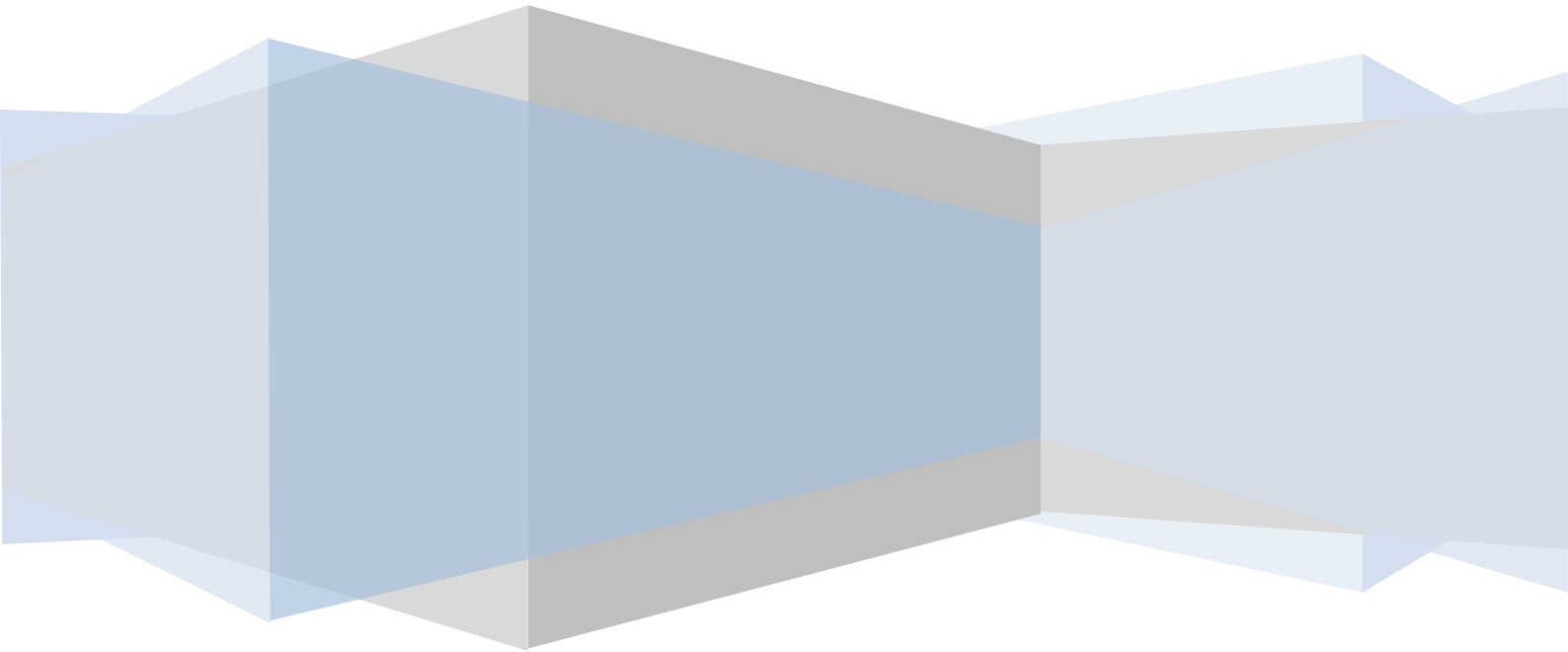
# Multicultural Legislative Review 2019

## Consultation Report

July 2019



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# 1. EXECUTIVE SUMMARY

## Overview

The *South Australian Multicultural and Ethnic Affairs Commission Act 1980* (the Act) is the only piece of South Australian legislation specific to multicultural affairs. Enacted 39 years ago, its primary purpose was to establish the South Australian Multicultural and Ethnic Affairs Commission (the Commission), and set out the Commission's functions and administrative arrangements. The purpose of this Review is to develop fresh legislation that sets the foundation for new multicultural policy directions.

A comprehensive consultation process was undertaken with key stakeholders and the South Australian public over the period of 15 April to 3 June 2019. This report outlines what was heard during this consultation process.

The aim of the consultation was to engage with stakeholders and community members to:

- inform them about the Multicultural Legislative Review process
- generate discussion, comments and feedback on the four Terms of Reference in the Discussion Paper prepared by Multicultural Affairs
- gather feedback from the key stakeholders and community members to inform the development of recommendations to the Premier of South Australia, the Hon Steven Marshall MP and Assistant Minister to the Premier, Hon Jing Lee MLC and legislation for parliamentary consideration.

## What we heard

The following is a high-level summary of the key points heard throughout the consultation.

The points are grouped  under headings for each term of reference. A number of the key points cut across one or more of the terms of reference. These include:

- Since the Act was originally enacted, new ways of thinking about multiculturalism have emerged. There are new ways to express diversity within the population, including that 'multiculturalism' should include all South Australians, not just those with a migrant background, and that someone's culture or language is often only one part of their identity. The alternative concepts supported included interculturalism and intersectionality.
- There was strong advocacy throughout the consultation that the new legislation should recognise Aboriginal South Australians as the carriers of the original cultures in South Australia, and as being amongst the many South Australian cultures today. It was submitted that this should be given form through a number of ways, including through the proposed multicultural principles, a preamble to the legislation and/or through representation within the Commission's membership. The caveat to recognition or inclusion of Aboriginal South Australians in the legislation would be consultation with Aboriginal people as to how they are included or acknowledged.

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

There was strong support amongst respondents for the inclusion of a set of multicultural principles within the new legislation, including the proposal that this set of principles replaces the current defintion of multiculturalism.

Some very valuable critique was offered on the wording of each of the principles proposed in the Discussion Paper. Discussion Forum participants and online survey respondents were asked to rank the eight proposed principles in an order of preference. This identified the divergence of views on both the principles and multiculturalism in South Australia, with several online comments being more extreme than those heard in the discussion forums. Suggestions were made for additional principles and for a preamble to the legislation to clarify the intent of the principles.

A clear message was that the principles, once legislated, must have practical application. In particular, there was strong support that Government agencies (and non-government organisations providing publicly-funded services) should be held to account for implementation of the principles, and be required to report regularly on compliance with them.

There was support for the conversion of the principles into policy to be more fully researched by Multicultural Affairs.

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

The majority of consultation participants reported they previously had not been aware of the functions of the Commission. This limited awareness of the Commission's structure and functions undoubtedly impacted the capacity of those participants to provide comment on changes to those arrangements.

There was acknowledgement of the work and achievements of the Commission over the past 39 years. A good number of participants noted that they had observed or engaged with Commission members at public and/or community events or had had contact or assistance on specific initiatives or issues.

Looking forward, there was overall suppport for the three revised Commission functions proposed in the Discussion Paper [in brief, they were a) Advice to Government, b) Consultation with any group in order to fulfil the advisory function, and c) Promotion and raising of awareness of the principles]. Valuable contributions were made on how these proposed functions could be amended or enhanced.

There was strong support for the Commission to be more visible and engaging with South Australians.

## Term of Reference 3: Review the appointment process of Commission members.

A clear message was that the current process of appointing members of the Commission needs to be more transparent. It was suggested that consideration be given to measures such as recruitment taking place following expressions of interest from the community.

Comment was made on the ideal attributes, skills and experience of Commission members, and a number of participants made a case for particular sectors of the community to be represented amongst the Commission membership. There was strong support for youth and regional reprsentation on the Commission as well as gender balance. Useful feedback was also provided on the duration of the terms of office for Commission members.

### Term of Reference 4: Contemporise language in the Act.

There was strong support for updating the language in the legislation to reflect changes in our South Australian culture. There was majority support for the removal of the term 'ethnic' from the name of both the Commission and the legislation more broadly, with most considering this term to be outdated and divisive. The use of clear, concise, active or strengths-based language in the principles and the legislation was strongly endorsed.

There was advocacy for the review of the term "multiculturalism", as this was not considered current or inclusive. The terms 'interculturalism' was suggested as an alternative. Other suggested words or terms presented for consideration included 'diversity', 'inclusion', 'intersectionality' and 'interculturality'.

# 2. INTRODUCTION

The *South Australian Multicultural and Ethnic Affairs Commission Act 1980* [1] (the Act) is the only piece of South Australian legislation specific to multicultural affairs. Enacted 39 years ago, its primary purpose is to establish the South Australian Multicultural and Ethnic Affairs Commission (the Commission), and set out the Commission's functions and administrative arrangements. The Act has not undergone a major Review in 30 years.

