



# Multicultural Legislative Review 2019

## Written Submissions



**Government  
of South Australia**

Department of the  
Premier and Cabinet

## Multicultural Legislative Review 2019

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**From:** Darian  
**To:** [DPC:Multicultural Review](#)  
**Subject:** Fw: Multicultural Legislative Review Community Forum in Adelaide - 23 May 2019  
**Date:** Wednesday, 22 May 2019 12:58:30 PM  
**Attachments:** [image001.png](#)

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The 6th Multicultural principle: "All people have a responsibility to abide by Australian laws and respect the democratic processes under which those laws are made" should be extended to include respect for the natural Australian environment, which in Aboriginal culture is considered to be the fundamental basis of the law.

For example the question in the blue box: "Do any of the principles need changing to better reflect multiculturalism?" should be changed to "How can multiculturalism be used to protect and enhance Australia's successful society and environment".

It was the arrogant belief of the original settlers that they knew best and that their desires should replace indigenous Aboriginal knowledge that led to the environmental disasters we have today. Millennia-old Aboriginal caution would have greatly enhanced the successful adoption of new practices.

Multiculturalism is not a stand-alone issue. It must be used to protect and enhance Australia's integrity and well-being. The introduction of invasive species, for example, should not be encouraged unthinkingly.

Note this is also a security issue as well as an environmental one. Hostile foreign powers can easily take advantage of a country that readily adopts foreign customs without question and without realising that they may be disadvantageous to themselves.

New customs are great but their adoption must be with open eyes.

Regards,  
Darian Hiles

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## Multicultural legislative Review 2019

### The Australian Refugee Association: An Overview

1. The Australian Refugee Association Inc. (ARA) was established in 1975 as the Indo-China Refugee Association and has since strived to enable people from refugee background, asylum seekers, family and friends of refugees, community members and former refugees to settle in Australia with independence and dignity, and to develop and achieve their aspirations and opportunities in life.
2. ARA's mission is to assist people from refugee background to become settled and participating citizens of Australia. ARA believes in the capacity and desire of people from refugee background, to be productive citizens contributing to the social, cultural and economic life in Australia.
3. ARA's vision is a South Australia where all new and emerging communities have access to the full range of appropriate settlement services, have strong supportive communities of their own cultural backgrounds, and where the general community is supportive of new and emerging communities (NEC) and engaged with them. Our vision is a South Australia where refugees are an integral part of a thriving, prosperous community.
4. ARA works with individuals and communities from diverse cultural backgrounds, originating from dozens of countries across the world. The organisation receives federal funding under the Settlement, Engagement and Transition Support Program, and is one of South Australia's most experienced providers of settlement services. ARA's services include social support programs, casework and case management, employment assistance, community development and leadership training, youth programs and migration support and advice services.



## Submission

For over forty-four years, ARA has played a pivotal role in supporting new and emerging communities to settle in Australia through: service provision, community development and leadership training. We have extensive experience in working with communities to address settlement and cultural needs.

ARA welcomes the South Australian Multicultural Legislative Review 2019 and welcomes ongoing community consultations in future developments to policies focusing on migration and multiculturalism in South Australia. We value the critical work undertaken by the South Australian Multicultural and Ethnic Affairs Commission (SAMEAC) over the last thirty-nine years and acknowledge the work and achievements of the Commission.

As a member of the Stop Racism Taskforce (Taskforce), ARA's commitment to a just and equal society is ongoing. Through our work with the Taskforce, ARA has been able to recognise the strong need for SAMEAC to also be more involved in addressing racism and discrimination within the wider Australian community. We urge SAMEAC to develop stronger relationships with communities, organisations and initiatives such as the Taskforce and better advocate against all forms of discrimination perpetrated against multicultural communities in South Australia. ARA also believes that in addition to the Stop Racism Taskforce, SAMEAC should also be closely working with the Equal Opportunity Commission, to address discrimination and harassment and promote equality across South Australia, including government departments, mainstream services and local business.

ARA is a strong supporter in giving communities a voice and an opportunity for their issues/needs to be heard by those who have an impact at policy level. ARA strongly believes that SAMEAC should have a closer working relationship and regular formal consultations with new and emerging communities directly. The consultations should be transparent and feedback should be provided publicly. In order to successfully address the ongoing complexities of community settlement, there must be opportunities and clear communication lines for community members and leaders to engage directly with the appropriate government departments.

Respectfully, ARA considers it crucial to ensure that SAMEAC members are representative of migrant cohorts. Therefore, they should not all be from already established communities, but should consider new and emerging communities. Furthermore, it is important to allow members of the communities to provide feedback where possible, and not only those that the Department has deemed to be 'community leaders'. ARA understands that the committee application process is a

thorough one, and that all members' eligibility is assessed before they are appointed. Whilst this process ensures the elimination of any conflicts of interest, it also gives way to undue influence. Giving an opportunity to new and emerging community to voice their issues/needs is an opportunity to initiate conversations about newly identified issues, issues specific to differing cohorts, and issues present within minorities within the cohorts. This process provides for better considerations of the various and specialised cultural and community needs. Each ethnic community has different needs, and those needs will differ for an already established community.

ARA also believes that members of SAMEC should be reflective of the diverse needs of the communities, and must consider demographics such as disability, religious and cultural backgrounds, age and gender. Whilst we acknowledge that SAMEAC has considered age of its members in the past, ARA believes that SAMEC should also have a youth focus to address the inequality and various components of needs/issues that youth faces within South Australian community (employment, service provision, education, health and wellbeing etc). Young members of migrant and new arrival communities generally face challenges in addition to those relating to settlement. It is important for SAMEAC to ensure representation of young people from within the cohorts.

ARA strongly urges SAMEAC and the state government to explore adopting multicultural policies within each department. This would create transparency, accountability and provide SAMEC with greater legislative authority. SAMEC should be an independent entity, which is not influenced by government, but should provide leadership and role modelling when it comes to addressing cultural needs and issues of South Australia's multicultural community. Therefore, SAMEC must have greater power and influence in policy and decision making, separate from any political agenda.

Through this, there would be a fair and just focus on service delivery including policies and procedures developed to align with greater needs of our multicultural community, through government departments (including local), community services and local business.

ARA also feels strongly about ensuring that First Nation's people have a voice and presence within the ethnic communities. SAMEC should be informed and educated on the experiences, issues and needs of the first nation's people. They should also have a stance around supporting and being the voice for the Aboriginal community in particular around structural inequalities and advocacy.

ARA firmly believes that the government must take greater control in the space of multicultural policies within government departments in relation to creating inclusive work and services practices.

Within workplaces, SAMEAC must advocate for appropriate staff development and training to better

enable integration and support for members of multicultural communities within the Australian work environment. Additionally, with regards to service delivery, it is crucial that the use of interpreting services is adopted across all service providers and government department in order to reflect the departments' commitment to building and supporting communities. Linguistic challenges can become major barriers to successful service delivery and successful settlement into the wider Australian community.



28<sup>th</sup> May 2019

Premier Steven Marshall  
GPO BOX 2343  
Adelaide SA 5001

[Multiculturalreview@sa.gov.au](mailto:Multiculturalreview@sa.gov.au)

Dear Premier,

The Multicultural Communities Council of SA is pleased to provide feedback to the ***Multicultural Legislative review discussion paper.***

The Multicultural Communities Council of SA which I will now refer to as MCC has its genesis 70 years ago in the Good Neighbour Council which was established in 1949, to assist migrants settling in Australia. The MCC has supported and serviced multicultural South Australia and the general community for an exceptional period of time. At present the MCC family's language coverage represents over 85 % of all South Australians speaking a language other than English or an Indigenous language at home. Our Vision is for an equitable, cohesive and thriving South Australia. A copy of our Annual Report may be obtained from the following link <http://mccsa.org.au/wp-content/uploads/2018/11/2018-MCCSA-AnnualReport-WEB.pdf>

The MCCSA has a membership of over 160 individual and community organisations. The Multicultural Communities Council of South Australia is unique in that it services all migrant groups, including established and new and emerging communities. Our programs are innovative, effective and tailored to meet community and individual needs. Our membership group includes skilled migrants, professional associations, long standing communities, those from a refugee background and international students.

After reviewing all the issues MCCSA proposes that the following suggestions are taken into consideration:

1. Replacement of the SAMEAC Act with a **South Australia Multicultural Act** which includes principles of multiculturalism and the establishment of a Commission. In particular this Act should:
  - Establish the principles of multiculturalism
  - Provide for the establishment of the SA Multicultural Commission
  - Establish the reporting requirements for the SA Multicultural Commission
  - Establish reporting requirements for State Authorities in relation to multicultural affairs
2. The Act should include the following under interpretations



- Definition of Multiculturalism stays the same as South Australia Multicultural and Ethnic Affairs Commission Act 1980, Part 1 Section 4.

- State authority means—

- (a) an administrative unit (within the meaning of the Public Sector Act 2009); or
- (b) an agency or instrumentality of the Crown, or agency or instrumentality of the Crown of a class, prescribed by the regulations for the purposes of this paragraph; or
- (c) a local council constituted under the Local Government Act 1999; or

3. Incorporation of the following principles:

- All Australians should have a unified commitment to Australia in order to preserve our freedom and democratic tradition, fundamental right of every individual -
- To have shared values governed by the rule of Australian law
- To have mutual respect and deep recognition for each other to preserve dignity in a harmonious and stable society
- Equality before the law, access to resources, opportunities towards prosperity

If a shorter version is preferred the following are suggested.

- **Unified commitment to Australia**
- **Shared values governed by the rule of law**
- **Mutual respect**
- **Equal access to participation**

4. Constitution of Commission

- The Commission is to consist of not more than 15 members appointed by the Minister following an application process, of whom—
  - one must be appointed to chair the Commission; and
  - at least 7 must be men and 7 women.
- The Minister should, in making appointments under this section, act with a view to ensuring that the membership of the Commission reflects an appropriate diversity of ethnicity, age, location and occupational backgrounds and should have regard to—
  - working knowledge of multiculturalism; and
  - the sensitivity; and
  - the enthusiasm and personal commitment; and
  - the experience and involvement with the multicultural sector,
  - consideration to migrants who are not citizens i.e. skilled migrants , international students etc in an ex officio basis

- The member appointed to Chair the Commission must be appointed for a term of office not exceeding four years and on such conditions as are specified in his or her instrument of appointment.
- Each other member of the Commission must be appointed for a term of office not exceeding four years and on such conditions as are specified in his or her instrument of appointment.
- Subject to any condition of appointment to the contrary, a member is, on the expiration of his or her term of office, eligible for one additional reappointment to the Commission.

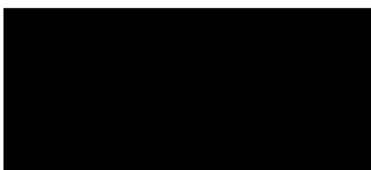
#### 5. Functions of the Commission

MCCSA supports amending and simplifying the functions of the Commission to the following:

- to publicise generally the principles of the Multicultural SA Act
- to advise the Government and State Authorities on, and assist them in, all matters relating to the advancement of multiculturalism and implementation of the principles of the Multicultural SA Act
- to work with State Authorities to ensure that there is a co-ordinated approach to the advancement of multiculturalism and the inclusion in the State's economic development plans of the contribution of migrants
- to keep under review and advise the Government and State Authorities on the extent to which services and facilities are available to and meet the needs of ethnic and multicultural groups
- to establish four yearly action plans approved by the Minister which can be implemented by Government and State Authorities. These actions plans should be reported against annually.

Should you require any further information please do not hesitate to contact either myself or Helena Kyriazopoulos.

Yours sincerely,



**Mrs Miriam Cocking**  
Chairperson



**Helena Kyriazopoulos**  
CEO

cc The Hon Jing Lee, Assistant Minister to the Premier

Multicultural Affairs  
Department of Premier and Cabinet  
Email to: [multiculturalreview@sa.gov.au](mailto:multiculturalreview@sa.gov.au)

Level 31, 367 Collins Street  
Melbourne Victoria 3000  
(03) 8614 3430  
[info@communityhubs.org.au](mailto:info@communityhubs.org.au)  
ABN 44 671 083 883

29 May 2019

### **Response to the South Australian Multicultural Legislative Review 2019**

To Whom It May Concern,

Community Hubs Australia welcomes the decision of the South Australian Government to review and renew the *South Australian Multicultural and Ethnic Affairs Commission Act 1980*.

Our organisation wholeheartedly endorses the proposed Multicultural Principles, and we believe that the principles outlined are embedded in the goals and actions of Community Hubs Australia. I'd particularly like to highlight the achievements of the Community Hubs model in promoting principle #4 - that all individuals have access to participate in the cultural, economic, political and social life of the state.

