural.vic.gov.au/regional-advisory-councils/about-rac> viewed 10 August 2012.

31 Victorian Equal Opportunity and Human Rights Commission, *The Victorian Charter of Human Rights and Responsibilities*, <www.humanrightscommission.vic.gov.au/index.php?option=com_k2&view=item&layout=item&id=19&Itemid=147> viewed 14 August 2012.

32 Disability, Housing and Community Services ACT, *Australian Capital Territory Multicultural Strategy 2010–2013*, p. 2.

33 Joy Burch MLA, ACT Minister for Multicultural Affairs, *Submission 140*, pp. 4–6.

drawn from Australia's international human rights obligations under the International Covenant on Civil and Political Rights.³⁴

Tasmania

- 6.34 The Tasmanian Government works across all levels of government, with stakeholders and Tasmania's CALD community to promote multiculturalism throughout the State. It does so through long-term programs, projects and initiatives that assist multiple cohort groups to settle, integrate and build upon skills bases.³⁵
- 6.35 The Tasmanian Government states that its culturally and linguistically diverse communities have an important role to play in the State's unique multicultural society, which remains one of its greatest assets and strengths.
- 6.36 The Community Development Division (CDD) in the Department of Premier and Cabinet is the main link between multicultural communities and the Tasmanian Government.³⁶
- 6.37 CDD works with all levels of government, including other State Government agencies, non-government organisations and community groups on issues related to multicultural affairs. CDD provides advice to the Government on multicultural affairs and citizenship in Tasmania. Its work includes:
- providing policy advice to the Government on multicultural affairs;
 - increasing awareness of cultural diversity and appreciation of its benefits to the broader community; and
 - encouraging the mainstream community to be open and accepting of new arrivals to the State.³⁷
- 6.38 Tasmania's Multicultural Policy, developed in 2001, provides a framework encouraging Tasmanians to express, value and share one another's

34 ACT Human Rights Commission, 'About the ACT Human Rights and Discrimination Commissioner', <www.hrc.act.gov.au/humanrights/> viewed 14 August 2012.

35 Tasmanian Government, *Submission 441*, p. 7.

36 Department of Premier and Cabinet, Tasmania, 'Migrant and Multicultural Communities', <www.dpac.tas.gov.au/divisions/cdd/for_and_about/migrant_and_multicultural_communities> viewed 10 August 2012.

37 Department of Premier and Cabinet, Tasmania, 'Migrant and Multicultural Communities', <www.dpac.tas.gov.au/divisions/cdd/for_and_about/migrant_and_multicultural_communities> viewed 10 August 2012.

cultural heritage, and encourages full participation in the cultural, social and economic opportunities that Tasmania offers.³⁸

6.39 Attached to the policy is an Action Plan setting out initiatives under each of the four interlinked objectives to:

- increase the share of migrants coming to Tasmania;
- improve the retention rate of migrants once they have arrived in Tasmania;
- improve access to government services; and
- improve understanding of the value and benefits of multiculturalism throughout the community.³⁹

6.40 The Tasmanian Government explained to the Committee that, for it, settlement is particularly important due to the small jurisdictional area for such things as employment:

Tasmania has a high rate of migrants (and other cohorts such as youth) leaving the state in search of greater employment opportunities and critical services. As a result, a large amount of funding is invested by Tasmanian organisations (government and non-government) into cohort groups which is subsequently lost when these cohort groups leave the state.⁴⁰

6.41 A secondary effect of emigration from Tasmania is that the State is unable to increase population size and diversity, and so enjoy greater integration between CALD communities and the mainstream as may be experienced in other jurisdictions:

In essence, multiculturalism in Tasmania is negatively affected by this issue via stagnation in growth.⁴¹

38 Department of Premier and Cabinet, Tasmania, 'Tasmanian Multicultural Policy', <www.dpac.tas.gov.au/divisions/cdd/policy/our_policies/tasmanian_multicultural_policy> viewed 10 August 2012.