Over this time, the cultural, linguistic and religious make-up of the South Australian community has changed very significantly, and so has how we value diversity.

There have also been significant changes in responsibility for policy and program development in the migration and multicultural affairs sectors, with numerous new organisations working within them. Each of these changes has impacted on the way the Commission operates. Furthermore, the language we use to describe multiculturalism, diversity and linguistically diverse communities has also evolved over time. However, the Act has not changed and is therefore no longer reflective of multiculturalism in South Australia.

The government therefore believes there is a good case for reviewing, updating and expanding the state's multicultural legislation.

This Review provides the opportunity to develop fresh legislation that sets a foundation for the development of new multicultural policy that reflects the state's cultural, linguistic and religious diversity, recognises the valuable contribution of our diverse communities and supports the development of culturally responsive government services.

The Review is being led by Multicultural Affairs (within the Department of the Premier and Cabinet) and is supported by members of the Commission. Multicultural Affairs is responsible for advising the State Government on all matters relating to multicultural affairs in South Australia, including the development and implementation of policies and programs that promote cultural diversity.

[1] Appendix 1

# 3. BACKGROUND

The Premier and Assistant Minister to the Premier initiated the consultation process, seeking stakeholder and community views to shape the revised multicultural legislation.

To inform this consultation process, Multicultural Affairs prepared two papers:

1. the *Multicultural Legislative Review 2019 Discussion Paper* [2]which discussed options and posed questions on how best to re-model the legislation for the future.
2. the *Multicultural Legislative Review 2019 Research Paper* [3]which features a survey of approaches in other Australian jurisdictions.

### Terms of Reference

The Review's four terms of reference provided a foundation for discussion and consultation:

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 in the Act.

# 4. APPROACH

The engagement and consultation process was open from 15 April to 3 June 2019 and included the following mechanisms:

### Face to face

Six community forums were held in Adelaide and regional areas. The program for the community forums centred around the questions in the discussion paper. In addition participants were invited to engage in an activity to rate the proposed multicultural principles they considered most important. A total of 76 people attended the community forums.

One invitation-only workshop for key stakeholders was held in Adelaide. Invitations were sent to peak bodies and key stakeholders in the multicultural sector, community services sector, State, Commonwealth and Local Government agencies, the business and education sectors. The program was similar to that of the community forums. A total of 53 people attended the stakeholder workshop.

Members of the Commission were invited to attend the community forums and key stakeholder workshop to observe the discussions. A total of 10 Commission members attended the forums.

An independent facilitator was contracted to facilitate the discussion forums and and prepare a report for the Premier and Assistant Minister to the Premier on the outcomes of the consultation process.

[2] Appendix 2
[3] Appendix 3

### Face to face Engagement Calendar

| Activity | Date | Time | Venue |
|---|---|---|---|
| **Port Pirie Community Forum** | Tuesday 30 April 2019 | 6:30pm-8:30pm | Port Pirie Sporting Precinct |
| **Adelaide Community Forum** | Thursday 2 May 2019 | 6:30pm-8:30pm | Thebarton Community Centre, Torrensville. |
| **Berri Community Forum** | Tuesday 7 May 2019 | 6:30pm-8:30pm | Berri Resort Hotel |
| **Stakeholder Workshop - Adelaide** | Tuesday 14 May 2019 | 9:30am – 11:30am | Adelaide Convention Centre |
| **Mount Gambier Community Forum** | Monday 20 May 2019 | 6:30pm-8:30pm | Main Corner Complex, Mount Gambier. |
| **Adelaide Community Forum** | Thursday 23 May 2019 | 9:30am – 11:30am | Nexus, Lion Arts Centre, Adelaide. |
| **Murray Bridge Community Forum** | Thursday 30 May 2019 | 6:30pm-8:30pm | Murray Bridge Town Hall |

### Written Submissions

Written submissions based on the Terms of Reference were invited from key stakeholders and any interested parties. A total of 14 submissions were received, read and analysed for the report[4]. Most of the submissions were from multicultural organisations, state government and non-government agencies and academics. One of the submissions fell outside the scope of the consultation. It has been referred to Multicultural Affairs for consideration in the policy development and implementation stages of the legislative review process.

### Online Surveys

The questions in the Discussion Paper were used to prepare an online survey. The questions were listed under the four Terms of Reference to enable cross referencing of the data. A total of 69 on line surveys were received.

### Written Response Sheets

Hard copies of the Discussion Paper questions were provided to forum attendees to allow for the capture of individual comments. A total of 14 hardcopy responses were received.

### YourSAy website

An online discussion forum was held through the YourSAy website www.yoursay.sa.gov.au to seek comments about the Discussion Paper questions. A total of six comments were received from four commenters.

[4] Appendix 4

# 5. CONSULTATION OUTCOMES

The outcomes of the consultation were collated and analysed to identify key points, and recommendations for changes and improvements to the *SA Multicultural and Ethnic Affairs Commission Act 1980* in response to the questions outlined in the four Terms of Reference.

The outputs of the consultation include five data sets arising from (1) discussion forums; (2) written submissions; (3) online surveys, (4) written response sheets; (5) YourSAy comments.

The consultation was designed to allow for democratic input to the review of the legislation. In setting the context for reporting on the outcomes of the consultation, it needs to be acknowledged that people provided feedback in the face-to-face and the online spaces differently, i.e. in the face-to-face space people generally present their "best selves" and self-monitor their behaviours. In the on- line space, anonymity provides a filter for "goodwill" and behaviour modification. In the online space several people expressed opinions in ways we did not hear in discussion forums.

In the analysis of the data gathered, all the feedback received throughout the consultation process is being given equal consideration[5]. All online comments that were of a racist nature, or out of scope in response to the Terms of Reference have been noted and provided to Multicultural Affairs.

The aim in preparing this report on the outcomes of the consultation was to highlight key points raised in response to the Terms of Reference. Specific comments are cited in this report because they capture a summary of the collective views, and provide an indication of their source, e.g. metropolitan or regional, government or community, face-to-face or on-line.

All the raw data has been collated and provided to Multicultural Affairs for on-going reference as they work to complete the Review.

# 6. SUMMARY OF FEEDBACK ON TERMS OF REFERENCE

The key points from the feedback are summarised under the four Terms of Reference below.

## 6.1 Term of Reference 1 :

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

The discussion forums and online survey provided the opportunity for participants and respondents to provide detailed feedback on the proposed multicultural principles. In the survey, respondents were asked to comment on what each individual principle meant to them, which principle they considered was the most important and why, and whether any of the principles needed to be changed to better reflect multiculturalism. In each of the face-to-face discussions, the most discussion time was spent on this term of reference and in most cases generated lively and passionate discourse.

The views on the principles throughout the consultation varied depending on how the feedback was delivered, i.e. face-to-face or on-line. In the discussion forums the variation depended on the

[5] All of the raw data has been filed as per the State's Records Act. The amount of data is considerable and therefore will not be included as appendices. As per the commitment given in the Discussion Paper, written submissions are available on YourSAy.

location (metropolitan/regional) and mix of participants. The views of participants in the stakeholder forums (government, non-government and peak bodies) differed markedly on some of the principles from those heard at the community forums. Most participants felt that the principles require re-framing and further development. Many felt that there was confusion about whom the principles are speaking to, and that they should be framed with the whole community as the intended audience. Some of the language used in the principles was considered by some to be passive and needing to be strengthened, with a few respondents describing the language in some of the principles as possibly patronising.

Several online survey respondents shared significantly different perspectives on the principles in general, especially those numbered 6, 7 and 8. The majority of the online feedback centred on the principles. In general, the online responses were more radical than those expressed in all the other forms of feedback as acknowledged previously. The online respondents focused on their individual points of view having neither regard to nor an opportunity to consider other points of view; and in many cases, the comments were out of scope.

It was noted in the discussion forums that the proposed principles were a useful starting point for discussion of the new legislation.