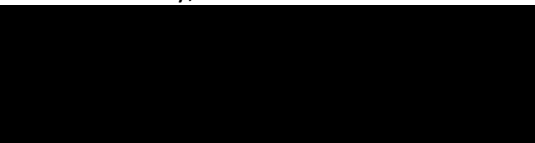
Community hubs are achieving these outcomes through:

- Vocational training programs that build up confidence and open up pathways to employment or volunteering opportunities
- English classes that are allowing migrants to build connections in the community, find work or participate fully in their child's education.
- Additional federal funding has allowed Community Hubs to offer child minding, to increase participation among women who are primary carers for their children.
- Providing an accessible location to build connections between migrants and their school or wider community.

Community Hubs are embedded in primary schools and community centres in areas of high cultural diversity. Hubs are connecting migrants to the wider community and providing local programs to reduce isolation and increase social cohesion. Currently we have seven hubs in South Australia in the councils of Salisbury and Port Adelaide – Enfield, with three new hubs to be established in Playford.

I look forward to working with the South Australian Government, the Division of Multicultural Affairs and the Multicultural Commission to continue to promote positive outcomes for members of our diverse communities.

Yours sincerely,



Dr Sonja Hood  
CEO, Community Hubs Australia

## **Department of the Premier and Cabinet**

Submission regarding: Review of the South Australian Multicultural and Ethnic Affairs Act 1980.

Dear Sir/Madam,

Our State and indeed our wonderful country of Australia, have benefitted greatly as a result of migration of people from a diverse range of countries and ethnic backgrounds. Most embrace and respect Australia and the way Australians live and exist in the world.

Looking forward, ten, twenty or more years, our Governments should always think about, how our demographic mix is going to work best. Whilst welcoming cultural and ethnic diversity, which can be good for our society, particular beliefs or practices, that isolate, are intolerant, encourage extreme religious or cultural practices, can and have caused huge problems. One just needs to look at countries where groups of migrants, have not bonded well with the existing society; placing certain divisive beliefs or practices, not acceptable to most of the established population, above all else. In reading a little recent history of countries that are currently experiencing such problems, one usually sees a pattern. The second or third generation, born in the adopted country, can feel they don't fit in with or believe in the accepted values and norms. Some become determined, to not allow their own children to discard beliefs and practices, that were common and normal in the country their parents or grand parents were born in. Some start to see more appeal with ideas their parents have left behind, maybe even fled from. Sadly, this can lead to a gradual build up of tensions which has often ended badly. All too often, any problematic issues arising, are blamed on the broader society, for it's perceived unfairness and prejudice. For not providing sufficient support, job opportunities, education, housing etc. The reality is that all disadvantaged people, face the challenge of trying to access support and resources that are never sufficient to meet need.

All South Australians, including New Migrants, must be encouraged to be tolerant, inclusive, welcoming and respectful of our current way of living. A reviewed Act should improve and facilitate the pathway, for our newer ethnic



groups in becoming proud and contributing members of our broad society, not just one segment of it. It should not provide ways of allowing people or groups to unfairly seek advantage and thereby result in more tensions in the long run.

I would hope that the Commission Members are chosen well, from wise and experienced people. People who have some lived experience, are keen observers and students of what has happened over the past few decades, particularly after the second World War, in relation to migration. I also hope that they can take a long term view, in determining what changes to the Act might mean for future South Australians, in ensuring a cohesive, fair and safe society.

Yours Sincerely

Rod de'Hoedt

Semi Retired

29<sup>th</sup> May 2019

**ENSURING CULTURALLY COMPETENT PUBLIC SERVICES**  
**SUBMISSION TO THE SOUTH AUSTRALIAN MULTICULTURAL LEGISLATIVE REVIEW**

**June 2019**

Robert Bean, Managing Director

Cultural Diversity Services Pty Ltd

ABN 69 063 582 267

Also trading as Robert Bean Consulting

[REDACTED]  
Telephone [REDACTED] or [REDACTED]

Email: [REDACTED]

Website: [REDACTED]

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Attachment: *Submission to the Joint Standing Committee on Migration Inquiry into Multiculturalism in Australia: A Systemic Approach to Cultural Competence Development, 2011*

**Terminology**

Working definitions of key terms and concepts;

**Cultural Competence**

The ability of systems and organisations to ensure that all products and services are provided equitably and effectively to multicultural clients by culturally competent managers and staff.

**Cultural Intelligence**

The individual understanding of our own and other cultures and the skills to cooperate and work effectively in situations characterised by cultural diversity. It can be seen as an element of our Emotional Intelligence.

**Interculturalism**

The philosophy that informed and respectful dialogue across cultures, recognising common human needs and the diversity of views between and within cultures, is essential to positive intercultural relationships and the functioning of democracy in a multicultural society. It is a mindset, not a policy.

Note: The term 'cultural awareness' is not an equivalent term for 'cultural competence' or 'cultural intelligence' as it describes one of several aspects of both concepts.

## **1. Executive Summary: Ensuring Culturally Competent Public Services**

The central purpose of government in Australia is to ensure equality and social cohesion. The equitable provision of public services to South Australia's culturally and linguistically diverse community and the management of a culturally diverse public sector workforce presents challenges as well as opportunities and benefits. Successfully applying the principles of a revised South Australian Multicultural Policy to all public services will depend greatly on the cultural competence of government agencies which is reliant on the cultural intelligence of their managers and staff.

The development of sustainable cultural competence across the whole of government will require ministerial and executive decision makers to take the long view, based on the philosophy of interculturalism, strategic thinking, bi-partisan policy support and commitment to a compelling business case.

The business case for building cultural competence development into multicultural policy action plans must address conduct, process and reputational risk management factors, legal and ethical compliance obligations, workforce management, community engagement and trust, population development strategies and international relations. Action plans goals for realising the social, economic and financial benefits of culturally competent service delivery must specify accountability and performance standards.

Principles, policies and programs are only as effective as the people who support and implement them. Public services delivered with cultural competence by culturally intelligent teams, will support the alignment of multicultural policy principles with departmental strategies.

To implement a whole of government approach to cultural competence development and sustainability, this submission recommends the following broad strategies, discussed below;

1. Analyse the current situation. Survey and evaluate the current scope and state of cultural competence development, practice and training in state and local government agencies and community organisations.
2. Formulate a compelling strategic whole of government social and economic business case and strategy for developing cultural competence to support multicultural policy action planning.
3. Provide departments with the advice, training services and resources to enable them to establish relevant cultural competence development programs, practices and processes coordinated by a dedicated support function.
4. Increase departmental training capability and capacity by providing professional development in intercultural training facilitation, consulting and resource development to meet agency-specific requirements.
5. Establish a leadership and accountability process at ministerial and executive levels to coordinate and sustain efforts within a whole of government strategy across portfolios.

In the broader context of enhancing social cohesion, diversity and inclusion, establishing a cultural competence development strategy based on the philosophy of interculturalism is essential to the success of a multicultural policy for the South Australian community.

## 2. Analyse the Current Situation

A comprehensive situation analysis is recommended to determine each department's practices and levels of training and resourcing to support culturally competent service delivery. Surveys should also include non-government organisations and other enterprises that provide intercultural training and support services.

The detailed factors and parameters of such surveys can be found in the following research reports.

*The Effectiveness of Cross-Cultural Training in the Australian Context*, Robert Bean et al, Department of Immigration and Citizenship for the Joint Commonwealth State and Territory Research Advisory Committee, Australian Government, 2006 <http://www.immi.gov.au/media/publications/research/index.htm>

*Cross-Cultural Training and Workplace Performance*, Robert Bean, National Centre for Vocational Education Research for the Department of Education, Employment and Workplace Relations, Australian Government, 2008 <http://www.ncver.edu.au/publications/2027.html>

These studies provide empirical evidence of the benefits of cultural intelligence training and also provide evaluation and participation statistics that would provide a basis for establishing benchmarks for future programs. A summary of these studies and a set of recommendations arising from them is included in my 2011 *Submission to the Joint Standing Committee on Migration Inquiry into Multiculturalism in Australia: A Systemic Approach to Cultural Competence Development*, attached. (Submission #101, available at <http://www.aph.gov.au/house/committee/mig/multiculturalism/subs.htm>.)

My 2012 submission to the Australia in the Asian Century White Paper: *A Systemic Approach to Cultural Competence Development for an Asia Capable Workplace Strategy*, available on request, addresses government and corporate engagement in international business relations.

It is also strongly recommended that the Federation of Ethnic Community Councils Australia publication *Cultural Competence in Australia: A Guide* (2019) <http://fecca.org.au/wp-content/uploads/2019/05/Cultural-Competence-in-Australia-A-Guide-1.pdf> be taken into consideration as it expands on the topics and recommendations of this submission.

A survey of South Australian public services would also identify examples of effective cultural competence practice and their relevance to other agencies. Examples include the DCS Correctional Officer Training Course core unit, Developing Cultural Competence, which has supported the DCS value statement: 'Services will be delivered with cultural competence' since 2011. DECD conducts several programs in support of culturally inclusive teaching and support for culturally diverse students and parents.

A survey would also assess the nature and extent of intercultural challenges and critical incidents. While Australian multiculturalism is rightly seen as a successful model, there are known cases in which lack of culturally competent practice or lack of individual cultural intelligence have contributed to incidents including accidents, legal disputes, ongoing mutual misunderstandings, loss of talent, interpersonal conflict, damaged reputations of services and ongoing tensions within workforces or between communities.

National and local statistics confirm the extent of the damage of cultural incompetence or lack of cultural intelligence in agencies and the general public. The latest Scanlon Report into Social Cohesion reports that over 20% of respondents from non-Anglo backgrounds experience discrimination or racism. Of the complaints received by the SA Equal Opportunity Commission,



approximately 9% concern matters of racial or cultural discrimination. The recent Interfaith Childhoods project of six cities in the UK and Australia found that Muslims in Adelaide were the most likely to experience such discrimination. An Australian researcher commented that Adelaide does not have ‘the kind of cosmopolitan consciousness that requires understanding social difference.’ Surveys by the Diversity Council of Australia and other statistics on the cultural diversity of senior positions confirm the existence of the “cultural glass ceiling” across all sectors.

However, despite anecdotal and empirical research evidence that cultural intelligence training results in statistically significant improvements in customer service, workplace relations, community relations and policy compliance, very few organisations, public or private, actively and consistently support such training over timeframes that would embed an intercultural mindset within an organisational culture. Training participant evaluation ratings average 85%, with over 60% wanting further training. Around 90% would recommend their training to colleagues, especially their managers. However only 3% of cultural competence training participants are managers, and the more senior the manager surveyed, the less importance they placed on cultural competence.

When senior executives and board members are asked why, given this evidence and the strong endorsement by the workforce, more importance is not given to cultural competence training, even from a risk management perspective, a typical response is; “It’s just not on our radar.” Neither are the metaphorical torpedoes of cultural incompetence. Due diligence alone should alert leaders to the possibility of critical incidents of cultural incompetence coming from “below the radar”.

From limited discussions preceding this submission, it appears that senior SA Government political and public service leaders are seriously beginning to address cultural diversity management issues, including the current and timely review of multicultural policy. An integrated and sustained, whole of government cultural competence development program should be a major component of any action plan arising from a revised multicultural policy.

### **3. Formulate a Cultural Competence Business Case and Strategy**

At the systemic and organisational levels, cultural competence needs to be positioned within the broader contexts of equity, social capital, bridging capital and social cohesion and as a core element of organisational excellence. Culturally competent public service programs delivered by culturally intelligent people are not only more effective but are also able to model inclusive and equitable practice and counter the xenophobic and tribalistic trends identified in demographic research.

In the professions and at individual employee levels, cultural competence needs to be positioned as an essential component of assessing and accommodating the influences of client and workforce cultural diversity.

A compelling business case for cultural competence strategies needs to be achieved by considering the financial and reputational costs of errors, accidents, complaints and loss of talent due to intercultural misunderstandings, conflicts or conscious or unconscious cultural incompetence. More importantly, the business case must be based on the proven benefits of adopting a strategy that balances social justice and economic aspects. These benefits include improved quality of service to a culturally diverse community, enhanced achievement of service objectives, improved workplace relationships and productivity, increased attraction and retention of staff and enhanced community harmony and social cohesion.

Adopting strategic, whole-of-system, whole-of-government approaches to cultural competence development and cross-cultural training will deliver numerous benefits including more effective curriculum delivery, better resource and professional development, increased quality of training provision, reduced duplication of effort by agencies and reduced training and development costs.

The *Managing Cultural Diversity Manual*, Commonwealth of Australia & Australian Multicultural Foundation, 2010, describes an integrated framework for managing all aspects of cultural diversity within organisations. It includes Compliance Factors, Organisational Development Factors and Market Factors and provides templates and resources for designing training programs.

