Multicultural Legislative Review 2019 Research Paper

Approaches in other jurisdictions

Government of South Australia

Department of the Premier and Cabinet

A description of the current arrangements relating to multicultural legislation, advisory mechanisms and multicultural policies in other jurisdictions is provided below, followed by a table summarising these arrangements.

Australian Capital Territory

The Australian Capital Territory (ACT) is one of four jurisdictions that does not have multicultural legislation. It has a Multicultural Advisory Council, whose role is to work closely with the ACT Government and provide a platform for culturally and linguistically diverse communities to have their issues heard. Members are appointed for three years and are required to deliver on specific outcomes during their term. The first year is focused on strategy, the second on implementation and the third on review.

The selection criteria for council membership include:

- commitment and willingness to participate in council activities
- ability to contribute to council processes and consultation activities, and
- a commitment to reflecting the diverse range of experiences and views of Canberra's culturally and linguistically diverse communities.

ACT has a Multicultural Framework and associated Action Plan. The framework is based on several themes, which include supporting members of culturally and linguistically diverse communities to reach their full potential; accessible and responsive services; citizenship; participation; social cohesion; and capitalising on the benefits of cultural diversity.

New South Wales

The Multicultural New South Wales Act 2000 has three major purposes: to enshrine a set of multicultural principles (which are defined as the policy of the state); to establish Multicultural NSW, a statutory authority responsible for implementing the policy and legislative framework supporting the implementation of multicultural principles in the state; and to establish an independent Advisory Board to report to Multicultural NSW and the responsible minister. The Advisory Board replaced the Ethnic Affairs Commission, established under the former *Ethnic Affairs Commission Act 1979.*

The Advisory Board comprises a chief executive officer and up to 15 members from diverse cultural backgrounds, diverse occupational and social sectors, who live across the state. Its functions are to provide advice to Multicultural NSW and to the minister on any issues relating to the objectives or strategic directions of Multicultural NSW and to undertake wide-ranging consultation with people and groups.

The six multicultural principles enshrined in the Act cover:

- unified commitment to Australia
- shared values governed by the rule of law
- freedom to profess and practice linguistic, religious and ancestral heritage
- respect for the culture, language and religion of others
- opportunity to contribute to and participate in all aspects of life, and
- recognition and promotion of linguistic and cultural assets as a value resource.

Multicultural NSW has developed the Multicultural Policies and Services Program (MPSP), which is the mechanism through which government agencies demonstrate they are planning effectively for people from culturally and linguistically diverse backgrounds. MPSP provides the connections, evidence and insights to examine the impact of policy proposals on culturally and linguistically diverse communities. Through the MPSP, Multicultural NSW assists agencies to implement the multicultural principles and report on their public sector accountabilities.

Northern Territory

The Northern Territory does not have specific legislation dedicated to multicultural affairs. Its multicultural policy document is called *Building on the Territory's Diversity*. It includes four overarching principles which are: valuing diversity; fair access; encouraging participation; and mutual respect.

The Northern Territory Multicultural Participation Framework 2016-19 provides a set of actions to support the implementation of multicultural policy and the principles. One of the key outcomes of the framework is the establishment of a Minister's Advisory Council on Multicultural Affairs. The Council is responsible for identifying priority areas for action and for establishing working groups to address specific areas of interest. Current areas of interest are skills, employment and community education on Australian laws and culture. The working groups report to the council.

Queensland

The Multicultural Recognition Act 2016 has four main purposes. It establishes the Multicultural Queensland Charter, which enshrines a set of multicultural principles that underpin multicultural policy directions for the state; establishes the Multicultural Queensland Advisory Council, provides for the development of Queensland Government multicultural policy and three yearly action plans, and establishes reporting obligations for government entities against the action plans.

The Multicultural Queensland Advisory Council is chaired by the Minister for Multicultural Affairs and comprises 11 members, whose appointment reflects representation of diverse groups of people, regional locations and gender balance.

The council plays an advisory role to the minister on matters such as:

- the needs, aspirations and contributions of people from culturally and linguistically diverse backgrounds
- development of multicultural policy
- responsiveness of government programs to the needs of people from culturally and linguistically diverse backgrounds, and
- raising awareness of the Multicultural Queensland Charter within the state.

The charter recognises and honours both Aboriginal people as the first Australians and those from diverse backgrounds who formed an integral part of Queensland's identity.

Principles outlined in the charter include:

- a commitment to democratic society governed by law
- recognition of the people of Queensland and their contributions
- freedom to express and celebrate cultural
- linguistic and religious diversity
- equal rights and responsibilities under the law, and
- mutual respect, social and economic participation, and harmony and belonging.

Under the Act, the Minister is responsible for the development of a multicultural policy for the state and the implementation of that policy through three yearly multicultural action plans, which are consistent with the charter. The minister and government entities are required to table a report to Parliament on an annual basis on the implementation of actions against the policy.

Tasmania

Tasmania does not have legislation specifically dedicated to multiculturalism. It does have a policy document, the *Tasmanian Multicultural Policy* and an associated Action Plan. The Tasmanian Government has established both a Multicultural Interdepartmental Committee and a Multicultural Reference Group which oversee the implementation of the recommendations of the Action Plan.

The Multicultural Interdepartmental Committee is comprised of seven Tasmanian government agencies which are involved in the delivery of services to multicultural communities.

The Multicultural Community Reference Group comprises representation from the community and other sectors. It was established in 2015 to:

- advise government on the implementation of the *Tasmanian Multicultural Policy* and Action Plan
- raise awareness of the policy
- promote the policy agenda across diverse sectors and communities
- represent the views of community and relevant sectors, and
- enable sharing of advice and information between government agencies and key non-government agencies.