In general:

- There was strong endorsement of the proposal to include a set of multicultural principles in the new legislation, including the suggestion to replace the existing definition of multiculturalism with multicultural principles.
- The definition of "multiculturalism" in the Act was not considered inclusive or reflective of the cultural diversity of South Australia. It was suggested that it include reference to First Nations people, those born in Australia, migrants (temporary and permanent) and newly arrived people.
- There was reference to an artificial separation (described as a 'false dichotomy') between "multicultural communities" and "others". South Australians interact through many aspects of life, including employment, education, business, health care, recreation and so on, which connects people from all our communities.
- There was strong support for reconsideration of the language in the legislation and whether the term "multiculturalism" is still relevant based on the significant changes in our society. The terms "interculturalism", "interculturality" and "Intersectionality" (see Term of Reference 4) resonated with many of the forum participants and respondents as being more active, contemporary and inclusive than multiculturalism of the way people intersect in our communities.
- Many participants in the stakeholder workshop approved of the general opinion that the principles are values-based and aspirational and what the legislation needs to contain. In the community forums participants felt that several of the principles already reflect current practice.
- It was suggested that the principles be preceded by a preamble like that in the *Multicultural Victoria Act 2011*. The preamble could be used to set the context for the principles and improve their meaning and intention. Suggestions for inclusion in the preamble included a reference to the multiplicity of the cultural diversity in South Australia including those not traditionally considered to be part of multicultural communities, i.e. First Nations people and Australian born people[6]. In relation to the inclusion of First Nations in the preamble, the caveat would be to consult with First Nations as to how they are acknowledged in the preamble. This is in response

[6] MARRNet Submission

to the strong advocacy from participants and respondents for acknowledgement of First Nations in the legislation.

- It was suggested that a glossary of terms and the use of clear, concise, action orientated language would help to clarify the meaning and intention of the multicultural principles.
- It was suggested that consideration is given to how the principles may impact on other pieces of legislation e.g. *Racial Discrimination Act 1976* (Commonwealth), *Aboriginal Heritage Act 1988*, and others related to human rights[7].

Participants in the discussion forums were invited to review the proposed multicultural principles in small groups then explore them further in open discussion. At the end of the discussion they were invited to rate the level of importance of each principle from their perspective. Online survey respondents provided comments and rated the principles. Written submissions and written response sheets provided comments on the principles but did not rate them. A summary of key points arising from the consultation on each of the proposed multicultural principles are below.

### Principle 1 - Diversity is an asset and a valuable resource benefiting the state

This principle was ranked in seventh place of importance (out of eight) in the discussion forums and fifth in the online surveys. Many participants in the discussion forums were critical of the emphasis on the economic benefit that diversity brings to this state and suggested it be rewritten to encompass the wider value of diversity in our community. Another suggestion was that a statement about the value of diversity be included in a preamble to the principles[8]. For example, "*diversity of our communities must go beyond economic purposes and requires a greater emphasis on cultural safety, social cohesion and a right to belong*[9]. Many online responders also valued the concepts of culture and social fabric over those of assets and resources, however they were in general split between those who valued diversity above economic benefit and those who see diversity as "a threat to their way of life"[10].

It was suggested that consideration be given to the definition of diversity, in that it needs to reflect linguistic as well as cultural diversity[11].

Re-drafting of this principle to focus less on the economic benefit of multiculturalism might read, "*The people of South Australia are of different cultural, linguistic and religious backgrounds and this is valuable to our state of SA"* [12]. A further suggestion for rewording is *"Diversity is an asset which should be celebrated and a valuable resource benefiting all South Australians*[13].

[7] Thebarton, Adelaide Nexus
[8] RSAs, MARRNet Submission
[9] Intercultural Connections Submission
[10] Online survey respondents
[11] RSA
[12] MARRNet Submission
[13] Mt Gambier

### Principle 2 - All people have the right to express and celebrate their cultural, linguistic and religious diversity.

This principle was ranked in first place of importance (out of eight) in the discussion forums and sixth place in the online surveys. Some felt that principle 2 and 3 could be combined[14]. This principle was noted in general as expressing a human right, and it was strongly supported. For example, "*These are universal principles of human rights. They promote cohesion, compassion, care, cooperation, understanding and bind us as a unified society or nation* "[15]

The feedback from the forums and submissions indicated the implementation of this principle would require facilities, systems and policies to be put in place to support expression of this right for many people, e.g. workplace flexibility around cultural and religious holidays; and safe spaces for communities and individuals to exercise these rights, e.g. prayer rooms[16].

There was also strong support for the inclusion of a statement about the right to expect freedom from racial and religious discrimination[17]. The question was raised about whether the word "express" encompasses language in this principle[18].

Contributors also suggested that the following be considered with respect to this principle:

- public authorities such as schools should not feel prevented from acknowledging or celebrating occasions such as Christmas and Easter[19]
- expressions of cultural and religious diversity that may be disrespectful of Australian law, way of life and religious beliefs[20]
- there are those who create division in the Australian community by promoting the idea that some cultures or religions are seeking to amend Australian law to permit undesirable cultural practices[21].

A suggested re-wording for principle 2; "*All people have the right to express and celebrate their cultural, linguistic, religious diversity, and expect tolerance and freedom from religious and racial discrimination"*[22].

### Principle 3 - All people are entitled to mutual respect and understanding regardless of their background.

This principle was ranked in equal fifth place in importance (out of eight) with principle 5 in the discussion forums and fourth in the online surveys. Some comments suggested that duplication exists across principles 3 and 5. "Rights", "freedom", "belonging", "tolerance", "safety" and "opportunity" were words suggested for inclusion in this principle[23]. For some respondents, the

[14] RSA, Thebarton, Catalyst Foundation Submission
[15] Online survey respondent
[16] CCSA Submission
[17] RSA, Thebarton
[18] RSA
[19] Murray Bridge, Berri, online survey respondent
[20] On-line responders
[21] On-line responders
[22] Thebarton Community Forum, Adelaide Stakeholder Forum, MARRNet Submission, Intercultural Connections Submission, online survey respondents
[23] Adelaide Stakeholder Workshop, Murray Bridge

inclusion of the concept of "entitlement" raised the question whether there would be legal ramifications if it were to be included[24].

The understanding of "respect" was raised in relation to the treatment of migrants, Aboriginal people and women[25]. The example of disrespect given in a discussion forum was how new migrants are "sent to work in regional areas", but non-migrants are not; and in the online surveys the view that until an acknowledgement of the plight of Aboriginal people is acknowledged, "there will not be respect or understanding for any culture"[26].

A suggested re-wording for principle 3 was "*All people are entitled to mutual respect and deep recognition of each other's racial identity, culture, language and religious/faith practices to maintain [a] unified, stable, safe multicultural Australian community"[27].*

### Principle 4 - All people have access to participate in the cultural, economic, political and social life of the state.

This principle was ranked third place in importance (out of eight) in both the discussion forums and in the online surveys. The feedback was that this principle would require transparent and open policy to create conditions for people to access participation[28].

It was submitted that a major barrier to participation is being excluded based on language. Education must be recognised as central to socialisation in the multicultural community. It was further noted that an 'English-only" view disenfranchises individuals whose first language may not be English, and that knowledge and learning are "not only acquired in the English language"[29]

Other common examples of barriers to access for people from culturally and linguistically diverse backgrounds were difficulties in accessing education and employment pathways due to low levels of recognition of overseas qualifications and experience, and lack of on-going support to develop English language proficiency[30]. It was suggested that resourcing is necessary to enable participation, including access to interpreters, education, capacity building and employment pathways for new migrants[31] .

A common viewpoint expressed in the online survey was the "*potential for negative outcomes for the state from participation by people without an understanding or respect for Australian law and democracy*"[32].

A suggested re-wording for principle 4 was *"All people have the freedom and equitable opportunity to participate in and contribute to the cultural, linguistic, economic, political and social life of the state[33].*

[24] RSA
[25] Online survey respondent
[26] Pt Pirie, Murray Bridge, Online respondent
[27] Catalyst Foundation Submission
[28] Online survey respondents
[29] RSAs
[30] RSAs, CCSA Submission
[31] Online survey respondent CCSA Submission
[32] Online survey respondents
[33] MARRNet Submission, RSA

### Principle 5 - All people have equal rights and responsibilities under the law and equitable access to the services funded by government.

This principle was ranked fifth place in importance (out of eight) in the discussion forums and second in the online surveys. Probable reasons for this difference in ranking are the noticeable divergent views about the place of migration and multiculturalism in SA. In the discussion forums there was general agreement that all people should have equal rights and responsibilities under the law. While some respondents to the online survey strongly agreed that equal rights and responsibilities are fundamental to the success of a fair and civil society, they believed that equality is not experienced in practice by all.[34] A further view expressed was that equal access to services does not always occur[35]. One example given was "*access for rural Australians is terrible, as is access for Aboriginal people*"[36]. It was suggested that, "*this is a passive view and needs to be broader in scope to apply to all dimensions of community"* [37]. A suggested re-wording to make this principle more explicit was to change *"all people have equal rights …" to "all people should have equal rights …"*[38].