#### **4. Provide Resources and Training Support**

While there are a number of intra-departmental programs that support cultural competence they tend not to be well-connected within the department and rarely with similar efforts in other departments. They may be vertically connected to multicultural policy requirements but not horizontally between departments so that resources and learning can be shared and synergised. A coordinated training and resources strategy would enhance performance, reduce costs and duplication of effort and foster a sustained cultural competence mindset and ethos across the whole public service.

##### **Resources**

There are numerous training and advisory resources covering a wide range of topics related to developing cultural competence, managing culturally diverse workforces and providing specific services to multicultural target audiences.

The difficulty for organisations and individuals is that there is no consolidated and qualified catalogue of the plethora of resources. A study of diversity and inclusion resources found that despite their quality, they were poorly advertised and after being launched they were insufficiently promoted, supported or evaluated. The report was tellingly called “Dusting Off the Shelves”. Potential users of these resources are either unaware of their existence or unsure how to use them without training in design and delivery for specific audiences.

Duplication of effort is common over time and across states and territories.

A curated and updatable physical and on-line library or resource centre of cultural competence related resources that is promoted across government would be of great value. The office responsible for the resource bank would be able to advise users of the range and application of resources pertinent to their needs and identify areas for the development of further resources.

The resource bank would need to be based on an intersectional approach to service delivery, considering all the relevant dimensions of diversity pertinent to client and agency needs, including health care, Aboriginal services, gender, age, disability and so on.

The resource and support office would also be able to advise on the use of online cultural competence training products, such as the SBS Cultural Competence Program which has been licenced to several departments and the Centre for Ethnicity and Health’s new program, all of which have an important part to play in developing cultural intelligence.

## Training

Resources are only as good as their delivery methodologies. As stated above, resources tend to be shelved if not adequately supported. Without help in using and contextualising them, staff often struggle to create effective interventions.

E-learning has become a common approach to reducing training costs in many fields. However, given the known limitations of e-learning in terms of completion rates, depth of learning and application to actual situations, intercultural e-learning resources are best used in a blended learning approach in which completion of modules is followed by facilitated interactive training workshops and seminars. While e-learning can provide the necessary information, real change in cultural self-awareness and the development of intercultural skills requires structured interaction with peers and colleagues.

Research shows that the great majority of intercultural training participants have only received one or two sessions in their entire careers, averaging 6 contact hours. Because developing individual cultural intelligence is a life-long learning process that is not limited to training programs, building cultural intelligence in support of culturally competent systems requires a structured, long term effort. A combination of information-based e-learning and interactive workshops with related longer term projects as part of individual learning plans and career development is essential to embedding cultural competence in organisational cultures.

A resource and advisory office which actively promoted its services and products to all government and community agencies is strongly recommended. Such an office could also provide a coordinating function for professional development training and networking for trainers and advisors.

## 5. Increase Capability and Capacity

If a new multicultural policy action plan includes a whole of government requirement for cultural competence-related training and development, departments will need to increase their internal capabilities and capacity. This will necessitate efforts to build training and support capability and capacity into departmental core business functions, supported by designated funding and related performance indicators. As discussed above, interdepartmental and intersectoral collaboration, centrally supported by a dedicated agency, would be a key success factor.

In the research studies referred to above, most management respondents identified difficulty in finding qualified intercultural training providers and determining their qualifications and areas of expertise. As detailed in *Cultural Competence: A guide* (FECCA 2019) there are no standards for cultural competence trainers. The pros and cons of establishing such standards have been contended among trainers and academics for decades

In South Australia, a qualified register of such trainers which identified their capabilities was previously managed by Multicultural SA. The latest enquiry listed only six suppliers. The newly updated SA Government Professional Services Panel lists 26 suppliers that have self-identified themselves as being capable of providing services under the 'Cultural awareness training' category' though it is not known what their areas of expertise are. Historically, many providers specialise in culture-specific, industry-specific or approach-specific training, with varying methodologies. A cultural competence support function would be able to help agencies to identify which suppliers would best suit their needs.

Departments need to address the well documented problems of resourcing and scheduling interactive staff training. As noted above, a reliance on e-learning is a poor substitute for interactive training and ongoing professional and career development.

To address the shortage of skilled intercultural training facilitators and reduce the costs of engaging external suppliers, departments need to develop in-house trainers and task-specific resources. A preferred approach to increasing intercultural training capability and capacity would be to establish a formal, accredited train-the-trainer course that included regular post-course seminars, networking events and conferences. One option would be a Professional Certificate provided by a university. The University of Adelaide Continuing and Professional Education program currently provides public cultural competence training workshops which could be a pre-requisite for such a certificate.

Continuing support for facilitator professional development could be provided through a sponsored special interest group or professional association such as a local branch of the Australian chapter of the international Society for Intercultural Education, Training and Research (SIETAR).

## **6. Establish A Cultural Competence Leadership and Accountability Process**

Experience over the past four decades shows that effective multicultural policy implementation is reliant on strong leadership, bi-partisan political support and designated and sustained funding.

Unfortunately this combination is rare, largely because of the difficulty of embedding a philosophy of inclusion and interculturalism into the thinking of those in power whose performance is not practically measured in terms of social cohesion. Although Australia is a largely successful multicultural society, our social cohesion is increasingly threatened by divisive trends. Given the social cohesion research evidence and frequent examples of culturally-based discrimination, the issue of ensuring systemic cultural competence must now be “on the radar”.

As Vietnamese Australian author Nam Le has written; “A state is a priori an exclusionary mechanism. It ransoms the human need for belonging against the human wont to tribalism and xenophobia.” This universal situation and tendency, exacerbated by a lack of cultural intelligence, results in forms of systemic, organisational and individual discrimination.

If 20% or more of the South Australian populace experience cultural, religious or racial discrimination on a regular basis, and if 9% of equal opportunity commission complaints refer to racial or cultural discrimination, it is safe to assume that a significant percentage of the public, including public servants, hold negative views of minorities, and cultural minorities in particular, with all of their intersecting diversity dimensions. Ensuring that systems are culturally competent and that the people who operate them are culturally intelligent is a powerful antidote to exclusion and a force for social inclusion and cohesion. One might well ask, is it possible to be a culturally intelligent racist or xenophobe?

In addition to establishing reporting requirements on actions to ensure services are delivered with cultural competence by trained and supported staff, it is strongly recommended that ministerial advisors, executives and senior managers be provided with appropriate training, coaching and advisory services to develop the cultural intelligence dimension of their own emotional intelligence and their practical understanding of the requirements and processes of ensuring culturally competent public services. This may be developed within current leadership and company directors courses and programs.



Over 50 years ago, Martin Luther King wrote: *"People don't get along because they fear each other. They fear each other because they do not know each other. They do not know each other because they have not properly communicated with each other."* This is as true today as it was then.

Enabling people in our multicultural society to properly communicate with each other is essential to achieving social inclusion, cohesion and harmony. As public servants are in many ways the 'public face' of Australia, they have an important role to play in modelling and encouraging culturally intelligent behaviour and providing services with cultural competence.

Robert Bean

30 May 2019

## **Submission to the Joint Standing Committee On Migration Inquiry into Multiculturalism in Australia**

### **A Systemic Approach to Cultural Competence Development**

Robert Bean, Managing Director  
Cultural Diversity Services Pty Ltd  
(also trading as Robert Bean Consulting)  
South Australia  
6 April 2011

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Appendix 1: Excerpts from the report *The Effectiveness of Cross-Cultural Training in the Australian Context* (Australian Government, 2006)

Appendix 2: Excerpts from the report *Cross-Cultural Training and Workplace Performance* (Australian Government, 2008)

#### **1. Submission**

*"People don't get along because they fear each other. They fear each other because they do not know each other. They do not know each other because they have not properly communicated with each other."* Martin Luther King

Effective cross-cultural communication and mutual cultural understanding are essential elements in the development and maintenance of social inclusion and cohesion in Australia's multicultural society. But while the effectiveness and value of cross-cultural training itself has been proven in at least two major national studies\*, and corroborated by international studies, the research identifies significant limitations to the availability of this training to people in government and non-government agencies whose services support immigrant settlement, social inclusion, productivity and workforce participation.

This research and subsequent cross-cultural training program evaluations unequivocally demonstrate the effectiveness of cross-cultural communication training in enabling individuals and organisations to develop their cultural competence, defined simply as the knowledge, awareness, skills and practices necessary to function effectively in situations characterised by cultural diversity. Cross-cultural training (CCT) is highly rated by participants, nine in ten of whom believe CCT should be mandatory in their organisation for all employees in customer or client contact. Nearly eight in ten believe it should be

mandatory for every staff member, particularly managers. Similar numbers report improvements in customer and workplace relationships. More than six in ten would like further CCT. In view of the fact that the average duration of CCT programs is six hours, these are noteworthy results.

In parallel developments, Commonwealth and state agencies have recently commissioned the production of training resources aimed at enabling agencies and businesses to develop and conduct their own CCT programs. However, most recipients of these resources have identified a need for assistance in developing or sourcing the expertise required to deliver the programs.

The research and subsequent consultations have identified several critical issues for all organisations wishing to develop their professional and individual cultural competence. A starting point is to ensure that the terminology of cultural competence and its strategic implications are understood at the highest levels of Commonwealth, State and Territory governments. Currently, it does not appear that many elected members or senior executives have this understanding. Without leadership cognisance of this aspect of social capital, it is doubtful that any development strategies will be sustainable.

The conclusions of the research are that there are areas for improvement in policy and planning, industry engagement, curriculum and program development, capacity- and capability-building and professional development.

At the systemic and organisational levels, cultural competence needs to be positioned within the broader contexts of social capital and social cohesion and as a core leadership and management competency as a contributor to organisational excellence.

At the professional and individual employee levels, cultural competence needs to be positioned as an essential component of assessing and accommodating the influences of workforce and client/customer cultural diversity.

The acceptance and adoption of cultural competence strategies needs to be achieved, not by warning of the negative consequences of conscious or unconscious cultural incompetence, but by establishing a compelling operational or 'business case' based on the proven benefits. These benefits include improved quality of service to a culturally diverse community, enhanced achievement of service objectives, improved workplace relationships, increased attraction and retention of staff and enhanced community harmony and social cohesion.

Adopting strategic, whole-of-system, whole-of-government approaches to cultural competence development and cross-cultural training will deliver numerous benefits including more effective curriculum, resource and professional development, increased quality of training provision, reduced duplication of effort by agencies and reduced training and development costs.

Demand for CCT is increasing across public and community sector organisations but there is currently insufficient capacity to deliver CCT on the scale required. The average age of CCT professionals in 2006 was 48 years. A significant percentage of experienced facilitators is approaching retirement. Many professionals in related fields are interested in becoming CCT facilitators but require training and support to build their capability to provide services in this complex training area.

While all of these points are relevant to private sector organisations, particularly those with corporate social responsibility strategies, they are most pertinent to government, community and not-for-profit organisations.

In conclusion, consideration for cultural competence development, which includes cross-cultural training, must be factored into every item of this inquiry's terms of reference.

\* *The Effectiveness of Cross-Cultural Training in the Australian Context*, Robert Bean et al, Department of Immigration and Citizenship for the Joint Commonwealth State and Territory Research Advisory Committee, Australian Government, 2006

\* *Cross-Cultural Training and Workplace Performance*, Robert Bean, National Centre for Vocational Education Research for the Department of Education, Employment and Workplace Relations, Australian Government, 2008

## Recommendations

In order to support the effective, efficient and sustainable development of the levels of cultural competence needed by systems and agencies to maximise the positive effects of migration, several detailed recommendations were put forward by respondents to the two national research studies mentioned above. These detailed recommendations appear in Appendices 1 and 2, which also provide report excerpts that are pertinent to this submission. Some of these recommendations have been acted on, including moves toward state government cultural competence policy and the development of freely available training resources.

The following general recommendations summarise and synthesize the detailed recommendations listed in the research reports.

It is recommended that governments, community and not-for-profit agencies;

1. Establish clear policy and operational cases for developing organisational and professional cultural competence.
2. Conduct state and territory reviews of current cultural competence development practice and activity.
3. Conduct systemic and organisational training and development needs analyses.
4. Develop whole-of-government cultural competence policies, strategies, benchmarks and practical operational guidelines.
5. Mandate cross-cultural training for all managers, staff and volunteers responsible for client and customer services and community relations.
6. Promote the availability and benefits of cross-cultural training to all staff and stakeholder organisations.



7. Develop and provide professional development programs and training resources for existing and new cross-cultural training facilitators.
8. Make cross-cultural training programs available and accessible to communities, non-government organisations and small to medium enterprises free of charge or on a cost-recovery basis.
9. Provide incentives, including tax incentives, for small to medium enterprises to conduct or attend public cross-cultural training programs.