39 Department of Premier and Cabinet, Tasmania, 'Tasmanian Multicultural Policy', September 2001, p. 2.

40 Tasmanian Government, *Submission 441*, p. 7.

41 Tasmanian Government, *Submission 441*, p. 7.

Local government

6.42 The Municipal Association of Victoria (MAV) noted that:

Local government is the government closest to the people and plays a significant role in influencing the economies and the communities at the local level.⁴²

6.43 The Committee received evidence that local government is uniquely placed to provide support to Australia's multicultural efforts.⁴³

6.44 Ms Clare Hargreaves from the MAV told the Committee that local government is one of the areas where the outcomes of both Federal and State policies, and how they play out on the ground, can be seen.⁴⁴

Councils face the same challenges as the other spheres of government. We are involved in covering effective design and delivery of services for the broad community, providing leadership in community relations issues – which Victorian councils certainly embrace – the successful settlement of newly arrived migrants and refugees and the part that can be played by councils to contribute to that as well as the challenge that we continue to have reflected in our workforce of the diversity of the population.⁴⁵

6.45 The MAV described Victorian councils as progressively working more in a range of goals around social cohesion, addressing race-based discrimination and taking on a leadership role, for example through multi-faith endeavours.⁴⁶ Local councils may also convene Local Settlement Planning Committees:

Twenty-three municipality-based Local Settlement Planning Committees (LSPCs) are currently convened across metropolitan Melbourne and regional Victoria. In some instances local councils are the convenors. Composition varies but typically includes key government and community sector human services providers and advocacy groups such as regional ethnic communities' councils. The MAV understands that generally, as the primary funder of settlement services, the Department of Immigration and

42 Municipal Association of Victoria (MAV), *Submission 465*, p. 3.

43 E.g. MAV, *Submission 465*, p. 3; Monash City Council, *Submission 469*, p. 2; Darebin City Council, *Submission 394*, p. 6.

44 Ms Hargreaves, *Social Policy, MAV, Committee Hansard*, 3 February 2012, p. 35.

45 Ms Hargreaves, *MAV, Committee Hansard*, 3 February 2012, p. 35.

46 Ms Hargreaves, *MAV, Committee Hansard*, 3 February 2012, p. 35.

Citizenship is represented at LSPC meetings. LSPCs are intended to provide local stakeholder agencies the opportunity to share information, coordinate service delivery and collectively plan more strategically. Local council issues arising that need to be escalated are referred to the MAV's Multicultural Policy Adviser who follows-up with relevant State or Federal government agencies.⁴⁷

- 6.46 The Committee heard that whilst there are many municipal authorities around Australia, they are very disparate.

A great many councils excel in how they deal with cultural diversity issues in their municipalities.... Individually, as municipalities or council authorities, they excel at how they engage with the new arrivals in their municipality and how they deal with cultural diversity issues in terms of access to and equity in local council services. Other councils are newer to dealing with diversity because they have a different demographic profile. It perhaps either has not changed much at all in the last few decades or is only gradually starting to change, and this arises as a new challenge for them.⁴⁸

- 6.47 The local government sector is very limited in the sort of resources it can deploy to address multicultural policy development. The issue for local government compared to federal and state is in the way that it is structured:

While individual councils can excel in how they respond on a particular issue like cultural diversity ... as a sector it is difficult to respond consistently. This is where I think it is critical that we get support from federal and state governments, which have the resources and the capacity to work in partnership with local government to achieve mutual ends of successfully settling newly arrived migrants and refugees and dealing with community relations issues as they arise from cultural diversity.⁴⁹

- 6.48 The Committee heard that currently there is no adequate working partnership for local government with governments at the State or Federal level. Mr Con Pagonis from the MAV described a waning of engagement with the local government sector from the Australian Government and from State governments. He also said that a dialogue is needed with the
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47 MAV, *Submission 465*, pp. 8-9.

48 Mr Con Pagonis, Multicultural Policy Adviser, MAV, *Committee Hansard*, 3 February 2012, p. 37.

49 Mr Pagonis, MAV, *Committee Hansard*, 3 February 2012, p. 37.

Federal and State levels of government on the best approach, including addressing cost-shifting and resourcing issues.⁵⁰

We do see that previously perhaps there was stronger federal and local government assistance around collaboration in that area.