Some participants in the consultation forums indicated that this principle does not recognise the challenges experienced by people with English as a second language, people on temporary visas or newly arrived migrants[39]. It was also noted that temporary migrants are contributing to the South Australian society and enriching its multicultural aspects yet do not have equal access to law and justice [40]. This concern builds on the issues in relation to language raised about principle 4, i.e. a major barrier to *participation* is being excluded on the basis of language; and in the case of this principle, a major barrier to *access* is being excluded on the basis of language[41].

A suggestion from a submission was to divide this principle into two separate principles, i.e. one to focus on rights and responsibilities; and the second to focus on access to government-funded services[42].

### Principle 6 - All people have a responsibility to abide by Australian laws and respect the democratic processes under which those laws are made.

This principle was ranked sixth place in importance (out of eight) in the discussion forums and ranked first place in the online surveys. As can be seen from the ranking results, the views expressed by key stakeholder workshop participants, community forum participants, the written submissions (including response sheets) and online responders on this principle were quite divergent.

Participants in the key stakeholder workshop felt very strongly that this principle should be removed. Comments included, "*this principle has no place in the Act; it is rude, insulting and playing to a particular audience*[43]. In contrast, participants in the community forums supported this principle in general. They considered it to be a given that everyone would accept the intent of this principle without question. However, in two community forums views were expressed that *"migrants should abide by Australian laws, but not be expected to change or set aside their cultural values, i.e. the*

[34] Online survey respondents
[35] RSA, Online survey respondents
[36] Online survey respondent
[37] RSAs
[38] Adelaide Stakeholder Workshop, Mt Gambier, Adelaide Nexus,
[39] Marmo and Torresi Submission, Adelaide Stakeholder workshop, Mt Gambier, Adelaide Nexus
[40] Marmo and Torresi Submission
[41] RSAs
[42] MARRNET Submission
[43] Adelaide Stakeholder Workshop

*principles need to reference cultural values as well as reference to Australian law"*[44]*.* One submission suggested to extend this principle to include *"respect for the natural Australian environment which in Aboriginal culture is considered to be the fundamental basis for the law*[45]*.*

In the written submissions, the comments were general in nature, and only one specific reference was made, which was to change the tone of the principle from compliance to a right to participate in democratic processes under which those laws are made[46]. In several of the written response sheets, there was support to remove this principle, as it was seen as a "*given*"[47], "*and has no place in multiculturalism"*[48]*.*

While several online respondents shared similar views as expressed by the participants in the stakeholder, community forums and submissions, others expressed divergent views. In general, the key concern expressed by several online respondents centred around what they perceive to be limited compliance by migrants and new Australians with Australian laws. One view was that "*consideration needs to be given to consequences where there is non-compliance with responsibilities under the law, e.g. under aged marriage"*[49]*.* Another suggestion for a rewording of the principle was *"All people are required to abide by Australian laws"* [50]*.*

### Principle 7 - South Australia's diversity should be reflected in a whole of government approach to policy development, implementation and evaluation.

This principle was ranked second place in importance (out of eight) in the discussion forums and ranked sixth in the online surveys. The difference in the ranking again demonstrates the divergence of views that exist about multiculturalism. In the discussion forums there was wide support for this principle and the implementation of multicultural principles across government. However, some participants felt it was too broad to be meaningful. Many felt that this principle should be extended to include all levels of government and the non-government services funded by government[51].

The online survey respondents generally interpreted this principle differently and thought it was referring to cultural diversity within the public service. Responses were split between being supportive of the need for the government workforce to reflect our diverse community; or were concerned that diversity in the public sector workforce could be used to the advantage of particular cultural groups[52].

There was a suggestion to combine principle 7 with principle 8 because they both related to implementation of the principles across government and the non-government sector[53].

[44] Mt Gambier, Murray Bridge, Catalyst Foundation Submission
[45] Darian Hiles Submission, Intercultural Connections Submission
[46] MARRNet Submission
[47] RSAs
[48] RSAs
[49] Online survey respondents
[50] Online survey respondents
[51] Berri, Murray Bridge, NEXUS Adelaide, Thebarton, Adelaide Stakeholder Workshop, Mt Gambier, CCSA Submission
[52] Online survey respondent
[53] RSA, Adelaide Stakeholder Workshop

### Principle 8 - Government entities are responsible for embedding the multicultural principles in conducting their affairs.

This principle was ranked as fourth in place of importance (out of eight) in the discussion forums and seventh in the online surveys. The ranking result is further evidence of the divergence that may occur between face-to-face and online participants. As with principle 7, the participants in the discussion forums suggested it needs to be extended to include all levels of government, and the non-government services funded by government[54]. There were suggestions that the business sector, community organisations and independent bodies have a place in this principle[55]. Other views questioned whether 7 and 8 were principles and asked if they might form part of policy or if they are actions?[56]

In the discussion forums and submissions there was strong support for the suggestion that implementation of this principle needs to be at the highest levels of government; government to show leadership, model the implementation of the principles and go beyond embedding the principles, with a focus on impact and change [57]. Building on this comment, one submission provided the following point of view, "*Government has a responsibility to safeguard, lead, promote and value our multiculturalism as one of the highest priorities and most fundamental/bedrock values*"[58].

In the online surveys there was general support for this principle. As with the feedback on the other principles, many of the comments were out of scope in relation to the principle being commented on.

Suggestions for rewording for principle 8 included to replace "*embedding" with "enacting and promoting"*[59]*, and to replace "responsible" with "accountable"*[60].

### Suggested additions and changes to the principles

In response to the question about additions or changes to the principles, the following key points were made:

- Expanding the scope of the principles could include a focus on "dismantling systems that discriminate, oppress and further marginalise ethnic minority communities"[61].
- The principles should "incorporate the concept of "intersectionality", described as recognition that multiple layers of oppression such as gender, race, class, age, faith, sexuality, disability and migration status create an intersection where these dimensions are not separate issues, but rather interconnected and complex" [62].
- The principles/legislation should reflect the reality of current migration trends and "afford equality of representation to new permanent settlers and temporary migrants… who are appreciated and meaningful contributors to the richness of South Australia"[63].

[54] Berri, Murray Bridge, Adelaide Nexus, Thebarton, Adelaide Stakeholder Workshop, Mt Gambier, CCSA Submission, RSAs
[55] Mt Gambier, Online survey respondents
[56] RSAs
[57] Adelaide Stakeholder Workshop, Mt Gambier, RSA, Online survey respondents
[58] RSA
[59] Mt Gambier
[60] Online survey respondent
[61] Intercultural Connections Submission
[62] Intercultural Connections Submission
[63] Marmo and Torresi Submission

- Strong recognition of Aboriginal people as the traditional custodians of land, sea and country.[64] It was suggested a core principle could be worded as 'Aboriginal cultures will be respected, acknowledged, learned and preserved in our multicultural work', with "lifelong education on Aboriginal cultures provided to established and new and emerging communities should be a responsibility of fostering greater inclusion in our society"[65].
- Include First Nations in the principles; or ask what involvement they want in this legislation[66].
- A new principle should include the right to be free from religious and racial discrimination[67].
- The legislation should encompass religious diversity and expression[68].
- The principles need to reflect there is no place for radicalism in Australia[69].
- There was an example in a submission of reordering of the principles and it included an additional principle that addressed the right to freedom from discrimination[70].
- Interculturality should be an over-arching principle[71].
- In general, there was considered to be duplication between some of the principles; in particular between those numbered 2 and 3 and 5 and 6.
- A further suggestion to improve access was to consider translating the principles into multiple languages[72].
- Another view was that the aim of the principles should be to promote global citizenship[73].

### 6.1.1 Converting the principles into policy

The consultation process sought feedback on the best way to implement the proposed multicultural principles, with policy development identified as a separate process to be carried out following the Review. As indicated previously, Multicultural Affairs prepared a research paper on current arrangements relating to multicultural legislation, advisory mechanisms and multicultural policies in other Australian State and Territories to inform the consultation process. The Review Discussion Paper sought feedback on various examples of implementation in other jurisdictions, such as:

- an official policy document (e.g. a charter)
- a framework or an action plan, including identification of outcomes required from government agencies delivering services to people from diverse backgrounds
- public reporting of outcomes.

A summary of the feedback provided at discussion forums and online in response to the three related questions in the Discussion Paper follows.