6 April 2011

Robert Bean  
Managing Director  
Cultural Diversity Services Pty Ltd

[REDACTED]

Ph [REDACTED] and [REDACTED]

Email: [REDACTED]

Website: [REDACTED]

### 3. Appendices

Sections of the following excerpts have been underlined where they are deemed particularly pertinent to the inquiry's terms of reference.

Appendix 1: Excerpts from the report *The Effectiveness of Cross-Cultural Training in the Australian Context* (Australian Government, 2006)

Appendix 2: Excerpts from the report *Cross-Cultural Training and Workplace Performance* (Australian Government, 2008)

## **Appendix 1: Excerpts from the report The Effectiveness of Cross-Cultural Training in the Australian Context (Australian Government, 2006)**

### **The Effectiveness of Cross-Cultural Training in the Australian Context**

This report was prepared for the Department of Immigration and Multicultural Affairs on behalf of the Joint Commonwealth, State and Territory Research Advisory Committee

Project Manager and Principal Researcher

Robert Bean, Managing Director, Cultural Diversity Services Pty Ltd

© Commonwealth of Australia 2006

### **Executive Summary** (Excerpts)

A 15-month national research study of the effectiveness of cross-cultural training (CCT) in the Australian public and community sectors has produced statistically significant evidence that CCT is of direct benefit to employees, their organisations and their clients. The study, which involved a review of the literature, consultations with 195 stakeholders and five surveys involving 718 managers, trainers and participants, has also identified policy, planning and performance issues regarding the future provision of CCT.

### **Key Findings**

- Cross-Cultural Training (CCT) is an important element in the development of individual and organisational cultural competence, which underpins the social cohesion and social capital of Australian society.
- A survey of public sector current practice over the period 2000-2005 produced consistent qualitative evidence that CCT programs were effective in achieving their objectives, although the level of training activity was low compared to estimated levels of demand and recommendations for increased training.
- The majority of public sector and community organisations surveyed expected increased or greatly increased demand for CCT over the next five years, with improving customer service the main driver for this demand.
- Comparisons of pre-training, immediate post training and longitudinal training evaluation surveys involving 515 public sector employees showed statistically significant improvements in their awareness of cultural influences on customer and workplace interactions, knowledge and understanding of other cultures and understanding of organisational cultural diversity policies and issues.
- Due to the brevity of the 39 CCT programs evaluated (averaging six hours) and the general absence of organisational measurements of cultural competence, the training did not result in gains in other areas such as understanding the deeper effects of one's own culture on oneself and in confidence to transfer cross cultural skills to the workplace and to colleagues.
- Over 60% of participants would like more cross-cultural training, indicating their acknowledgement that the development of cultural competence is a complex and on-going learning process.

- CCT training was rated highly by the great majority of participants, 88% recommending that it be compulsory for all staff in customer contact positions.
- The demonstrated fact that even short training programs result in benefits and stimulate interest in further learning indicates that investments in more robust and job-focused CCT will be likely to deliver greater measurable returns for organisations.
- Although the majority of managers surveyed recognised the importance of cultural competence to service quality and workforce relations, few organisations conducted CCT programs on a regular basis or included cultural competence in performance appraisals.
- The future development of cultural competence at all levels of organisations and systems will require its inclusion in formal competency standards and organisational development strategies.
- Cross-cultural trainers identified needs for professional development, for further research and for the development of Australian training resources.

## Conclusions

The effectiveness of cross-cultural training in contributing to the cultural competence of the Australian public sector context depends on a number of related elements.

At the systemic and organisational levels, cultural competence must be closely linked to policy requirements and organisational values and service delivery objectives and expressed in high levels of political, leadership and managerial support for CCT.

At the professional level, cultural competence must be integrated into the standards and competency and performance frameworks of professions and occupations.

At the individual level, CCT is most effective when it addresses the concerns and motivations of participants and is provided within an organisational context that provides opportunities and incentives for applying acquired cross-cultural knowledge and skills to the workplace.

To effectively facilitate the development of cultural competence, cross-cultural trainers need support in the areas of professional and resource development.

Cross-cultural training is an effective strategy in the achievement of organisational performance targets and multicultural policy objectives. Addressing the identified limitations of current practice in CCT will increase its contribution to the development and enhancement of organisational and individual cultural competence.

## Recommendations

### Recommendation 1: Develop Cultural Competence Management Frameworks, Guidelines and Resources

Commonwealth, state and local governments should develop and promote planning frameworks, implementation guidelines and supporting management training resources. This will enable systems and organisations to incorporate cross-cultural training into organisational development, compliance and market relations strategies, specifying relevant aspects of professional and organisational cultural competency to be included in reporting requirements as an integral part of performance appraisal of agency heads and senior executives.

**Recommendation 2: Develop a Cultural Competence Assessment Framework**

Commonwealth, state and local governments and community service organisations should develop frameworks identifying the criteria for assessing the cultural competence requirements of job specifications at all levels for use in recruitment, professional development, performance appraisal and career development.

**Recommendation 3: Promote Training Programs and Resources for Managing Cultural Diversity and Cross-Cultural Communication**

Commonwealth, state and local governments, education institutions and community service organisations should more widely promote their existing cultural competence training programs and resources to encourage and assist other public and community sector organisations to assess and further develop their cultural competence.

**Recommendation 4: Provide Cross-Cultural Training Advice and Support**

All levels of government, and multicultural agencies in particular, should establish and promote points of contact to provide information and advice on cross-cultural training to all interested organisations, to promote best practice and to encourage and support the development of cultural competence in the workforce.

**Recommendation 5: Develop Registers of Cross-Cultural Training Providers**

The appropriate agencies at all levels of government should develop nationally-consistent registers or panels of qualified cross-cultural training providers which are accessible to all levels of government and the private sector and which include links to registers in other jurisdictions. The design of the registers should be based on existing training and consulting procurement processes and be informed by work being done in South Australia and Queensland regarding providers of cross-cultural training.

**Recommendation 6: Establish a National Cross-Cultural Trainers Professional Association**

Australian cross-cultural trainers should establish a national association of practitioners in cross-cultural training, consulting, research and development, either as a separate entity or within or in affiliation with existing national and/or international professional bodies.

**Recommendation 7: Support the Professional Development of Cross-Cultural Trainers**

Relevant commonwealth and state education authorities should work with the cross-cultural training field to investigate the possibility of establishing professional development pathways and programs for cross-cultural trainers, including formal tertiary qualifications and continuing professional education, to meet the needs of existing trainers and to attract and develop new trainers to the field.

**Recommendation 8: Conduct Further Cultural Competence Research**

All jurisdictions should identify and commission further research into relevant aspects of cultural competence development including:

- the overall scope and effectiveness of CCT within the jurisdiction

- the relative effectiveness of different CCT training types, approaches and configurations in contributing to improved cultural competence in job performance in specific sectors industries and professions
- the degree to which occupational or industry systems and practices impede or foster the development and application of cultural competence in the workplace, and
- the extent to which cultural competence learning is integrated into learning pathways in the schools, VET and higher education sectors and applicable to employment and career development.

## **Appendix 2: Excerpts from the report Cross-Cultural Training and Workplace Performance (Australian Government, 2008)**

### ***Cross-cultural training and workplace performance***

Robert Bean, Robert Bean Consulting

National Centre for Vocational Education Research Ltd

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Department of Education, Employment and Workplace Relations

### **Excerpts from the Report**

- In multicultural societies in particular, social capital is underpinned by cultural competence, broadly defined as the ability to work effectively in situations characterised by cultural diversity. A review of the Australian and international literature for this study highlighted a broad recognition of the importance of cross-cultural training in the development of cultural competence and social capital.
- A recent national study of cross-cultural training in the Australian public sector completed by the author found the training to be effective in improving workplace performance and in contributing to multicultural policy objectives (Standing Committee on Immigration and Multicultural Affairs 2006). In that study, as in this, the majority of employers surveyed predicted increased demand for cultural competence and cross-cultural training over the next five years in response to the expanding cultural diversity of employees and customers. Increasing globalisation of business practices was also predicted to affect demand for cultural competence and cross-cultural training.
- This study by Robert Bean investigated the contribution to workplace performance of cross-cultural training, a term used to describe training that develops a person's ability to interact effectively with individuals from different cultures and in different cultural settings. The study is based on a survey of 134 vocational education and training (VET) graduates. The practices and views of 38 training providers and 31 employers on the current and future provision of cross-cultural training are also described.

- The report highlights the positive experiences of VET graduates with cross-cultural training, as well as employers' support for it. It lists the challenges for cross-cultural training as perceived by trainers, a specific challenge being to ensure that there is sufficient and appropriate cross-cultural training embedded in training packages, particularly those covering sales and service industries, industries with high customer contact.
- The findings of this study provide further evidence of the importance of cultural competence for individual and organisational effectiveness and for the creation and maintenance of social capital in Australia's multicultural society. The findings also demonstrate the effectiveness of cross-cultural training and its important role in developing cultural competence. The Australian VET sector, in consultation with industry, has a significant role to play in the further development and sustainability of the nation's social capital.

## Recommendations

The findings of this study show that the provision of cross-cultural training in the VET system is diverse, covers a wide range of qualifications and industries, and is well regarded by students and appreciated by employers. The research also indicates a potentially large increase in demand from a range of industries for VET graduates who are culturally competent, with implications for capacity and capability in the provision of cross-cultural training. VET teachers of cross-cultural training have also expressed the need for professional development and the capacity to develop resources and address important social issues.

The findings of this study point to areas for improvement in policy and planning, industry engagement, curriculum and program development, capacity- and capability-building and professional development.

The following broad recommendations are made with acknowledgement that VET organisations and systems and their client industries are at various stages in the delivery of cross-cultural training and in the development of cultural competence and that the policies and strategies to guide and legitimise the implementation of the recommendations are already in place.

### VET policy, planning and program quality assurance

- ✧ Organisations responsible for VET policy development and implementation should review the extent of cross-cultural training provision through the VET sector, in terms of its contribution to meeting the relevant objectives of the current national strategy for VET.
- ✧ Individual VET organisations should formally review their current practices for providing cross-cultural training, in terms of the student and industry needs identified in this study.
- ✧ Individual VET organisations should ensure that their equity and diversity policies and strategies include assessments of the levels of cultural competence required by managers and staff who are required to comply with and implement these policies and strategies.
- ✧ Where the need has been identified, VET managers and staff should receive professional development in cultural competence, including cross-cultural training relevant to their roles and responsibilities.
- ✧ VET organisations should establish benchmarks for the quality of their cross-cultural training programs based on the criteria used in this study.
- ✧ Longitudinal evaluations of the contribution of cross-cultural training to VET graduates' workplace performance should be encouraged.

### Industry engagement in cross-cultural training program planning

- ✧ VET organisations should consult with their client industries and enterprises to assess their requirements for the cultural competence of VET graduates in order to determine whether adjustments are needed in current programs or if new programs are required.
- ✧ Industry skills councils should be engaged in reviewing industry needs for cultural competence and cross-cultural training in order to advise future VET policy and planning.
- ✧ VET organisations, state and territory training authorities and industry skills councils should develop and promote information and advice for employers on cross-cultural training options and the business case for cultural competence.

## **Cross-cultural training curriculum and program design**

- ✧ The need for cultural competence should be considered in all planning processes related to curriculum and program development, teaching and learning, and student services.
- ✧ Cross-cultural training program design should address the recommendations of participants regarding the interactivity, duration, relevance, and modes and styles of teaching.
- ✧ Curricula should recognise that the development of cultural competence is a lifelong process and include descriptions of learning pathways appropriate to VET qualification levels.

## **Capacity- and capability-building**

- ✧ Where industry consultations confirm increased demand for culturally competent VET graduates, VET organisations should plan to increase their capacity to provide cross-cultural training at appropriate levels and to ensure that teaching staff are capable of conducting cross-cultural training.
- ✧ Registers of qualified and experienced cross-cultural training facilitators should be established and promoted by state and territory VET authorities.

## **Professional development and resources**

- ✧ Introductory train-the-trainer programs should be developed and promoted to VET teachers and students interested in becoming cross-cultural training facilitators.
- ✧ Professional development programs addressing the areas identified in this study should be developed and provided for existing cross-cultural training facilitators.
- ✧ A national database or clearing house of existing professional development opportunities and training resources should be established and maintained by an appropriate government department or research organisation.
- ✧ Training resources reflecting the Australian context should be developed in the areas identified in the study.