The Reference Group also acts as an information channel to multicultural communities and supports concurrent work being undertaken by the government to increase their share in new migrants.

Victoria

The Multicultural Victoria Act 2011 has five main purposes:

- to establish the principles of multiculturalism
- provide for the establishment of the Victorian Multicultural Commission
- provide for the establishment of regional advisory councils
- establish reporting requirements for the Victorian Multicultural Commission, and
- establish reporting requirements for government departments in relation to multicultural affairs.

The Victorian Multicultural Commission comprises up to 12 members, one of which is a youth representative, and a member who is a representative of a community organisation. The commission is required to adopt the phrase 'strengthening our community' for use within the purposes of the commission and its functions. The Act presents a comprehensive list of objectives that support the functions of the commission. In making recommendations for appointment to the commission, the minister must have regard to the diversity of backgrounds, different occupational and social backgrounds and include people who reside in different parts of the state. For the process of appointing members, a competitive interview process is applied.

The Act outlines principles of multiculturalism that reflect a shared commitment to democracy and recognition of the richness that diversity brings to the Victorian community. Rights and responsibilities of all Victorians include:

- mutual respect
- promoting diversity
- equal access to participation
- abiding by state laws
- and a shared commitment to Australia and community service.

The Victorian Multicultural Commission established eight regional advisory councils in 2012, whose main objectives are to:

- inform the commission about issues and challenges affecting multicultural communities in their region
- assist the commission in its commitment to multiculturalism
- identify potential pathways and opportunities for participation, and
- connecting communities, activities and events to strengthen community capacity.

Victoria also has a Multicultural Policy Statement, Victoria. And proud of it. This sets out the government's directions for multicultural policy and includes the Victorian Values Statement, which is described as the centrepiece of the Multicultural Policy Statement. Its purpose is to define the rights and responsibilities of all Victorian citizens. These are:

- one law for all
- freedom to be yourself
- discrimination is never acceptable
- a fair go for all, and
- it is up to all of us to contribute to a Victoria we can be proud of.

Western Australia

Western Australia previously had multicultural legislation, the *Multicultural and Ethnic Affairs Commission Act 1983*, which was repealed in 2006. The Act closely reflected the SAMEAC Act, in that it predominantly allowed for the establishment, functions and membership conditions of a multicultural affairs commission.

Western Australia's main multicultural policy platform is the *Western Australia Charter of Multiculturalism 2004*. The purpose of the charter is to explicitly recognise that the people of Western Australia are of different linguistic, religious, racial and ethnic backgrounds, and to promote their participation in democratic governance within an inclusive society. It signals the necessity to adopt different approaches to

respond appropriately to these varying needs to ensure that all people can participate fully in society.

There are four principles which underpin a set of objectives for the Western Australian Government. The principles are Civic Values; Fairness; Equality; and Participation. The objectives are aligned to multicultural principles in other jurisdictions and in summary relate to:

- inclusion and empowerment of all people as equal members of society
- the rights and duties of a shared citizenship
- encouraging a sense of Australian identity and belonging within a multicultural society
- equal and appropriate treatment and protection for all individuals and minority groups under the law, including Aboriginal people
- recognition and appreciation of cultural diversity in Western Australian society
- the right to equal participation in all aspects of society – social, political, cultural and economic, and
- recognition of the achievements and contributions of all individuals regardless of their origins, perceived 'race', culture, religion and nationality.

Western Australia does not have a formal advisory mechanism, but the government consults regularly with culturally and linguistically diverse communities on matters that affect them through the Office for Multicultural Interests.

Table: Approaches in other jurisdictions

A summary of multicultural legislation, advisory councils and policy arrangements in Australian jurisdictions

	Multicultural legislation	Ministerial or government commission or advisory council	Multicultural principles or charter	Multicultural Policy	Mechanism to implement multicultural policy across government
SA	*South Australian Multicultural and Ethnic Affairs Commission Act 1980*	Ministerial - South Australian Multicultural and Ethnic Affairs Commission	None	None	None
ACT	None	Ministerial - ACT Multicultural Advisory Council	None	ACT Multicultural Framework 2015-2020 and Action Plan	None
NSW	*Multicultural NSW Act 2000*	Ministerial – Advisory Board	Principles - enshrined in legislation	Legislation stipulates Multicultural NSW as lead agency to implement policy and legislative framework to support principles.	Multicultural Policies and Services Program (MPSP), which assists government agencies to implement multicultural principles and report on their public sector accountabilities.
NT	None	Ministerial – Minister's Advisory Council on Multicultural Affairs	Principles - in policy document	NT Multicultural Participation Framework 2016-19 and policy Building on the Territory's Diversity	None
QLD	*Multicultural Recognition Act 2016*	Ministerial – Multicultural Queensland Advisory Council	Charter – enshrined in legislation	Act requires the development of a state multicultural policy with implementation via three-year action plans	Action plans must state the actions that government entities must take to achieve multicultural policy outcomes, plus what actions they are taking to ensure their services are accessible to people with difficulty communicating in English.
TAS	None	Government – Multicultural Inter-departmental committee Community – Multicultural Community Reference Group	Tasmanian Principles of Multiculturalism	Tasmanian Multicultural Policy and Action Plan (currently under review)	None
VIC	*Multicultural Victoria Act 2011*	Ministerial – Victorian Multicultural Commission	Principles – enshrined in legislation	Multicultural policy statement – Victoria. And proud of it.	Legislation mandates government departments to report annually to the minister and Victorian Parliament on their achievements in multicultural affairs for the previous financial year.
WA	None – *Multicultural and Ethnic Affairs Commission Act 1983* repealed in 2006	None	Charter – WA Charter of Multiculturalism 2004	Office of Multicultural Interests Strategic Plan	None

Further information

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