[64] Catalyst Foundation Submission, Intercultural Connections Submission, MARRNet Submission, online survey respondents,
[65] Intercultural Connections Submission
[66] Adelaide Stakeholder Workshop, Berri, Murray Bridge, MARRNet Submission, Online survey respondents, Intercultural Connections Submission
[67] MARNet Submission
[68] Intercultural Connections Submission
[69] Online survey respondents
[70] MARRNet Submission
[71] Adelaide Nexus
[72] Adelaide Stakeholder Workshop
[73] Adelaide Nexus

### Question 1: Which features of implementation do you feel are most important, and why?

It was widely agreed that all government departments should develop some form of multicultural policy to create transparency and accountability. There was strong support for action plans at individual government agency levels, with measurable and tangible outcomes or KPIs [74]. Some respondents noted it was important for action plans to be realistic and not "pie in the sky"[75]. One respondent referred to Section 22 of the current Act in relation to the need to consider imposing sanctions for public authorities' non-compliance with standards in their delivery of services to ethnic groups[76]. Many respondents saw the action plan as part of a wider policy framework encompassing multicultural principles and a public reporting mechanism[77]. A further suggestion was that department chief executives should be required to report to the minister or Parliament on their actions and to make reports publicly available [78].

An official policy document such as a charter was identified by some to beg important[79]. It was suggested that such a document was needed for "symbolic value" and as a "galvanising force" [80].

In the online survey, in place of comments on the features of implementation, respondents ranked the three features as follows. About 45% favoured the development of an official policy document such as a charter. A further 30% favoured the development of a model such as a framework or action plan and the remaining 25% preferred the idea of public reporting of outcomes.

### Question 2: What features have other jurisdictions implemented that South Australia could adopt?

There was strong support for South Australia to adopt particular features of legislation that other Australian jurisdictions have implemented. In particular, Queensland's *Multicultural Recognition Act 2016* (Australia's most recent piece of multicultural legislation), the *Multicultural Victoria Act 2011* and the *Multicultural New South Wales Act 2000* were cited as worthy of further consideration[81]. Many respondents endorsed the Queensland and Victorian approach of enshrining government action plans and public reporting mechanisms in the legislation, and some favoured the New South Wales approach to policy implementation and reporting. One submission proposed wording for a preamble to the legislation similar to Victoria's, for the reason that it would "provide a vision for an inclusive society"[82]. Others supported the concept of a charter similar to Queensland's (and Western Australia's) in order to act as a vision statement and recognise, honour and acknowledge Aboriginal people.[83] Others cited multicultural legislation in Europe and Canada as being worthy of further

[74] Adelaide Stakeholder Workshop, Thebarton, RSAs, Equal Opportunity Commission Submission, CCSA Submission, MCCSA Submission
[75] Adelaide Stakeholder Workshop
[76] Chinatown Adelaide Submission
[77] MCCSA Submission, CCSA Submission, Equal Opportunity Commission Submission, MARRNet Submission, Adelaide Stakeholder Workshop, Thebarton, Murray Bridge, RSAs
[78] Equal Opportunity Commission Submission, Adelaide Stakeholder Workshop
[79] RSAs, Murray Bridge
[80] RSA
[81] Chinatown Adelaide Submission, Berri, Adelaide Stakeholder Workshop, Mt Gambier, Murray Bridge, RSAs, online responders, MARRNet Submission, CCSA Submission, MCCSA Submission, Thebarton
[82] MARRNet Submission
[83] RSAs, Murray Bridge

consideration.[84] Other respondents proposed the need for a charter on human rights for South Australia, citing similar documents that exist in Victoria and the Australian Capital Territory[85].

### Question 3: What other features do you recommend for implementation?

The following other observations, suggestions or recommendations were made about policy development for South Australia:

- The view was expressed that South Australia's multicultural policy requires a complete re-think and re-imagining, as it reflects a "dated view of diversity and is too focused on ethnicity and groups". [86] The South Australian Multicultural Education and Languages Committee (MELC) statement was cited as a useful reference to support further work.[87]
- It was suggested that a cultural diversity framework would, "strengthen South Australia's commitment to the ever-changing and globalised society that has become; and 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". It was recommended that "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" [88].
- Considerable discussion occurred at some forums about the pros and cons of enshrining multicultural policy and government reporting mechanisms in legislation. Some felt that embedding policy and reporting mechanisms in legislation would lend weight to policy and reporting mechanisms as well as enhancing accountability and transparency. An alternative view expressed was that policy and reporting mechanisms should not sit within legislation as flexibility is needed to respond to changing requirements[89].
- The importance of embedding multicultural principles and policy in education and employment pathways was noted[90].
- The need for a public campaign to achieve change in attitudes and behaviour was considered by a participant as pivotal in successfully implementing the principles, as well as using social media and different ways of informing people about policy[91].
- A question was raised about whether it would be preferable to have a national approach to multiculturalism, or at the very least to ensure that there is a relationship between South Australia's approach and the Australian Government approach[92].
- An example was given of the current practice in the Department of Planning, Transport and Infrastructure (DPTI), where a 'communities of practice' approach has been adopted to address service delivery to people from culturally and linguistically diverse backgrounds. Each community of practice has a commitment statement and action plan, with buy in across the department[93].

[84] Adelaide Nexus
[85] Marmo and Torresi Submission, online survey respondents
[86] RSA
[87] RSA
[88] Intercultural Connections Submission
[89] Thebarton, Adelaide Stakeholder Workshop
[90] Port Pirie, Adelaide Stakeholder Workshop, online respondents
[91] Port Pirie, Thebarton
[92] Adelaide Nexus, RSA
[93] Adelaide Stakeholder Workshop

## 6.2 Term of Reference 2 :

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

With respect to this term of reference, a consistent observation throughout all facets of the consultation was that there is significant uncertainty and confusion within the community as to the respective roles of the Commission and Multicultural Affairs within the Department of the Premier and Cabinet.

A possible explanation for this is that until only a few years ago, the two bodies were much more closely intertwined than they are today. Furthermore, another possibly confusing element is that Multicultural Affairs provides administrative and secretariat support to the Commission.

For clarity, the role of Multicultural Affairs is to advise the government on all matters relating to multicultural affairs in South Australia, and to develop and implement policies, events and grant programs that promote cultural diversity. In contrast, the Commission is a separate entity whose role, according to section 12 of the Act, is to:

- *increase awareness and understanding of the ethnic diversity of the South Australian community and the implications of that diversity, and*
- *advise the government on all matters relating to the advancement of multiculturalism and ethnic affairs.*

#### Question 1: How well do you understand the Functions of the Commission?

Most participants in the discussion forums (83%) indicated that they were unaware of the functions of the Commission. This was the same for online survey respondents. Similarly, most of the written submissions and respondent sheets indicated a lack of awareness of the Commission's functions. Some respondents expressed the view that the Commission appears to be '*symbolic*' and '*ceremonial*' more than '*consultative/participatory and leading public debate'*. [94]

#### Question 2: What is your understanding of the role of Commission members?

As most consultation participants and respondents were unaware of the functions of the Commission, in general they were unable to provide responses to this question; however, some participants were aware that Commission members regularly attended multicultural events, festivals and citizenship ceremonies. One participant indicated that while he came into regular contact with one of the Commission members at community events he did not understand his role on the Commission [95] . One participant expressed the view that the role of Commission members is "*Not just attending community functions. It must be leadership; it must be the most robust formulation of multiculturality"*[96].

#### Question 3: How often to you come into contact with the Commission members?

When asked what level of contact people had with the Commission some responses indicated it was only at cultural events and citizenship ceremonies; the majority indicated no contact at all with the Commission. One person had contact with the Commission involving a project on domestic

[94] RSAs, Adelaide Stakeholder Workshop
[95] Adelaide Stakeholder Workshop
[96] RSA

violence[97]; and another person commented upon the support the local community had received from the Commission several years ago, when there was an influx of new migrants to an area[98]. At another forum the participants mentioned they used to have regular contact through the former Commission's Riverland Regional Advisory Committee[99].

### Question 4: How often would you like to come in contact with Commission members?

The majority of responses indicated at least twice a year as the desired level of contact with the Commission[100]. Other responses included contact on a needs or issues basis; and another participant suggested that attendance of Commission members at annual general meetings of multicultural organisations would be a useful in building linkages with the Commission[101]. Others suggested that the Commission should visit regional areas at least once a year in order to gain a better understanding of multicultural issues in regional areas; and for Commission members to have contact with new arrivals and their activities[102].

### Question 5: What do you think is working well with how the Commission currently operates?

There was some acknowledgement of the work and achievements of the Commission over the past 39 years[103]. The most common point made about what was working well was the attendance of Commission members at multicultural events, festivals and citizenship ceremonies[104]. Some respondents felt that this was insufficient. At one forum, it was noted that the Commission has been successful in raising issues affecting communities, for example ageing issues. Another example was that the Commission has at critical times worked successfully in the background with government to address issues such as the 'ugly' side of multiculturalism[105].