**Government of South Australia**

Office of the Commissioner for  
Equal Opportunity

30 May 2019

Multicultural Affairs,  
Department of the Premier and Cabinet  
multiculturalreview@sa.gov.au

Level 17  
45 Pirie Street  
Adelaide SA 5000

GPO Box 464  
Adelaide SA 5001

Tel 08 8207 1977  
Fax 08 8207 2090  
TTY 08 8207 1911  
Country Callers 1800 188 163

eoc@agd.sa.gov.au  
www.eoc.sa.gov.au

To whom it may concern,

**Submission: Multicultural Legislative Review**

I thank you for the opportunity to submit a response to the Multicultural Legislative Review of the *South Australian Multicultural and Ethnic Affairs Commission Act 1980* (the Act) currently being undertaken.

As South Australia's Commissioner for Equal Opportunity, I administer the *South Australian Equal Opportunity Act 1984* (the EO Act). The EO Act prohibits discrimination on a number of grounds, including race, in a range of public areas including in employment, education, accommodation and the provision of goods and services. My key responsibilities are to examine and respond to complaints of discrimination, promote equality of opportunity, and foster informed and unprejudiced community attitudes, with a view to eliminating discrimination on the grounds to which the Act applies. The Equal Opportunity Commission (EOC) has driven the promotion and implementation of the National Anti-Racism Strategy and its associated 'Racism. It Stops with Me' campaign in South Australia since the beginning of the Strategy. This has included convening the Stop Racism Taskforce, a roundtable group of 24 South Australian peak bodies, government agencies, academics and social justice advocates. Members of the Taskforce come together to identify and promote good practice initiatives to prevent and reduce racism in workplaces and the broader community.

My response will address the four terms of reference as raised in the Discussion Paper.

**1. Explore options for expanding the scope and purpose of the legislation to enshrine multicultural policy directions**

I support amending the Act to include the eight multicultural principles as listed in the Discussion Paper. However, the first principle "diversity is an asset and a valuable resource benefiting the state" could be better written to focus less on the economic benefit of multiculturalism, to be more in line with Queensland and Victoria's principles on diversity, such as "All South Australians come from diverse backgrounds and South Australia values the richness that such diversity brings to the community and encourages the full participation of people from diverse backgrounds in the cultural, economic, political and social life of South Australia to help build a prosperous state".

I also support amending the Act to include the requirement for the state Government to develop a state framework and/or action plan that lists actions and targets that government departments must take to achieve multicultural policy outcomes, plus what actions they are taking to ensure their services are accessible to people with diverse languages. A plan should

include key performance indicator's that department Chief Executive's should have to meet and report on at the end of each financial year to the minister or South Australian Parliament.

## **2. Review the functions and powers of the Commission and ensure its title reflects this**

The Act should be updated to clearly define the responsibilities and activities of the South Australian Multicultural and Ethnic Affairs Commission (SAMEAC). I support the inclusion of the three functions into legislation as listed in the Discussion Paper, as well as suggest that the Commission be given authority to work at the executive level with state government and peak bodies to collaborate and coordinate on policy and program initiatives to help drive and achieve the goals of a state action plan and to help identify the needs of diverse communities that these peak agencies represent.

## **3. Review the appointment process of Commission members**

The Act should be updated to ensure that there is at least one member of SAMEAC that is a youth representative (as in Victorian legislation) and include members that are from different parts of South Australia to represent the views of regional/rural communities.

## **4. Contemporise language in the Act**

I welcome the review's aim of contemporising the language of the Act, including the use of the term 'intercultural' as opposed to 'multicultural' to lead the way for state policy that encourages communities to develop relationships that have a deep understanding and respect for all other cultures, through the mutual exchange of ideas and cultural norms to enable communities to learn and grow together.

If you would like any further information regarding this submission, please do not hesitate to contact [REDACTED] on [REDACTED] or at [REDACTED]

[REDACTED]  
**Dr Niki Vincent PhD**  
**Commissioner for Equal Opportunity**

# MULTICULTURAL LEGISLATIVE REVIEW 2019

Submission by Renee Romeo-Singh



## Introduction

This submission has been developed according to my work for more than a decade with new and emerging communities, predominately refugee communities as well as my work in the last 3 years focused on cultural diversity and inclusion work within South Australia. My most recent work has been focused on social cohesion within an intercultural framework as part of a project funded by the Department of Social Services. My work also includes the delivery of training to communities and workplaces focused on cultural diversity and inclusion strategies. Increasingly, I have found new and emerging communities and Aboriginal communities to know very little about each other. At times, new and emerging communities have participated in reinforcing and believing in racial stereotypes about Aboriginal people that we in society, attempt to dismantle. Increasingly, I have also found that many young people from refugee experience, who have their own agency and determination, want to have platform to voice their experiences of navigating and defining their identity within 'multicultural' Australia, especially in the last few years where hate speech has hijacked national and international discourse on refugees, putting into question cultural diversity.

## Background

This submission has been prepared as '*the South Australian Multicultural and Ethnic Affairs Commission Act 1980*' is the only piece of South Australian legislation specific to multicultural affairs' and more importantly, because the Act has not undergone major review in 30 years.

## Scope of the Submission

The review will:

1. Explore options for expanding the scope and purpose of the legislation to enshrine multicultural policy directions
2. Review the functions and powers of the Commission and ensure its title reflects this
3. Review the appointment process of Commission members
4. Contemporise language used in the Act.

## Defining Multiculturalism and Interculturalism

### Multiculturalism

According to UNESCO (1996), three interrelated, but nevertheless distinctive, referents of multiculturalism and its related adjective multicultural which can be distinguished in public debate and discussion are:

- The **demographic-descriptive** usage occurs where 'multicultural' is used to refer to the existence of ethnically or racially diverse segments in the population of a society or State. It represents a perception that such differences have some social significance-primarily because of perceived cultural differences though these are frequently associated with forms of structural differentiation. The precise ethnic groupings which exist in a State, the significance of ethnicity for social participation in societal institutions and the processes through which ethnic differentiation is constructed and maintained may vary considerably between individual States, and over time.
- In the **programmatic-political** usage 'multiculturalism' refers to specific types of programs and policy initiatives designed to respond to and manage ethnic diversity. It was in this usage that

'multiculturalism' first gained currency after it was recommended in the 1965 Report of the Royal Commission on Bilingualism and Biculturalism. This Report recommended that multiculturalism replace the bicultural policy based on the British and French Charter groups around whom policies for ethnic diversity in Canadian society had been organised for over a century. Since then, its usage has extended rapidly to encompass the demographic-descriptive' and the 'ideological-normative' usage.

- The **ideological-normative** usage of multiculturalism is that which generates the greatest level of debate since it constitutes a slogan and model for political action based on sociological theorising and ethical-philosophical consideration about the place of those with culturally distinct identities in contemporary society. Multiculturalism emphasises that acknowledging the existence of ethnic diversity and ensuring the rights of individuals to retain their culture should go hand in hand with enjoying full access to, participation in, and adherence to, constitutional principles and commonly shared values prevailing in the society. By acknowledging the rights of individuals and groups and ensuring their equitable access to society, advocates of multiculturalism also maintain that such a policy benefits both individuals and the larger society by reducing pressures for social conflict based on disadvantage and inequality. They also argue that multiculturalism is an enrichment for the society as a whole. The close parallels between this ideological-normative usage of multiculturalism and the United Nations' views on cultural diversity are clear.

## Interculturalism

UNESCO (2006) documents, the dynamic and procedural aspects of diversity are described as aspects of interculturalism, as are notions of equity, dialogue and exchange. A such, interculturalism is understood as going beyond the unchanging characteristics ascribed to multiculturalism and to the creation of understanding of respect for and dialogue between different cultural groups (Mansouri & Arber 2017, pp.31-32).

When we look at multiculturalism and interculturalism, we are recognising the need for expression of cultural identity, cultural heritage and full rights in society. However, this submission asks for critical reflection on how these terms must evolve with relevancy to our society. The discussion paper does not highlight Aboriginal peoples and communities. The foreword (p.3) has excluded the history of Australia prior to migration. The foreword commences with the following statement, '*We have built our state upon successful waves of immigration, dating back to the very first settlers.*'. This statement renders Aboriginal people invisible. This submission is concerned that the discussion paper (and legislation) does not feature the first nation cultures of this land, but rather is exclusive to the cultures and rights of migrants. Aboriginal peoples and minority multicultural and/or faith-based communities are seeking to understand each other and learn about each other. Attempts must be made to foster this greater sense of inclusion.

This submission also notes that in the foreword there is mention of the term *interculturalism*. A foundation for an intercultural society cannot be laid solely through multicultural policies, but policies and programs that recognise Aboriginal peoples and land. If interculturalism is limited to building a strengthened multicultural society, again we are rendering Aboriginal communities invisible. Acknowledging that Aboriginal peoples are also diverse, there are many Aboriginal peoples that share a multicultural/ethnic identity as well. Interculturalism must commit to ongoing work that does not exclude Aboriginal peoples and communities. As part of the legislation review, it is recommended that the commission explores the term 'interculturalism' as there are many definitions, with strengths and limitations in each.

## Summary of Recommendations

Summary of Recommendations
<b>Recommendation 1</b>
Introduction of a <i>Cultural Diversity Framework</i> (and action plans) for South Australia that includes the cultural preservation, recognition and upholding of cultural rights for Aboriginal peoples and multicultural communities.
<b>Recommendation 2</b>
A review of definitions of multiculturalism and interculturalism that will be embedded in the legislation.
<b>Recommendation 3</b>
Intersectionality of multicultural identities must be embedded in the legislation's functions and principles.
<b>Recommendation 4</b>
Representation of a youth commissioner/s are established
<b>Recommendation 5</b>
Representation of an Aboriginal commissioner/s are established
<b>Recommendation 6</b>
A review of the appropriateness of SAMEAC's involvement in the Australia Day Parade and distribution/celebration of Multicultural Awards on Australia Day
<b>Recommendation 7</b>
A review of contemporary language used in the title to replace 'ethnic affairs'.
<b>Recommendation 8</b>
A change in language with less emphasis on the 'economic values and assets' of cultural diversity and more emphasis on the culturally responsive strategies to protect minority communities.

## Discussion on the Terms of Reference

### 1. Explore options for expanding the scope and purpose of the legislation to enshrine multicultural policy directions

According to the current research for the Interfaith Childhoods project with RMIT University's Professor Anne Hickey-Moody, Adelaide is one of the most intolerant cities and that *'Muslims experience acts of violence on an individual basis like no other religious adherents'* and in 2017, ASIO identified Adelaide as the 'centre of right wing extremism'.

This submission recommends an expansion on the scope and purpose of the legislation to consider religious diversity and expression. When considering the proposed principles, there are some critical questions. How do the principles benefit and protect minority communities? How do the principles uphold and protect people's right to belong in society? Expanding the scope of the principles in the legislation could include a focus on dismantling systems that discriminate, oppress and further marginalise ethnic minority communities.

The legislation's functions and principles should also incorporate an intersectional lens. A term coined by Kimberlé Crenshaw (1990), a black, legal feminist scholar, *intersectionality*, suggests that multiple layers of oppression such as gender, race and class create an intersection where these dimensions are not separate issues, but rather interconnected and complex. More recent studies explore the intersectional dimensions of age, faith, sexuality, disability and migration status.

What does this mean in terms of the Commission Act? If we are to apply an intersectional lens, we recognise that cultural diversity is also interconnected with faith, gender, class and other dimensions of society's social constructions. In using intersectionality, we highlight systems that act as multifaceted barriers for marginalised people. If we were to work towards building a culturally responsive government service, we would need to recognise multiple systems that function in a way that may marginalise someone by their culture, faith, disability, age, gender and sexuality.

The issues of racism and discrimination in our society have had significant and detrimental impact, particularly young African Australians and young Muslim Australians. A core component of the commission's work should be to focus on racism and discrimination. Unfortunately, in a recent task force meeting, the Equal Opportunity Commission had recently indicated a lack of funding and capacity to work on racism and that gender issues were most of the concern due to the high volume of complaints they received. It is paramount that the legislation includes functions where the commission communicate with other government departments, including education, health, youth and welfare.

A *Cultural Diversity Framework* would strengthen South Australia's commitment to the ever-changing and globalised society that has become. This framework would move beyond tokenised understandings of multiculturalism, that is of multicultural festivals that seek to bridge the gaps of intolerance through food, dance and traditional clothing. Multicultural festivals have the potential to become a more robust and contemporary display of using arts and culture as a medium to engage in diversity and intercultural dialogue, similarly to Victoria's festivals. A framework must explore the engagement of diversity within South Australia's multicultural communities and seek to address

barriers in society to participation and belonging, racism and discrimination. The framework must address how the commission will work on the issues of marginalisation.

The features of other jurisdictions could be implemented although, the needs and demographics of South Australia's cultural diversity should steer the implementation of work. Victoria's Multicultural Commission includes youth commissioners and welcomes Aboriginal and Torres Strait Islander peoples to apply.