... we feel that with a stronger plan between federal, state and local government in this area that it could be better resourced and supported in a more systemic sort of manner than it perhaps is at present.⁵¹

The MAV ... maintains a positive relationship on settlement and multicultural affairs with the Australian Government. However more formal inter-governmental engagement has waned over the past five years with the demise of the DIAC-led former *Victorian Settlement Planning Committee*; and its successor forum, the *Victorian Settlement Co-ordination Committee*, which has yet to achieve momentum.⁵²

6.49 Councillor Stephen Dimopoulos of Monash City Council explained that when the Australian Government had provided stimulus package funding, it was done by direct approach to local councils, schools and other authorities and a lot of councils took up the offer. He felt that this showed a relationship that worked and he encouraged the Australian Government to extend the approach symbolically through planning and organising as well as financing:

...extending a hand directly to local government as a partner in multicultural affairs, because I think local government can do it effectively and well.

... in multicultural affairs, use the same model and provide us the opportunity to undertake projects in a way that is effective and achieves the objectives of the government. We could do that well, I think, and it could be provided on a dollar for dollar funding basis.⁵³

6.50 The Committee also heard that local government should be involved in a more strategic sense in the planning of settlement services and migration at Australian and State Government level:

50 *Committee Hansard*, 3 February 2012, pp. 36–37.

51 Ms Hargreaves, MAV, *Committee Hansard*, 3 February 2012, p. 35.

52 MAV, *Submission 465*, p. 4.

53 *Committee Hansard*, 25 October 2011, p. 2.

We are doing a lot of the work on the ground, but we are not sitting at the table in a way that is actually effective at the planning stages with the conversations that take place between federal and state government departments.⁵⁴

... There should be a mechanism where the three players could come together at that early stage of planning and discuss what the needs are, what is happening at the local government level and what the priorities are. They need to be articulated at the state government and federal government levels.⁵⁵

6.51 Mr Pagonis explained that in the early nineties there was a peak in engagement through the National Integrated Settlement Strategy (NISS):

... [we] had the National Integrated Settlement Strategy, the NISS, and under that a systemic framework for intergovernmental engagement and planning on how we settle new migrants and refugees and deal with all the issues arising. We established a very sophisticated framework where we had state settlement-planning committees in every state, we had local settlement-planning committees at the municipal level and we had a national intergovernmental forum for reaching agreed positions on the respective roles and responsibilities of federal, state and local government.

... In the last two years, that framework has simply dissipated. There has been no intergovernmental meeting involving local government around issues of settlement planning in Victoria for nearly two years now.⁵⁶

6.52 Mr Pagonis was encouraged that the Victorian State Government was in the process of establishing a cross-portfolio settlement planning committee through the establishment of a settlement-planning unit, primarily with a focus on State Government portfolios:

... our understanding is that when that convenes ... it will include local government representation through the MAV and federal government representation through DIAC. That is still on the horizon

54 Councillor Stephen Dimopoulos, Monash City Council, *Committee Hansard*, 25 October 2011, p. 2.

55 Ms Eugenia Grammatikakis, Community Development Officer, Monash City Council, *Committee Hansard*, 25 October 2011, p. 4.

56 *Committee Hansard*, 3 February 2012, p. 36.

but it is a good sign and an opportunity for local government sectorally to re-engage with both state and federal government.⁵⁷

6.53 Ms Eugenia Grammatikakis, Monash City Council, asserted that there needs to be flexibility in identifying particular areas, such as community relations:

...directly supporting new communities that are forming within municipalities, but also established communities that are there and whose needs, by virtue of growing older, are becoming more acute. There is a lot of energy and resources at that grassroots level that we are allocating at the moment in working with the older, established communities.⁵⁸

Centralised approach

Case study 6.1 The Canadian experience

In 1971, Canada was the first country in the world to adopt multiculturalism as an official policy. The Multiculturalism Policy of Canada also confirmed the rights of Aboriginal peoples and the status of Canada's two official languages.

Through multiculturalism, Canada recognises the potential of all Canadians, encouraging them to integrate into their society and take an active part in its social, cultural, economic and political affairs.

Canada's laws and policies recognise Canada's diversity by race, cultural heritage, ethnicity, religion, ancestry and place of origin and guarantee to all men and women complete freedom of conscience, of thought, belief, opinion expression, association and peaceful assembly. These rights are guaranteed through Canadian citizenship, the Canadian Constitution, and the Charter of Rights and Freedoms (adopted 1982).