The Assistant Minister to the Premier, the Hon Jing Lee MLC, was noted as being highly visible and active in promoting multicultural awareness.[106] The previous Chair of the Commission was also noted as being highly visible in the community, listening to the views of communities and encouraging people to get involved[107].

### Question 6: What do you think could be improved with how the Commission operates?

A major suggestion for improving the operation of the Commission related to raising the awareness of its roles and functions and increasing its visibility[108]. Comments made by respondents included "*the visibility is low; there is a need for clarity about functions, scope, processes of engagement, and "the community does not know what advice the Commission provides, how it is received and its impact at a government level"*[109]. Other comments included "*more publicity is needed to make wider*

[97] Adelaide Stakeholder Workshop
[98] Murray Bridge
[99] Berri
[100] Thebarton, Murray Bridge, Berri, Mount Gambier, Adelaide Stakeholder Workshop
[101]Thebarton
[102] Adelaide Stakeholder Workshop, Thebarton, Berri, Murray Bridge, Mt Gambier
[103] ARA Submission, Thebarton, Murray Bridge
[104] Berri, Murray Bridge, Mt Gambier, Adelaide Nexus, Thebarton
[105] Thebarton
[106] Murray Bridge
[107] Berri
[108] RSAs, South Australian Tourism Commission Submission, online responders, Berri, Mount Gambier, Adelaide Stakeholder Workshop, Thebarton
[109] RSA

*the awareness that there is such Commission in South Australia and what the Commission does"*[110]. Online responders provided the following comments: "*more publicity of their work and how to contact them", "by becoming more visible", "more public awareness of its functions and who its members are*[111].

There was strong support for the Commission to increase its level of engagement and consultation with communities[112]. It was suggested that the Commission have regular and formal consultations with new and emerging communities.

It was also suggested that our "*understanding of the needs of multicultural communities must occur through multiple channels, and not only through official community leaders and groups*"[113] . In part, this was attributed to the fact that "*while people might identify with an ethnic community or heritage, they might not actively participate in the official community organisations that exist*"[114]. Accessibility to not only the recognised community leaders but other members of the community was considered important to ensure that all voices are heard. It was further suggested that feedback or outcomes resulting from consultations conducted by the Commission should be made publicly available[115]. There is a willingness, particularly in local government, to support the Commission to carry out its function of consulting with communities at the local level[116].

Other respondents expressed a need for the Commission to work in collaboration with other public authorities, non-government organisations and universities to achieve a range of objectives. These included to "*ensure a coordinated approach to multiculturalism and to see the inclusion of the contribution of migrants to the state's economic development plans*"[117] .

Further suggestions called for the Commission to be informed by research, *have more active rather than passive representation, have a focus on education, monitoring/evaluation and joining with particular communities to "change the narrative*" [118] (about multiculturalism).

Comment was also received about the need for major change in the role and membership of the Commission, with suggestions such as the need to incorporate the "most recent thinking about diversity in society, i.e. a global perspective"[119]; and to "work with a stronger formulation of what multiculturalism actually is. It (the legislation) operates with a formulation which was set in the 70s/80s"[120]

The need for a formal mechanism between the Commission and the South Australian Department for Education's Multicultural Education and Languages Committee was identified for the purposes of "*synergy and bilateral, mutual membership/collaboration/communication*".[121]

[110] RSA
[111] Online responders
[112] ARA Submission, CCSA Submission, online responders, Berri, RSA
[113]Intercultural Connections Submission, ARA Submission
[114] Intercultural Connections Submission
[115] ARA Submission
[116] CCSA Submission
[117] MCCSA Submission, Catalyst Foundation Submission
[118] RSAs
[119] RSA
[120] RSA
[121] RSA

Another strong theme was for the Commission to improve its representation of regional South Australia and to hold regular meetings in regional areas.[122]

To provide better framing/context for the functions of the Commission, there was the suggestion to include objectives in the legislation, as is done in *Multicultural NSW Act 2000* and *Multicultural Victoria Act 2011*.[123]

### Question 7: Do you have any feedback on the proposed functions of the Commission?

It should be noted that the new functions for the Commission are being proposed to reflect how the Commission's roles and functions have evolved over the years. In addition, a new function is proposed to support the promotion and awareness raising of the multicultural principles and to use the principles to drive the work of Commission members. The feedback provided on the three proposed functions demonstrated strong support for the changes. A summary of the suggestions for how SAMEAC might implement the functions are as follows:

***Proposed function 1 – To give advice to government about:***

- *identifying the needs, aspirations and contributions of people from diverse backgrounds*
- *government policies relating to multiculturalism*
- *services and programs that will meet the needs of people from diverse backgrounds.*

The function of *giving advice to government* on the three identified dot points was strongly supported in the consultation; however, many participants or respondents felt that the Commission's advisory role should extend beyond providing advice to having "*greater power and influence in policy and decision making*[124]*, including involvement in the development of action plans with specific KPI's and their implementation*[125] *in conjunction with the Minister and whole of government*"[126]. This is indicative of the confusion that widely exists in the community about the respective roles of the Commission and Multicultural Affairs referred to elsewhere.

Further examples that demonstrate confusion about the level of involvement the Commission can have in policy development included …: "*Work at the executive level with state government, peak bodies*[127] *and non-government organisations to collaborate and coordinate on policy and program initiatives to help drive and achieve the goals of a state action plan (including migrant contributions to economic development plans*[128]*) and "Work with and support public authorities to develop focussed and effective immigration and settlement strategies to compliment the State's economic development plans and to realise the full potential and meet the needs of individual migrants"*[129].

[122] Berri, Mount Gambier, Murray Bridge
[123] MARRNet Submission
[124] ARA Submission, Adelaide Stakeholder Workshop, Thebarton, Adelaide Nexus
[125] Port Pirie, Thebarton
[126] Chinatown Adelaide Submission, Intercultural Connections Submission, Adelaide Stakeholder Workshop, Adelaide Nexus
[127] Mt Gambier, Adelaide Nexus
[128] MCCSA Submission
[129] Catalyst Foundation Submission

Some respondents identified the need for the Commission to have enough resources to carry out its functions [130], and another felt that it should have its own research unit *to "conduct independent evaluation of policy and implementations"*[131].

### *Proposed function 2- To consult with any group or entity as required to carry out its advisory functions*

As indicated under the response to Question 6 in this section, one respondent expressed support for the Commission to have a stronger focus on new and emerging communities rather than the established communities and recommended that it hold regular formal consultations with the former and for feedback about the consultations to be made publicly available.[132] Further, it was recommended that the *consultation should not only occur with "deemed 'community leaders' but more extensively within the communities*[133]*, including the opportunity for community members to initiate conversations with Commission members and raise issues impacting on their communities to ensure that the Commission is across the range of specialised needs in the community.* [134]

Conversely, one respondent's comment suggested the need for the Commission to not lose its focus on the established communities… "*South Australia includes a large proportion and number of first-generation migrants - must be a high priority*". [135]

One submission focused in particular on the need for the Commission "*to be more aware of and familiarise themselves with current research on new permanent and temporary migration*". These groups are becoming more prominent in our multicultural community and further consideration may be required. [136]

Some respondents highlighted the need for the Commission to focus on addressing racism and discrimination within the wider Australian community, noting the "*significant and detrimental effects these issues have on our society*"[137]. It was suggested that the Commission adopt an advocacy role in working with communities, organisations in the education, health, youth and welfare spheres, and in partnership with the Equal Opportunity Commission and Stop Racism Taskforce [138].