A core principal should include that Aboriginal cultures will be respected, acknowledged, learned and preserved in our multicultural work. That lifelong education on Aboriginal cultures provided to established and new and emerging communities should be a responsibility of fostering greater inclusion in our society.

## 2. Review the functions and powers of the Commission and ensure its title reflects this

The term *ethnic communities* can often be interpreted as monolithic and static in group, without acknowledging the evolving changes and transformations of culture and cultural groups. Ethnic communities are diverse in culture and faith, and perhaps this can translate into a shorter more contemporary title for the commission. Section 4 could recognise the super diversity within diverse communities. This acknowledges that whilst we may belong or identify to an ethnic community, our super diversity also exists and that at times, whilst we might identify with an ethnic community or heritage, we may not actively participate in the official community organisations that exist. The findings in the statement below indicate that our understanding of the needs of multicultural communities must occur via multiple channels, and not only through official community leaders and groups.

Interestingly, lower numbers of multicultural young people feel like they belong to an ethnic community in Australia (60.4%). This suggests that a general sense of belonging to different cultural groups, and an attachment to one's cultural heritage, does not necessarily depend on participation in formalised cultural groups or ethnic community associations. Instead, the sample reflected a sense of cultural mobility, and the capacity for interaction between and across different cultural groups, rather than a strong attachment to any one culture. This refutes the assumption often made in debates about multiculturalism and social cohesion that young refugee and migrant people do not properly 'integrate'. Rather, as other research has suggested, it appears that multicultural young people are adept at moving flexibly through different cultural environments (Butcher and Thomas 2003; Harris 2012).

Ref: Multicultural Youth Australia Census Status Report 2017/18, p.11

In expanding on the functions of the legislation review, to create a strengthened culturally diverse society, there should be a review of the appropriateness of SAMEAC's involvement in the Australia Day Parade, given its painful history and insensitive commemorative date for Aboriginal peoples. Included in this review, the inappropriateness of multicultural awards given on Australia Day. An alternative date would be more respectful.



### 3. Review the appointment process of Commission members

The appointment of positions should be advertised to communities, with effort to promote widely within new and emerging communities and to smaller ethnic minority communities.

That the diversity of positions includes all dimensions that encompass race/culture, gender and faith. That there is fair balance between established community representation and new and emerging representation.

Young people's experiences are crucial to the development of a future society. Like the Victorian Multicultural Commission, a permanent vacancy should be created for young people over 18 years to 24 years of age and that if these vacancies are not filled, the positions remain vacant to be filled at any time.

As mentioned in this submission, multiculturalism should not render Aboriginal peoples invisible. A permanent vacancy should exist for Aboriginal representative/s to join, fostering greater intercultural relationships that connect established and new migrant communities to Aboriginal communities. Our key responsibility in multicultural communities is to continue sharing the truth of Australia and foster deeper relationships with Aboriginal peoples and their culture.

### 4. Contemporise Language in the Act

According to Multicultural Youth Australia Census Report 2017/18 (2018), 49% of young people experienced discrimination or unfair treatment in the last year. The discussion paper and the 'functions of the commission' within the Act does not indicate any discussion of concerns for racism and discrimination. If we are to work on establishing a strengthened multicultural society, we must also talk about racism and discrimination. During the review period, I did observe racism and xenophobic comments on the Multicultural Affairs SA sponsored advertisement for the legislative review on Facebook. I was disappointed that the comments were not removed immediately and more importantly, that there was no engagement with these comments by Multicultural Affairs SA. After I had expressed my concern to Multicultural Affairs, the comments were removed. I did feel there was a delay in this being actioned. This indicates an issue in that it wasn't foreseen that the social media post could possibly attract racist comments, something that should be at the forefront of any work we do and strategies to engage and call out racist behaviour.

The discussion paper has a focus on language such as 'assets, resources and economic value' that diversity attains. The Act's 'functions of the Commission' features the '*advancement of multiculturalism*' focused on '*economic development*'. Diversity of our communities must go beyond economic purposes and requires a greater emphasis on cultural safety, social cohesion and a right to belong.

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31 May 2019

Dear Secretary,

We are writing regarding the review of *the South Australian Multicultural and Ethnic Affairs Commission Act 1980* being undertaken by the Department of Premier and Cabinet, Government of South Australia.

We write on behalf of the Migration and Refugee Research Network (MARRNet). MARRNet was established in 2011 (formerly known as the UniSA Refugee and Migration Research Network) and includes over 50 researchers from a range of disciplines at all three South Australian universities (the University of South Australia, Flinders University and the University of Adelaide), as well as local government representatives and service providers. MARRNet engages in research that is responsive to the needs of the community and has a direct impact on policy and practice in migration. The aims of MARRNet include to foster research collaboration across universities, service providers and communities, to share and disseminate research nationally and internationally and to host events that raise awareness of refugee and migration issues.

We address the Terms of Reference based on our research and practice experience in the field.

**1. Explore options for expanding the scope and purpose of the legislation to enshrine multicultural policy directions.**

We suggest that the Principles would best be preceded by a Preamble (see point 5. Additional Comments below).

As they are currently, the principles could inherently imply that a white-Anglo Australian identity is the normative identity and that 'Others' belong under the term multicultural. The principles need to state more explicitly that 'white' or Anglo-Australian culture is part of the multiplicity of cultures.

This could be acknowledged by a statement in the Preamble, or as the first principle, which would read:

“The people of South Australia are of different cultural, linguistic and religious backgrounds and this is valuable to the state of South Australia”.

We recommend this amended principle in place of the current first principle which through the language of ‘valuable resource benefiting’ implies economic benefit, which is a limited view of diversity.

In Principle 4 we recommend the addition of equitable to read:

*‘All people have the **freedom and equitable opportunity** to participate in and contribute to the cultural, economic, political and social life of the state’*

We recommend dividing Principle 5 into two separate principles. The first would focus on rights and responsibilities under the law. The second focuses on access to government funded services. This service focus connects more clearly with Principles 7 and 8, and as such, we suggest some reordering of the Principles. In addition, there seems to be some repetition between Principle 5 and 6, so we suggest removing the first part of Principle 6 (All people have a responsibility to abide by Australian laws). We also suggest that addition of an additional Principle, which articulates the right to be free from religious and racial discrimination. We have suggested some reordering of the Principles. With our suggestions, the Principles might read:

1. The people of South Australia are of different cultural, linguistic and religious backgrounds and this is valuable to the state of South Australia. (if this statement is included as a Principle rather than in a Preamble)
2. All people have the freedom and opportunity to preserve and express their cultural, linguistic and religious heritage.
3. All people have the freedom and equitable opportunity to participate in the cultural economic, political and social life of the state.
4. All people have equal rights and responsibilities under the law.
5. All people have a right to participate in the democratic processes under which those laws are made.
6. All people have the right to be free from discrimination on the basis of culture, language, race, religion or ethnicity.
7. South Australia’s diversity should be reflected in a whole of government approach to policy development, implementation and evaluation.

8. All people should have equitable access to services funded by government.
9. Government entities are responsible for embedding the multicultural principles in conducting their affairs.

MARRNet agrees that multicultural principles require explicit tools to guide their enactment. Current research being undertaken by some MARRNet members to explore how policies shape the education of students from refugee backgrounds (The Refugee Student Resilience Study, researchers B Johnson, M Baak, A Sullivan, R Slee)<sup>1</sup> acknowledges that policies are never simply implemented. There are complexities in the enactment of policies that are shaped by policy actors who interpret and respond to these policies based on the local contexts in which they are operating.

In recognising the complexities of enactment and local contexts, we suggest that the Act should mandate the development of a multicultural policy document. This policy should be developed with opportunities for input from those responsible for enacting the policy in dialogue with the policy developers. This would enable the rights and responsibilities enshrined in the Principles to be included in policy in a way which recognises the complexities of enactment and local contexts. A Multicultural policy should be accompanied by a multicultural framework or action plan with explicit goals and outcomes which could be tailored to local contexts. These documents should be the responsibility of a ministerial department (but reflecting a whole of government approach) and guided by SAMEAC (or subsequent statutory body) and also broader community consultation. The Act should mandate that these outcomes be tabled in parliament (as per the Victorian model) and also be publicly reported.

## **2. Review the functions and powers of the Commission and ensure its title reflects this.**

MARRNet favours adding objectives for the Commission to frame the articulation of its functions, as is done in the *The Multicultural NSW Act 2000* and the *Multicultural Victoria Act 2011*. In our view the relationship between objects and functions is more coherent in the NSW Act.

We suggest that the title of the Commission needs to be changed as the word ‘commission’ has links to other meanings (eg royal commission) which may have a negative association. Alternative suggestions include ‘board’ or ‘council’ – eg SA Multicultural Advisory Board. In addition, the term ‘ethnic’ should be removed.

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<sup>1</sup> See <https://www.refugeesatschool.edu.au/>

The commission (or board) should continue to advise government but could also function to share governmental information out to communities. In addition, access to reports or meeting minutes should be public and meetings should be better advertised so that a wider population can access the community consultancies as they stand.

### **3. Review the appointment process of Commission members.**

MARRNet proposes that appointment process could be more transparent and advertised to open opportunities to a wider range of people. A small stipend could allow representation from people who may not have resources to otherwise commit time to the commission.

Consideration should be given to requiring representation from the following groups in the South Australian community:

- A person who has the lived experience of a refugee
- A person who represents regional communities in SA
- A person to represent Aboriginal and Torres Strait Islander (ATSI) South Australians (The ATSI community needs to be consulted on whether they would welcome participation in the Commission)
- A person who has migrated to Australia no more than 10 years prior to their appointment
- A person who is a member of a community organisation
- A person aged at least 18 years but no more than 24 years at the time of his or her appointment (see Victorian Act)

### **4. Contemporise language used in the Act.**

We would support removing the concept of 'multicultural and ethnic affairs'. The language of 'affairs' does not capture the universal relevance of a multicultural policy, and it also makes multiculturalism sound like a problem to be dealt with rather than an intrinsic aspect of South Australian society to be celebrated.

Some terms to consider changing include:

- 'Ethnic diversity' could be better phrased as 'cultural diversity'.
- 'Ethnic groups' and 'minority ethnic groups' could be better phrased as 'culturally diverse groups' or 'groups from culturally diverse backgrounds'.

We suggest the use of a glossary at the front of the legislation to clarify terms such as multiculturalism, interculturalism, diversity, equitable/equal. The definitions from the Victorian legislations would be a good place to draw on for these definitions.

## 5. Additional Comments

We suggest including a preamble to the Act that provides a vision for an inclusive society. We believe this is done well in the *Multicultural Victoria Act 2011*, as well as and including:

- A recognition that everyone has a cultural background and that multiculturalism applies to everyone.
- A recognition of the central place of Aboriginal and Torres Strait Islander cultures
- An acknowledgement of a broad notion of citizenship (this will need to be reconciled with Principles around access to Government services and participation in democratic processes).


Possible opening wording for the South Australian Preamble:

- *The Parliament wishes to promote South Australia as a united community with shared laws, values, aspirations and responsibilities for people from a diversity of backgrounds*
- *The Parliament acknowledges and celebrates the diverse cultures of Aboriginal and Torres Strait Islander Australians*
- *The Parliament acknowledges and celebrates the cultures of peoples who arrived in South Australia from all around the world in recent centuries.*
- *The Parliament further recognises that one of the central tenets of multiculturalism is citizenship and that the expression of citizenship is not limited to formal Australian citizenship, but refers to the rights and responsibilities of all people in a multicultural society.*

In our view, as discussed above, it is essential to engage with First Nations people of South Australia to discuss how they might prefer to be included or excluded from discussions of and legislation about multiculturalism. While we recommend acknowledgement of the First Nations people in the preamble, First Nations people themselves should be part of the review process and have opportunities to make decisions around the review.

Yours sincerely,



Dr Melanie Baak  
Co-convenor, Migration and Refugee Research Network  
University of South Australia  
e. 



Associate Professor Anna Ziersch  
Co-convenor, Migration and Refugee Research Network  
Flinders University



Professor Alex Reilly  
Co-convenor, Migration and Refugee Research Network  
University of Adelaide

Contributions to MARRNet submission made by the following MARRNet members:

- Dr Melanie Baak, University of South Australia
- Associate Professor Anna Ziersch, Flinders University
- Professor Alex Reilly, Adelaide University
- Adam Ridley, Flinders University
- Dr Clemence Due, Adelaide University
- Dr Maria Giannacopoulos, Flinders University
- Associate Professor Tahereh Ziaian, University of South Australia
- Jen Brown, University of South Australia
- Emily Miller, University of South Australia
- Daniela Piteo, Catholic Education South Australia
- Necia Billingham, University of South Australia
- Liellie McLaughlin



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# Submission to Multicultural Legislative Review 2019

By A/Prof Marinella Marmo (Flinders University) [REDACTED]

and Dr Tiziana Torresi (University of Adelaide) [REDACTED]

## A case for a more inclusive debate over multiculturalism

We welcome the opportunity to submit our recommendations for the purpose of reforming the South Australian Multicultural and Ethnic Affairs Commission Act 1980.