In 1984 a Special Parliamentary Committee Report, *Equality Now*, called for a Canadian Multiculturalism Act and establishment of a national research institute on multiculturalism and race relations issues. The *Canadian Multiculturalism Act* passed in 1988 and affirms the policy of the government to ensure that every Canadian receives equal treatment by the government, which respects and celebrates diversity.

Source Canadian Multiculturalism: An Inclusive Citizenship, <www.cic.gc.ca/english/multiculturalism/citizenship.asp> viewed 10 August 2012 and Policy and Legislation Concerning Multiculturalism, <www.cic.gc.ca/english/department/laws-policy/multi-policy.asp> viewed 10 August 2012.

57 *Committee Hansard*, 3 February 2012, p. 36.

58 *Committee Hansard*, 25 October 2011, p. 3.

- 6.54 Evidence to the Committee generally agreed that multiculturalism requires a whole-of-government approach to ensure that the best use is made of Federal, State and local government resources.

The City of Whittlesea values cultural diversity, through a whole of community and whole of Government approach within a human rights based framework and is committed to a culturally inclusive mandate advocating for multicultural policies to be endorsed as common practice across three tiers of government.⁵⁹

There needs to be a better articulation of the respective settlement and community relations roles and responsibilities of the three spheres of government. Furthermore, the competitive regime for funding community based settlement service delivery militates against a more collaborative, collegiate approach.⁶⁰

- 6.55 There were also suggestions for overarching principles to be enshrined in a national legal framework:

... multicultural principles expressed in *The People of Australia: Australia's Multicultural Policy* are not enshrined in Federal legislation, and there are no accountability mechanisms binding the Australian Government or its agencies for their implementation.⁶¹

New South Wales has found that a number of inter-related mechanisms are required to achieve sustained and effective multicultural implementation across all government agencies. The local experience includes ... multicultural principles that are enshrined in State legislation, with the responsibility for their implementation delegated to the chief executive of each public authority.⁶²

- 6.56 In discussing Australia's similarity to diverse jurisdictions such as Canada, Victoria and New South Wales, which have multicultural legislation, Monash City Council recommended the introduction of a Commonwealth Multicultural Act to:

... enshrine the core principles of Australian multiculturalism and to reflect the Commonwealth's commitment to Australia's cultural

59 City of Whittlesea, *Submission 446*, p. 1.

60 MAV, *Submission 465*, p. 8.

61 Community Relations Commission for a Multicultural NSW, *Submission 385*, p. 6.

62 Community Relations Commission for a Multicultural NSW, *Submission 385*, p. 16.

diversity and enhance participation of all members of the community.⁶³

6.57 The submission further outlined that a Commonwealth Multicultural Act should recognise the diversity of people in Australia and their responsibility to abide by Australia's laws and democratic processes, as well as ensuring promotion of mutual respect and understanding, community harmony and social cohesion and equality of opportunity.⁶⁴

6.58 It was also suggested that such legislation should require government departments to develop cultural diversity engagement strategies, in order to encourage more innovative and strategic approaches to working with CALD communities on long term issues.⁶⁵

6.59 The Race Discrimination Commissioner argued that the international conventions and treaties to which Australia is a signatory should guide the development of our own domestic law protections. But she also stated that the question of what else is needed should be addressed in any discussions about new Federal legislation:

... we as a commission have [looked] at the coverage of the state multicultural acts to identify what gaps there might be at the federal level. At this stage we are not advocating for a multicultural act. We are not saying that we are opposed to it either. One of the critical elements for us is to look at what happens out of the consolidation of the antidiscrimination law process. As we see it at the moment, what the state acts provide is certainly a legislative definition of multiculturalism – although to some extent our Human Rights Act defines our obligations within a human rights context. Currently at a national level we have [an inquiry] provision under the Human Rights Act, and we would look at how that provision to instigate an inquiry or investigation will be treated in the consolidation process.