One respondent suggested the establishment *of "three portfolios to improve representation of human rights, youth and regional issues within the Commission.* [139]

[130] Port Pirie, Berri, Adelaide Stakeholder Workshop, Murray Bridge
[131] Online survey respondent
[132] ARA Submission
[133] SATC Submission
[134] ARA Submission
[135] RSA
[136] Marmo and Torresi Submission
[137] Intercultural Connections Submission
[138] Intercultural Connections Submission, ARA Submission, Berri, Mount Gambier, Nexus Adelaide, Murray Bridge
[139] Marmo and Torresi Submission

### *Proposed function 3 - To promote and raise awareness of the multicultural principles and use the principles to drive and underpin their work as Commission members:*

There was overall support for the proposed role and function of promoting and raising awareness of the multicultural principles, and to use the principles to drive and underpin the work of Commission members. Suggestions for how the Commission might do that included the following:

"*Advocate for workplace staff development and training (promotion and training for schools[140]) to enable integration and support for members of multicultural communities"[141];*

*"Sharing governmental information to communities"* and *"Access to reports or meeting minutes to be made public and meetings should be better advertised so that a wider population can access the community consultations"[142];*

*"Develop effective strategies, assist and promote cooperation between multicultural groups and organisation concerning security and unity in maintaining a harmonious multicultural society[143]*

*"Support multicultural events rather than events for individual cultures"[144]*

### Question 8: Do you feel the title of Commission reflects the proposed role?

As part of the Review feedback was sought on the title of the Commission and whether it reflects the proposed role and functions. In the consultation, there was general support to change the title of the Commission. Many considered the title to be too long and out of date. At the discussion forums, in written submissions and response sheets there was strong support to remove the term "ethnic" or "ethnic affairs" from the title of the Commission and the Act, mainly because the term was considered to be outdated, with some stating that it is divisive. [145] One respondent wrote "*the title needs major overhaul "[146] Others felt that the title is still appropriate[147]. One online respondent was supportive of the term 'ethnic', stating "I know that some believe "ethnic" is a divisive term and should be removed. Given the ever-changing profile of South Australia's settlement patterns over decades, recognition of the fact that ethnicity is an element of that changing profile suggests the word could be kept*"[148] . While many were supportive of the term 'Multicultural', others felt that other terms that could be considered as a more appropriate replacement were intercultural, cross cultural, intracultural, diversity and inclusion."[149]

There was some support to change the name of the Commission to 'Advisory Board or Advisory Council'[150], as the term was seen as "*having links to other meanings such as a "Royal Commission,*

[140] Port Pirie, Murray Bridge
[141] ARA Submission
[142] MARRNet Submission
[143] Catalyst Foundation Submission
[144] Intercultural Connections Submission
[145] RSAs, MARRNet Submission, Thebarton, Adelaide Nexus, Berri, Adelaide Stakeholder Workshop, Catalyst Foundation Submission, MCCSA Submission, Port Pirie, Mt Gambier
[146] RSA
[147] RSA, Murray Bridge, online responder
[148] Online survey respondent
[149] Adelaide Nexus, Berri, Mt Gambier, RSA
[150] MARRNet Submission, RSA, online responders

*which may have a negative association*"[151], because it was considered archaic or not reflective of what the body actually does[152].

Suggested alternative titles for the Commission included "*South Australian Multicultural Rights Commission"[153], South Australian Multicultural Commission or South Australian Multicultural Affairs Commission [154] "Diversity Commission"[155], "Multicultural Advisory Council or Board"[156].*

Discussion forum participants suggested that the definition of any terms used in the legislation needs to be clear, e.g. "*intercultural" underpins a culture of harmony and respect*[157].

## 6.3 Term of Reference 3 :

### Review the appointment process of Commission members

The Review sought feedback on the current appointment process of Commission members and whether other considerations should be taken into account in appointing members.

#### 6.3.1 Number of Commission members and terms of office

Feedback on the number of members the Commission should comprise and the terms of office was mainly received through written submissions. The feedback received was generally supportive of current arrangements, with some variations. Key points were as follows:

- Support for the current three- year term for members, but term of Chair should be reduced to four years, with both being able to be extended for one year only[158].
- Term of office for members and chair 4 years. Only one term of reappointment allowed[159]
- Reduce term of appointment to a maximum of two years[160]
- Support for up to 15 members[161]

#### 6.3.2 Proposed additional criteria for appointment

The Discussion Paper proposed the inclusion of the following additional criteria in the legislation:

- Balance between established, new and emerging communities
- Difference social and cultural backgrounds
- Different age groups
- Regional representation
- Expertise in current areas of need/relevance to the community.

[151] MARRNet Submission
[152] RSA, online responder
[153] Thebarton
[154] RSA, MCCSA Submission, Catalyst Foundation Submission
[155] Mt Gambier
[156] Online survey respondent, MARRNet Submission
[157] Mt Gambier, Adelaide Nexus
[158] Catalyst Foundation Submission
[159] MCCSA Submission
[160] RSA
[161] Catalyst Foundation Submission, MCCSA Submission

The facilitator explained to participants of the discussion forums that the above criteria have informally been taken into consideration as part of the selection/appointment process of Commission members for many years, yet they are not reflected in legislation.

The proposed additional criteria for appointment to the Commission attracted considerable interest throughout the consultation, and there were numerous suggestions about further considerations that should be taken into account in the selection and appointment of members.

There was strong support for inclusion of the following criteria in the legislation:

- Youth representation, including new arrivals[162], with the suggestion that we adopt the Victorian Multicultural Act's provision for a position to be retained for someone at least 18 years but no more than 24 years[163]
- Representation from regional South Australia/rural-urban balance [164]
- Representation from new and emerging communities[165], representation from a person who has migrated to Australia no more than 10 years prior to their appointment[166], person with 'lived experience of migration' and "knowledge of migration history and its impacts since World War 2"[167].
- Gender balance.[168]

There was considerable support for representation from:

- People who represent gender diversity and gender equity e.g. 40% male, 40% female, 20% other (strong support)[169]
- Aboriginal and Torres Strait Islanders (ATSI) (but with the proviso that consultation should firstly occur with the first consult with ATSI community as to whether they would welcome this)[170].

The following other representation suggestions were also made:

- Expertise in diversity rather than "*ethnic group membership*" or "*people from a particular background"*[171],
- Representation from the SA Multicultural Education and Languages Committee (MELC)[172]
- Other individual suggestions included representation from the disability sector, arts and culture, public service, second and third generation migrants, new permanent and temporary migrants,

[162] Port Pirie, Adelaide Stakeholder Workshop, ARA Submission, MARRNet Submission, Commissioner for Equal Opportunity Submission, Intercultural Connections Submission, Marmo and Torresi Submission, RSA
[163] ARA Submission, MARRNet Submission, Commissioner for Equal Opportunity Submission, Intercultural Connections Submission, Marmo and Torresi Submission
[164] Mt Gambier, Adelaide, Nexus Berri, Port Pirie, Murray Bridge, Chinatown Adelaide Submission, MARRNet Submission, Commissioner for Equal Opportunity Submission, Intercultural Connections Submission, Marmo and Torresi Submission, RSA
[165]ARA Submission, Intercultural Connections Submission, Marmo and Torresi Submission, Online survey respondents
[166] MARRNet Submission
[167] De Hoedt Submission
[168] MCCSA Submission, Catalyst Foundation Submission, CCSA Submission, online survey respondents, Marmo and Torresi Submission, RSA
[169] Adelaide Stakeholder Workshop, MCCSA Submission, Catalyst Foundation Submission, Marmo and Torresi Submission, Online survey respondents
[170] MARRNet, Intercultural Connections Submission, Online survey respondents
[171] RSA
[172] RSA

media, employment and migrant entrepreneurial sector, community organisations, human rights law, ability and willingness to engage with communities and report on outcomes; knowledge of Australian political, legal, criminal systems and mainstream cultural values.

### 6.3.3 Other suggestions

- It was suggested that a "small stipend" be provided to allow representation from people who may not have the resources to otherwise commit time to the Commission.[173]
- It was recommended that people with ties to a political party should not be considered.[174]

### 6.3.4 Selection Process

At several of the community forums, participants raised the question of how Commission members are selected, and a majority of participants in these forums remarked that the selection process is not transparent.[175] There was support for an open application process to be adopted against which all members' eligibility is assessed before they are appointed in order to avoid conflicts of interest[176].

Participants at the Key Stakeholder Workshop did not discuss this issue. This can probably be attributed to the fact that these participants were from government agencies, peak bodies, leading service provider organisations and universities and were more invested in higher level issues such as the proposed multicultural principles, multicultural policy and the functions of the Commission.

## 6.4 Term of Reference 4 :
## Contemporise language used in the Act

As part of the Review the Premier and Assistant Minister to the Premier requested feedback on the language used in the legislation, with the view to ensure that it is contemporary and reflects our current multicultural society. There were two questions included in the consultation, which were to seek input about whether any words or terms in the current legislation are no longer appropriate and should be removed, and which other words or terms considered culturally appropriate should be included in the new legislation.

### Question 1: Are there any words or terms in the current legislation you feel are no longer appropriate and should be removed?