This submission adds to the first two (out of four) terms of reference, specifically:

- 1) Explore options for expanding the scope and purpose of the legislation to enshrine multicultural policy directions; and
- 2) Review the functions and powers of the Commission.

This submission is reflective of current multicultural communities and aims to support multiculturalism in its more modern forms. It is embrative of a multi-encompassing approach to the term 'multiculturalism' and offers practical recommendations for each of the points proposed.

## **Executive summary**

This submission adds to the discussion on new and emerging communities as it takes in consideration that:

- multiculturalism ought to include within its vision a more updated understanding of new permanent settlers and of temporary migrant: both contribute to the socio-economic and cultural life in South Australia;

This submission also adds to the discussion on proposed additional criteria for appointment of members of the Commission as it takes in consideration that:

- Alongside new forms of migrations, a more research-focused understanding of principles of human rights should be injected both in the legislation and in the work of the Commission, for the purpose of an in-depth understanding of ethnic diversity, tolerance and respect for individual's and collective's rights;
- Plurality of representation should mean:
  - o more women representation and youth representation in the Commission to offer appropriate advice to government on diversity and equal opportunities;
  - o Adequate rural representation injected into the Commission.

## **Summary of Recommendations:**

- **Recommendation 1.** Legislation introduced should reflect the reality of current migration trends and afford equality of representation to new permanent settlers and temporary migrants present in the territory, who are appreciated and meaningful contributors to the richness of South Australia.
- **Recommendation 2.** New permanent settlers and temporary migrants need to have a voice in multicultural matters and their views are equally important to more stable communities of migrants.
- **Recommendation 3.** The Commission ought to be aware and focus more on these issues and familiarise themselves with current research on new permanent and temporary migration.
- **Recommendation 4.** At least one member of the commission may have a specific portfolio which relates to the needs, aspirations and contributions of new permanent and temporary migrants to South Australia.
- **Recommendation 5:** Principle 5 should be reconsidered in light of its limitation of application to temporary migrants, who are at all effects contributing to the South Australian society and enriching its multicultural aspects and yet do not have equal access to law and justice.
- **Recommendation 6:** Three portfolios are established for a more equal representation of South Australian multicultural population: a Human Rights Portfolio; a Youth Portfolio; a Rural Portfolio;
- **Recommendation 7:** a more equal representation of gender is introduced to the Commission, with the number of women being at least seven (two more than current numbers).
- **Recommendation 8:** the SA government advances the dialogue on a Charter of Human Rights, as the projection and aspiration of South Australia is to attract and retain a more diverse community in the future. In this context, equal representation cannot be possible nor practical via the work of the Commission.

## **New form of migration and temporary migration**

### **Background**

Current legislation South Australian Multicultural and Ethnic Affairs Commission Act 1980 is centred around an understanding of migration which is outdated. New migration presents characteristics that are ill suited to be addressed and represented by the current approach.

The legislation and even the proposed survey to some degree are centred around the idea of migrant as a “permanent settler”, a person:

- who is moving across international borders to settle permanently in the host country,
- who will congregate with other migrants of similar background in clearly defined communities,
  - o often in geographically specific areas, with clearly defined borders.

There is moreover an assumption that only these communities, and community leaders and representatives, can be partners in dialogues and negotiations with South Australian and other institutions.

While we do recognise this is the case in some instances, the new legislation ought to reflect current research which give us access to a more contemporary understandings of migration that vary significantly from more traditional ones.

### **The new permanent settler**

Research and direct experience inform us that new permanent settlers may have a more dispersed approach to settlement in the community and not live in the same geographical areas by choice (Graeme 2006; 2013; Boese and Phillips 2017). New immigrants do not necessarily congregate around established immigrant communities. This is the case, for example, of the most recent Italian immigration. Permanent settlers will also not necessarily aspire to join community-based organizations of the same ethnicity. In fact, there is evidence that new migrants seek advice from other new migrants using social media. Thus, creating and furthering dialogue with immigrants based on the assumption that they are in contact with established community leaders may leave out more recent immigrants. This is also problematic because it means that the SA government would be accessing the views of minorities within minorities, for example (but not exclusive to) women and young people.

Migrants will not necessarily see their needs and aspirations recognised by forms of institutional settings, which concentrate on cultural diversity alone. The legislation seems centred around a prototype that characterises the migrant as a permanent settler whose only difference is being the carrier of a different, ethnic, religious, linguistic background.

However, permanent migrants, thanks to greater ease of communication and transportation, tend today to maintain closer ties with their countries of origin and to inhabit what we may define as 'transnational social spaces' (Graeme 2006). This reality means that migrants' specific needs are determined not only by their different cultural background, but also by the specificity of their existential experiences which span across different social and political spaces, what needs to be accommodated is, therefore, their transnationality, which may be expressed, for example, in having care responsibilities or business interests in their home country.

### **Temporary migration**

Recent research demonstrates that Australia has been attracting much greater numbers of temporary migrants in line with global developments (Graeme 2006 and 2013; Mares 2016). South Australia hosts many regional schemes of temporary labour migration and other temporary visa schemes. Temporary migrants contribute to South Australian society from an economic, cultural, social, religious, linguistic and other perspectives. Therefore, South Australia and Adelaide enjoys the benefits of temporary migration and will indeed do more so in the future, as the Federal government introduces further schemes of this nature.

Very often, the temporary migrants benefit from similar channels of support as new permanent settlers (as discussed above), and not necessarily rely on more stable communities of similar ethnicities. There is also evidence showing that the temporary migrant can be exploited by the communities of similar ethnicities in South Australia (for example, labour exploitation) (Marmo forthcoming).

This community of temporary migrants ought to be recognised as competent and valued contributors to a multicultural society. A temporary migrant who contributes to and enriches the South Australian society ought to be included in the vision of the new legislation, have their voice heard using suitable channels, and, where possible, be able to access equal justice and rights (Ottonelli and Torresi 2012 and 2019; Reilly et al 2018; Marmo 2019).

Based on the above, and under term of reference 1 (Explore options for expanding the scope and purpose of the legislation to enshrine multicultural policy directions), we recommend that:

**Recommendation 1. Legislation introduced should reflect the reality of current migration trends and afford equality to new permanent settlers and temporary migrants present in the territory, who are appreciated and meaningful contributors to the richness of South Australia.**

**Recommendation 2. New permanent settlers and temporary migrants need to have a voice in multicultural matters and their views are equally important to more stable communities of migrants.**

And under terms of reference 2 (Review the functions and powers of the Commission), we recommend that:

**Recommendation 3. The Commission ought to be aware and focus more on these issues and familiarise themselves with current research on new permanent and temporary migration.**

**Recommendation 4. At least one member of the Commission may have a specific portfolio which relates to the needs, aspirations and contributions of new permanent and temporary migrants to South Australia.**

### **Proposed Principle 5 and temporary migrants**

In the case of temporary migration, we bring the attention of the Committee to the fact that proposed multicultural principle 5 cannot be applied to them in its entirety. Proposed principle 5 states:

- All people have equal rights and responsibilities under the law and equitable access to the services funded by government.

It is not possible to actualise proposed principle 5 in the case of temporary migrants, because they do not have access to equal rights and do not have equal access to justice and services under the institutional and legal frameworks that currently regulates temporary migration.

Based on the above, and under term of reference 1 (Explore options for expanding the scope and purpose of the legislation to enshrine multicultural policy directions), we recommend that:

**Recommendation 5: Principle 5 should be reconsidered in light of its limitation of application to temporary migrants, who are contributing to the South Australian society and enriching its multicultural aspects and yet do not have equal access to law and justice.**

### **Proposed additional criteria for Commission's appointment for the purpose of more equal representation**

Further to the above point regarding new and emerging communities as distinct from established/traditional settlements, we also suggest that more work would be required to have a more-encompassing representation in the Commission. This is in line with the proposed additional criteria as presented by the proposed position paper.

We agree that gender, age and rural-urban more balanced distribution ought to be considered.

We suggest that a **Youth portfolio** is established. From census data, we know that median age in South Australia is 40 (ABS 2017). Further SA data reveals that Asian-born median age is 35 (ABS 2016). Data on temporary migrants' age in Australia would suggest that the majority are aged between 18 and 34 years (ABS 2018). Therefore, we suggest that one



place on the Commission should be allocated to a person below the age of 40, to elucidate and represent the multicultural needs of younger migrants.

We suggest that **more gender balance** is injected into the Commission and seven (7) rather than five (5) women are appointed as members. From Australian Bureau of Statistics' data, we are told that in South Australia the sex ratio is 97.7 men to 100 women. This means there are more women than men (ABS 2017). The proposed suggestion of increasing female representation on the Commission is therefore not at odds with current SA statistics.

We suggest that a **rural South Australia portfolio** is included in the Commission. While statistics suggests that more people live in metropolitan areas, at least one (out of fifteen) member could represent the needs and aspirations of rural multicultural communities.

Further to the above, we also suggest that a Human Rights Portfolio is established. Given the reality of current migration, the guiding principle for multicultural policy ought to be tolerance and respect for individual and collective freedoms and rights.

In general, converting multicultural principles into policy, given the proposed focus on individual rights, may be an opportunity for South Australia to introduce a **Charter of human rights**, that may include cultural and social rights. This will set multicultural policy within a more general context, because to build an official policy document only applicable to multiculturalism may be problematic from the purpose of equal treatment and equal opportunities. This is also more practical in the context of a more globalised South Australia, where the trajectory is to attract and potentially retain, even if temporarily, more international experts and workers. With a more global South Australian society, the work of the multicultural Commission may not suffice to represent communities equally and its work would present problems of relativism, where only some could be represented and enter in dialogue regarding their needs and aspirations.

We appreciate it is not within the reach of this legislation reform to establish a Charter, but we believe this is another reason to consider introducing a Charter, hence we have included this in our recommendations. To be noted that in Victoria, principles of multiculturalism are not only enshrined in the *Multicultural Victoria Act 2004*, but also in others, including the

*Charter of Human Rights and Responsibilities Act 2006 (VIC)*. The same is for the Australian Capital Territory as its multicultural policy is supported by the *Human Rights Act 2004 (ACT)*.

For the purpose of this submission, and as a practical suggestion that could be considered, we propose that a **member of Commission ought to be an expert on human rights** law or possess demonstrated knowledge in human rights principles. This can help with unpacking complex debates regarding individuals' and collective' rights, needs and aspirations to the other Commission's members if and when this is necessary.

In summary, and under terms of reference 2 (Review the functions and powers of the Commission), we recommend that:

**Recommendation 6: Three portfolios are established for a more equal representation of South Australian multicultural population: a Human Rights Portfolio; a Youth Portfolio; a Rural Portfolio;**

**Recommendation 7: a more equal representation of gender is introduced to the Commission, with the number of women being at least seven (two more than current numbers).**

**Recommendation 8: the SA government advances the dialogue on a Charter of Human Rights, as the projection and aspiration of South Australia is to attract and retain a more diverse community in the future. In this context, equal representation cannot be possible nor practical via the work of the Commission.**

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**From:** George Chin  
**To:** [DPC:Multicultural Review](#)  
**Subject:** Multicultural Legislative Review of the SAMEAC Act 1980-written submission  
**Date:** Monday, 3 June 2019 4:46:26 PM  
**Importance:** High

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Justine Kennedy  
Director  
Multicultural Affairs  
Dept of Premier and Cabinet

Dear Justine,

I would like to submit a written submission in respect of the above as follows:

1. It is proposed that the name of the Act should be simplified as the South Australian Multicultural Commission Act 2019
2. Need to define the Key Multicultural Values and Principles which underpin any Charter, policy, plan of action etc., for example the core values of Multiculturalism such as respect, freedom, fairness, equality, recognition and etc. These need to be clearly outlined and defined in the Legislation
3. Need to look closely at the Queensland's Multicultural Recognition Act 2016, as this is the latest piece of legislation on Multiculturalism
4. How can the Commission have impact and make a difference. Avoid a lame "Advisory Board" - mean very little. The commission need to do more than advise. Develop an action plan and implement in conjunction with the Minister and Government and have specific KPI's so that monitoring can be carried out and progress evaluated
5. In respect of Section 22 of the SAMEAC Act 1980, there can, should be greater clarity in relation to the obligations of Public Authorities. After nearly 40 years, it may be time to impose sanctions for non-compliance
6. The Commission should have members representing the regional areas in South Australia

Kind Regards

George Chin  
President  
Chinatown Adelaide of SA Inc.  
Tel/fax [REDACTED]  
Mobile [REDACTED]  
Email Address: [REDACTED]  
Postal Address: [REDACTED]  
[REDACTED]

3 June 2019

Multicultural Legislative Review 2019  
Multicultural Affairs Unit  
Department of Premier and Cabinet  
State Administration Centre - Victoria Square  
Adelaide SA 5000

Via email: [multiculturalreview@sa.gov.au](mailto:multiculturalreview@sa.gov.au)

Dear review panel,

**RE: Multicultural Legislative Review 2019**

The South Australian Tourism Commission (SATC) is appreciative of the opportunity to be involved in the Multicultural Legislative Review 2019. The SATC was represented at the Multicultural Legislative Review Stakeholder Workshop in May and we were impressed with the depth and sophistication of the discussion.