...irrespective of whether you have a multicultural act, you still need the machinery of government in place to ensure that multiculturalism is a whole-of-government response.⁶⁶

6.60 When asked by the Committee how to ensure the machinery of government is in place to ensure a whole-of-government response to

63 Monash City Council, *Submission 469* p. 8.

64 Monash City Council, *Submission 469* p. 8.

65 Monash City Council, *Submission 469* p. 8.

66 Dr Helen Szoke, AHRC, *Committee Hansard*, 23 February 2012, p. 4.

multiculturalism, without an act, the Commissioner responded that policy obligations should be formally assigned across portfolios.

... if you have an Australian Multicultural Council it needs to be adequately resourced to actually do that advocacy within government and outside government. It needs to be appropriately placed to have authority to enact its charter. It may well need to have a charter that specifically looks at its remit not just across DIAC or FaHCSIA but also across the whole range of departments in terms of what all of their responsibilities and activities are. ... So I think the human rights scrutiny process will actually enhance how it works across government as well.⁶⁷

6.61 The Committee at this time does not recommend Federal multicultural legislation as the basis for the Australian Government's principles and policies.

6.62 The Committee also received evidence advocating a national charter of human rights:

Australia is yet to further its international obligations by bringing them into effect through domestic laws, such as in a Charter of Human Rights. We are one of the few democratic countries that is yet to protect the rights of its citizens in such a way.⁶⁸

6.63 In December 2008 the Federal Government requested a National Human Rights Consultation. The consultation was conducted by an independent committee and aimed to seek a range of views about the protection and promotion of human rights in Australia.⁶⁹ The committee handed down its report in September 2009 and made a number of recommendations including development of a Federal Human Rights Act.⁷⁰

6.64 In April 2010, the Attorney-General responded to the report by launching Australia's Human Rights Framework, outlining a range of measures to protect and promote human rights in Australia, including:

- investing in education initiatives to promote a greater understanding of human rights across the community;

67 *Committee Hansard*, 23 February 2012, p. 4.

68 C Gershevitch, A Galla and M Dimopolous, *Submission 455*, p. 1.

69 National Human Rights Consultation, <www.humanrightsconsultation.gov.au/AboutTheConsultation/Pages/default.aspx> viewed September 2012.

70 National Human Rights Consultation Committee, *National Human Rights Consultation Report*, September 2009.

- establishing a new Parliamentary Joint Committee on Human Rights⁷¹ to scrutinise legislation for compliance with international human rights obligations;
 - requiring each new bill introduced into Parliament to be accompanied by a statement of compatibility with international human rights obligations;
 - combining Federal anti-discrimination laws into a single Act to remove unnecessary overlap and make the system more user-friendly; and
 - creating an annual Human Rights Forum to enable engagement with non-government organisations (NGOs) on human rights matters.⁷²
- 6.65 Other evidence suggested that the principles of multiculturalism could be co-ordinated through a centralised office of multicultural affairs which would monitor and deliver a whole-of-government perspective including health, education, housing, and employment services.⁷³

Recommendation 11

- 6.66 **The Committee recommends reviewing the Charter of Public Service in a Culturally Diverse Society in order to bring it up to date and set benchmarks against which access and equity in provision of services is measured.**

71 Also discussed in Chapter 6 of this report.

72 Australia's Human Rights Framework, <www.ag.gov.au/Humanrightsandantidiscrimination/Australiashumanrightsframework/Pages/default.aspx>, viewed September 2012.

73 Eg. Mr Sam Wong AM, Chair, Canberra Multicultural Community Forum (CMCF) Inc., *Committee Hansard*, 12 October 2011, p. 8; Dr James Jupp AM, *Committee Hansard*, 14 September 2011, pp. 1, 3; CMCF Inc., *Submission 66*, p. 1; Australian Multicultural Advisory Council (AMAC), *Submission 399*, para. 92; and Multicultural Development Association, *Submission 421*, p. 37.

Recommendation 12

- 6.67 The Committee recommends that the Department of Prime Minister and Cabinet be tasked with delivery of a whole-of-government perspective on services to CALD communities including health, education, housing, and employment.

In undertaking this role, the Department should advise on and integrate with the social inclusion agenda, and interact closely with the Australian Multicultural Council in its roles of providing research and advice on multicultural affairs and policy and strengthening the access and equity strategy.

Recommendation 13

- 6.68 The Committee recommends that the Australian Government, through COAG and the AMC, seek to develop national planning and policy infrastructure for CALD services that includes State and Local government.