As previously mentioned under the discussion in Term of Reference 3, Question 8, there was majority support in the discussion forums, written submissions and response sheets for the removal of the term "ethnic" from the title of the Act and the Commission[177]. Comments in support of this view included: "*The term ethnic and ethnic groups emphasizes difference not diversity and underscores difference rather than inclusivity*"; and '*I think that the word Ethnic does not reflect the communities' understanding of multicultural today"*[178]

[173] MARRNet Submission
[174] Online survey respondent
[175] Port Pirie, Thebarton, Berri, Adelaide Nexus, Online survey respondents, MARRNet Submission
[176] ARA Submission, MCCSA Submission
[177] RSAs, MARRNet Submission, Thebarton, Adelaide Nexus, Berri, Adelaide Stakeholder Workshop, Catalyst Foundation Submission, MCCSA Submission, Port Pirie, Mt Gambier
[178] Online survey respondent

One of the themes that emerged throughout the consultation was that the term 'multiculturalism' is no longer appropriate or current and should be removed from the legislation. Comments included "*multiculturalism is itself a problematic term – it has historical baggage and is politically tainted*", that it is not inclusive as it means "*other*". [179] Another comment made was "*I think the term 'multiculturalism' is fraught and needs refreshing. In many instances, it's used as a synonym of bi-lingual or bi-cultural, and not for pluralism*"[180].

Some respondents felt that the use of the term 'affairs' in the concept of "*Multicultural and Ethnic Affairs", makes multiculturalism sound like a problem to be dealt with.*[181].

### Question 2: What words or terms do you consider culturally appropriate that should be within the Act?

There was considerable support for the term 'interculturalism' or 'interculturality' to replace multiculturalism, as it was seen as inclusive, contemporary and encouraging the exchange of ideas between communities[182]. Another view expressed was "*the concept of intercultural understanding should be included to signal active engagement/participation/interchange*"[183]An online survey respondent provided the following comment: "*I strongly support the intention to incorporate more intercultural principles and language in the legislation to make it accessible and inclusive*"[184]. Some respondents particularly noted that the term interculturalism recognises Aboriginal people, unlike the term multiculturalism. Comments included "*A foundation for an intercultural society cannot be laid solely through multicultural policies, but policies and programs that recognise Aboriginal peoples and land*" [185] and the question "*does the term multicultural include Aboriginal peoples*?"[186].

Replacement terms for "ethnic" and "ethnicity" were "diverse" and "diversity", which were considered more respectful and inclusive [187].

Some also discussed the importance of recognising linguistic diversity in the legislation, "*as this is central to identity, participation and engagement in community life – certainly through formal education, but more broadly*"[188]. It was therefore recommended that the term 'cultural and linguistic diversity' be used in the legislation.

The term "intersectionality" was raised in two of the forums as a term worthy of consideration for inclusion in the legislation and future policy development[189]. Intersectionality is defined as "the complex, cumulative way in which the effects of multiple forms of discrimination (such as racism,

[179] RSAs, Mt Gambier, Adelaide Nexus, online survey respondents
[180] Online survey respondent
[181] MARRNet Submission, RSA
[182] Equal Opportunity Commissioner Submission, RSA, Mt Gambier, Adelaide Nexus, online survey respondents, Intercultural Connections Submission
[183] RSA
[184] Online survey respondent
[185] Intercultural Connections Submission
[186] Online survey respondent
[187] Online survey respondent, RSAs, Intercultural Connections Submission, MARRNet Submission, Mount Gambier, Port Pirie
[188] RSAs
[189] Adelaide Stakeholder Workshop, Adelaide Nexus, Intercultural Connections Submission

sexism, and classism) combine, overlap, or intersect especially in the experiences of marginalized individuals or groups"[190].

Although most discussion forum participants considered the term "ethnic" should be removed from the legislation, a small number of respondents felt that the term still has currency and should be retained, as mentioned in the discussion under Term of Reference 3, Question 8, Title of the Commission [191]. In addition, one online survey respondent considered that migrants to Australia should be recognised by their ethnicity rather than nationality, as this is a more accurate way of recognising their cultural and linguistic background. "*Instead of labelling ethnically-diverse people based on their former nationality (for example Indian/Iranians), the Commission may start recognising based on their ethnicity; for example, Tamil-Australian instead of Indian-Australian*"[192].

Other terms suggested terms for inclusion in the legislation were, *intercultural, assimilation, cultural blending, first people's culture, cultural misappropriation, pluralism, acknowledgement, recognition of contribution [193].*

General comments about the changes needed to language used in the legislation were as follows:

- The suggestion to use simple, concise, active or strengths-based language[194].
- Include a preamble to set the context for the principles; and develop a glossary of terms to ensure a shared understanding of the language in the legislation (refer VIC legislation) [195].
- The recommendation to "*Review the definitions of multiculturalism and interculturalism that will be embedded in the legislation*" [196].
- The recommendation to change language in the legislation, with less emphasis on the 'economic values and assets' of cultural diversity and more emphasis on the culturally responsive strategies to protect minority communities"[197].
- One comment identified the need to reframe our understanding/definition of multiculturalism: "*The real issue is that we have a view of multiculturalism that is still about groups – us and them. Multiculturality is about all (not just 'others' who came from elsewhere)"[198].*

## 7. LIST OF APPENDICES

**Appendix 1:** *South Australian Multicultural and Ethnic Affairs Commission Act 1980*
**Appendix 2:** Multicultural Legislative Review 2019 Discussion Paper
**Appendix 3:** Multicultural Legislative Review 2019 Research Paper
**Appendix 4:** Multicultural Principles Rating Table- Summary of Discussion Forum responses
**Appendix 5:** Written Submissions acronyms and full titles

[190] Merriam-Webster online dictionary, viewed at https://www.merriam-webster.com/dictionary/intersectionality
[191] Online survey respondents
[192] Online survey respondent
[193] Online survey respondent
[194] MCCSA, RSAs, Adelaide Stakeholder Workshop, Mount Gambier, Thebarton
[195] MARRNet Submission, CCSA Submissions
[196] Intercultural Connections Submission
[197] Intercultural Connections Submission
[198] RSA

## Appendix 4 – Proposed Multicultural Principles Rating Table- Summary of Discussion Forum responses

| Principle # | Principle detail | Port Pirie | Adelaide Thebarton | Berri | Adelaide, Stakeholder Workshop | Mount Gambier | Adelaide Nexus | Murray Bridge | Total votes | Votes Ranking |
|---|---|---|---|---|---|---|---|---|---|---|
| **2** | All people have the right to express and celebrate their cultural, linguistic and religious diversity. | NA | 5 | 6 | 26 | 11 | 8 | 4 | **56** | **1** |
| **7** | South Australia's diversity should be reflected in a whole of government approach to policy development, implementation and evaluation. | NA | 25 | 2 | 15 | 4 | 8 | 2 | **54** | **2** |
| **4** | All people have access to participate in the cultural, economic, political and social life of the state. | NA | 6 | 1 | 29 | 5 | 7 | 3 | **48** | **3** |
| **8** | Government entities are responsible for embedding the multicultural principles in conducting their affairs. | NA | 25 | 0 | 17 | 1 | 3 | 1 | **46** | **4** |
| **3** | All people are entitled to mutual respect and understanding regardless of their background. | NA | 3 | 2 | 20 | 9 | 4 | 8 | **38** | **5** |
| **5** | All people have equal rights and responsibilities under the law and equitable access to the services funded by government. | NA | 10 | 1 | 6 | 12 | 9 | 2 | **38** | **5** |
| **6** | All people have a responsibility to abide by Australian laws and respect the democratic processes under which those laws are made. | NA | 4 | 6 | 0 | 2 | 2 | 4 | **14** | **6** |
| **1** | Diversity is an asset and a valuable resource benefiting the state. | NA | 2 | 0 | 7 | 3 | 1 | 0 | **13** | **7** |

## Appendix 5 Written Submissions - Acronyms and full titles

| **Submission List** | |
|---|---|
| **Acronym** | **Organisation** |
| ARA | Australian Refugee Association Inc |
| MCCSA | Multicultural Communities Council of SA |
| CHA | Community Hubs Australia |
| CDS | Cultural Diversity Services Pty Ltd |
| n/a | Equal Opportunity Commission |
| n/a | Intercultural Connections |
| MARRNet | University of South Australia |
| Marmo & Torresi | Flinders University, University of Adelaide |
| n/a | Chinatown Adelaide of SA Inc. |
| SATC | South Australian Tourism Commission |
| n/a | Catalyst Foundation |
| CCSA | Community Centres SA |
| n/a | Darian Hiles, Australian Civic Trust |
| n/a | Rod de' Hoedt |
| RSA | Response Sheet Authors |