While we believe that others are better placed to comment on the governance structure and review of language in the legislation, we would like to take this opportunity to highlight the outcomes that are important from a tourism perspective.

The SATC believes that a welcoming, safe and multicultural community is a key pillar of the character with which South Australia welcomes visitors. Therefore, it is important from our perspective that the following are delivered through the Multicultural Review 2019:

- That SA is known as welcoming and safe to international students and visitors.
- That services are provided to assist those who are from a different background such as multi-lingual services/signage.
- That there is demonstrated respect for different cultures and that South Australians actively embrace the diversity that different cultures offer.
- That culturally-focussed events are well supported and attended by the community.

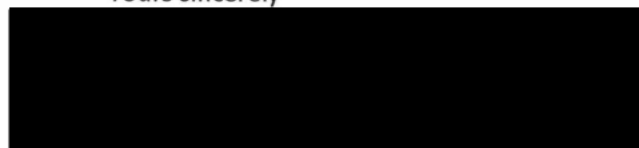


Government  
of South Australia

- That we have enshrined our commitment to multiculturalism through developing relevant legislation and government services/entities.
- We also think it is important that the Multicultural Commission is increasingly visible, and that people are encouraged to interact with the Commission as needed.

We commend the Department of Premier and Cabinet on the constructive consultative approach and look forward to seeing the outcomes of the consultation come to fruition.

Yours sincerely



Ben Tuffnell

Executive Director, Corporate Affairs





[Multiculturalreview@sa.gov.au](mailto:Multiculturalreview@sa.gov.au)

[www.yoursay.sa.gov.au/multiculturalreview](http://www.yoursay.sa.gov.au/multiculturalreview)

RE: Multicultural Legislation Review

Dear Sir/Madam

Catalyst Foundation is pleased to provide feedback to the ***Multicultural Legislative review discussion paper***.

Catalyst Foundation is an inclusive, independent and charitable organisation seeking to improve the lives of all South Australians in the areas of Ageing, Disability, Lifestyle, Employment, Business and Learning.

Also known and trusted in South Australia as *Seniors Information Service*, we changed the organisation's name to Catalyst Foundation in 2016 to reflect the growth in our services, the inclusion of Disability information from the DIRC organisation and the communities we serve and to underline the value of making a difference through action.

Catalyst Foundation has operated for twenty five years and continues to provide appropriate and up to date information and support to all South Australians and with a special focus on special needs groups; Aboriginal and Torres Strait Islanders, Culturally and Linguistically Diverse Communities (CALD) and the Lesbian Gay Bisexual Transgender Intersex and Queer (LGBTIQ).

The Board of Catalyst has a very diverse membership including an understanding of the aged, people living with disability, special needs groups, education, legal and business. Catalyst Foundation has a very multicultural staffing of Kaurna & Nagandjeri, Anglo-Australians and skilled migrants from Brazil, Greece, Indian, Iran, Italy, Kenya, Philippines, Peru, Serbia, Sri Lanka. Each person brings different skills, cultural practices, multilingual and religious practices but with a deep respect and recognition for each other thus making the working environment rich and harmonious with an agreed desire to make a difference in people's lives.

Catalyst Foundation over many years has provided opportunities to newly arrived skilled migrants to familiarise themselves with the SA working environment through volunteering.

Volunteering at Catalyst provides migrants the opportunity to gain local work experience in the area of their career or are comfortable and confident to work in. Exposure to the community services sector, and in particular clients, enables individuals to expand their skills set and widen the window of opportunity to gain full time employment.



Whilst volunteering at Catalyst Foundation, they are assisted in tailoring their resume according to the job specification of the position they are applying for and are provided with a letter of reference for their service if appropriate.

### **Part 1 - Identified Key Issues:**

1. Changing the name of South Australian Multicultural and Ethnic Affairs Commission Act 1980 to the South Australia Multicultural Act 2019 (whichever is the new legislation takes effect).
2. The new Act should establish and include the new Principles to strengthen multiculturalism in SA.
3. Establishment of the South Australia Multicultural Commission, a statutory body responsible for implementing the policy and legislative framework supporting the implementation of the Multicultural principles in SA.
4. Establish reporting requirements for all public authorities; state and local authorities in relation to Multicultural Affairs.

### **Part 2 – Establishment of the Commission**

1. Under the new Act *South Australian Multicultural Commission established*
  - *Administrative unit of the Pubic Service of the State*
  - an instrumentality of the Crown
  - or a council or other local authority
2. *Multicultural principles to be included*
  - Strong unified commitment to Australia
  - Strong recognition of Aboriginal people as the traditional custodian of the land, sea and country
  - Shared values of freedom and democracy governed by the Australian rule of law
  - Mutual respect and deep recognition of each other's racial identity, culture, language and religious/faith practices to maintain unified, stable, safe multicultural Australian community
  - Have equal opportunity for active participation in all aspects of life
  - Have equal access to resources to promote and advance socio-economic and welfare of all Australian people
3. *Constitution of the SA Multicultural Commission*
  - a. Membership – maximum of 15 members appointed by the Minister of whom –
    - One must be appointed to chair the Commission
    - Members composition must be gender equal excluding the Chair i.e. if 15 members : 7 women and 7 men (gender equality) and reflect all groups within the community
    - 3-4 of the 14 members shall be representative of regional SA
  - b. *Appointment of Members*  
 Appointment of members by the Minister under this section should reflect true diversity of the community and occupational background and should have regard to the following:
    - o the sensitivity of cultural representation



- a deep knowledge and involvement of multiculturalism
  - have wider experience in working with multicultural groups
  - a strong commitment to maintain and advance multiculturalism
- c. *Term of Members*
- Chair – term of office must not be exceed four (4) years and on such conditions as are specified in his/her instrument of appointment
  - Each member of the Commission must be appointed not exceeding 3 years and on such conditions as are specified in his/her instrument of appointment
  - Subject to any condition of appointment to the contrary, a member is, on expiration of his/her term of office, eligible for reappointment of an additional one (1) year to the Commission

#### **4. Roles and Functions of the Commission**

- a. To advise the government and public authorities on, and assist them in, all matters relating to the advancement of multicultural affairs
  - b. To publicize and promote the Multicultural Principles under the Act
  - c. To develop 3 yearly action plans to be approved by the Minister, implemented across government authorities, state and local. Outcomes should be reported against the action plan annually to Parliament in line with other Statutory Authorities.
  - d. To work with all public authorities to ensure that there is a coordinated approach to the advancement of multiculturalism
  - e. To keep under review and advise the Government and public authorities on the extent to which services and facilities are available to and meet the needs of the multicultural groups
  - f. To work with and support public authorities in developing focus and effective immigration and settlement strategies to compliment the State economic development plans and to realize the full potential and meet the needs of individual migrants
  - g. To develop effective strategies, assist and promote cooperation between multicultural groups and organizations concerning security and unity in maintaining a harmonious multicultural society.
5. The Commission should, in carrying out its functions, act wherever possible to encourage full participation by all government authorities' non-government and voluntary organizations.

We would be pleased to discuss the matters raised in this submission.

Yours Sincerely



Jenny Hughes  
Chief Executive  
3/6/2019

Multicultural Affairs  
Department of the Premier and Cabinet  
[multiculturalreview@sa.gov.au](mailto:multiculturalreview@sa.gov.au)

13 June 2019

Dear Sir / Madam

**Re: Submission to the Multicultural Legislative Review 2019**

Community Centres SA (CCSA) has 108 full members and 63 affiliate members throughout South Australia. We are part of a national network of more than 1,000 centres.

Our members are Community and Neighbourhood centres and other not-for-profit organisations working with communities to understand and respond to local needs to build community capacity, improve health and wellbeing, and reduce isolation in the community. Over 35,000 people are in contact with community centres across South Australia every week, and more than 20,000 hours of volunteer labour are contributed to Centres.

Our Centres offer:

- programs that help people learn new skills to prepare them for further education or employment pathways;
- opportunities for social connection, bringing people together through a shared interest or hobby;
- community events to celebrate our diversity together;
- information and outreach services that are accessible at a local level; and
- support to local community groups, business and other organisations by offering affordable meeting rooms and workshop space.

Community Centres have the skills and capacity to reach the most hard-to-reach people. A significant proportion of people accessing community centres are from groups of particular vulnerability, including culturally and linguistically diverse communities, newly-arrived migrants, refugees, and people with poor English literacy. We understand the additional barriers people from these communities face in accessing information and services, and how this can affect their participation in everyday opportunities spanning all age life stages.

Our members share our commitment to empowering local communities to have a voice and participate in their community in a meaningful way. As a collective we also have a commitment to pursue equity and advocate for social justice on issues of significance to the communities we work with. As a result, we believe it is important to make a contribution to this review to represent our members and the diverse communities we work with.

We support the review of the Act to expand the scope and purpose of the legislation. Below please find our response to the Terms of Reference:

**1. Explore options for expanding the scope and purpose of the legislation to enshrine multicultural policy directions**

CCSA agrees with all 8 principles, with the following considerations:

**Principle 2:**

Facilities and systems need to be in place to support individuals to exercise this right e.g. through workforce flexibility on days of cultural significance, the creation of prayer rooms etc.

Individuals also have the right to safety when exercising this right (individually and for their particular community).

**Principle 4:**

This principle should make direct reference to education and employment. People from culturally and linguistically diverse backgrounds face significant challenges in accessing education and employment pathways due to lack of recognition of overseas qualifications and experience, and lack of ongoing support to develop English-language proficiency for example.

**Principles 7 & 8:**

The reflection of South Australia's diversity and the responsibility to embed multicultural principles in decision-making, planning and operations should extend beyond government to all service-delivery organisations to ensure inclusive best-practice.

All 3 features of implementation are important, as together they demonstrate the embedding of the principles at all levels:

- A Charter captures the underlying values in achieving a stronger and vibrant multicultural South Australia;
- The Framework or Action Plan identifies the actions required, partners, timelines and outcomes; and [REDACTED] promotes transparency.

A number of terms are used interchangeably when talking about diversity e.g. 'multicultural', 'cross-cultural', 'multilingual' etc. They need to be clearly defined, and their differences understood in legislation and any features of implementation. It also provides clarity for government organisations and services to define target communities and report on outcomes with accuracy and consistency.



**2. Review the functions and the powers of the Commission and ensure its title reflects this**

CCSA supports that all proposed functions of the Commission be reflected in the Act.

CCSA views consulting with communities as a key function of the Commission to hear directly from the community about their key issues and changing needs when giving advice to the government.

CCSA enjoys a positive working relationship with federal, state, and local governments and many other key stakeholders and would welcome the opportunity to strengthen its relationship with the Commission to aid its community engagement function. Our 108 Centres and 63 affiliate members have a deep understanding of local issues gained through their everyday practice working with their local communities. They can also create community engagement opportunities and bring local people together to assist the Commission in gathering feedback on particular issues.

Our Centres also provide a range of programs and services to meet the needs of local culturally and linguistically diverse communities within their service catchment areas. As a result, Centres are in a strong position to provide feedback on the effectiveness of these initiatives to inform future program directions or grant opportunities targeting multicultural communities.

**3. Review the appointment process of Commission members**

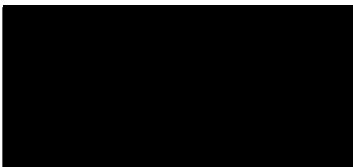
CCSA acknowledges that the experiences of people from culturally diverse backgrounds can differ significantly between men and women, according to cultural beliefs and practices around gender. CCSA recommends future appointments should seek to maintain a balanced representation between genders.

**4. Contemporise language used in the Act**

No comment

Thank you for the opportunity to contribute to this process.

Yours sincerely



Ms Kylie Fergusen  
CEO



## Further information

**Multicultural Affairs**  
**Department of the Premier and Cabinet**

[multiculturalreview@sa.gov.au](mailto:multiculturalreview@sa.gov.au)  
[multicultural.sa.gov.au](http://multicultural.sa.gov.au)  
[facebook.com/multiculturalsa](https://facebook.com/multiculturalsa)  
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