

MR 2011 BILL INQUIRY
SUBMISSION 004

This submission was made to the former Community Affairs
Committee about a similar Bill in 2011.

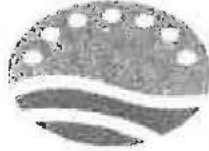
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Multicultural Development Association

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COMMUNITY AFFAIRS

Submission to the Queensland
Multicultural Recognition Bill 2011

Submission by the Multicultural Development
Association Inc.

November 2011

Executive Summary

The Multicultural Development Association (MDA) was established in May 1998 to promote multiculturalism and empower people from culturally and linguistically diverse (CALD) backgrounds through advocacy, community and multicultural sector development, and the delivery of client services. MDA is Queensland's largest settlement agency for refugees and migrants, and works with individuals, families and communities to achieve a society which values justice, diversity and equality. MDA settles approximately 1,100 newly arrived refugees annually and currently works with 3,500 migrants and refugees. Most of MDA's clients are from Asia, the Middle East and Africa

MDA has strongly advocated for the introduction of multicultural legislation in Queensland and welcomes the introduction of the Multicultural Recognition Bill in Parliament as a decisive step in supporting a multicultural future for Queensland. MDA believes that the introduction of this legislation provides a significant opportunity to promote and recognise diversity in our community and strengthen policy development and service delivery around multicultural affairs¹

MDA has sighted Ethnic Communities Council of Queensland (ECCQ's) submission to the Queensland Multicultural Recognition Bill and endorses the same in full.

MDA welcomes the opportunity to provide a submission to the Community Affairs Committee in relation to the Multicultural Recognition Bill 2011 and provides the following submission including recommendations to strengthen and improve the legislation:

Purposes of the Act

MDA considers the introduction of the Multicultural Recognition Bill is an important mechanism to recognise the diversity of our people, culture and identity – and essential in promoting Queensland as a united, harmonious and inclusive community. MDA considers the multicultural legislation of critical importance to progressing Queensland as an Inclusive multicultural society and believes that the legislation is an opportunity to embed the values inherent in multiculturalism within the broader Queensland community. Towards this end, MDA welcomes and support the **Purposes of the Act** as stated in Part 1 Section 4:

- a) To recognise the valuable contribution of diverse groups of people to the Queensland community; and
- b) To promote Queensland as a united, harmonious and inclusive community by establishing the charter; and
- c) To ensure government services are responsive to the diversity of the people of Queensland by –

¹ Multicultural Development Association – *'The Case for Multicultural Legislation in Queensland'* (August 2010). <http://www.mdainc.org.au/wp-content/uploads/the-case-for-multicultural-legislation-in-queensland.pdf>

- i. establishing the council; and
- ii. providing for the multicultural action plan; and
- iii. requiring that employees of departments be made aware of the charter and the multicultural policy and
- iv. establishing reporting obligations for departments

As a lead multicultural and settlement service agency in Queensland, MDA welcomes the commitment to a society where government services are responsive to the needs of all Queenslanders from refugee and culturally and linguistically diverse backgrounds.

MDA supports the requirement that employees of departments be made aware of the Charter. MDA believes that emphasis should be on more than an awareness of the Charter and the multicultural policy - as an important commitment to embed cultural awareness and competence in Queensland government departments and employees. Towards this MDA proposes amendment to the legislation (Recommendation 6 – discussed further)

Multicultural Queensland Advisory Council

MDA welcomes the establishment of the Multicultural Queensland Advisory Council as a significant opportunity for CALD communities (including new and emerging communities) and the multicultural sector to work with the Government to promote multiculturalism in Queensland. MDA considers that the Council could be further strengthened and its functions more effectively address the needs of CALD communities - by the inclusion of specific provisions in legislation around the appointment of Council members and governance structure and functions of the Council. In particular, MDA submits:

Recommendation 1: The Multicultural Advisory Council be appointed as an independent, bipartisan body with a Chairperson and members independent of Government.

MDA considers the appointment of the Council as an independent, bipartisan body with an independent chairperson essential to further strengthen the Council in promoting multiculturalism.

An independent multicultural body with members independent of government is consistent with both the national and Victorian (VIC) approach. A key initiative of the new National Multicultural Policy is the establishment of a new Australian Multicultural Council (AMC)². This new council (established to replace the Australian

² *The People of Australia*, Australia's Multicultural Policy (p.7). Accessed at - http://www.immi.gov.au/media/publications/multicultural/pdf_doc/people-of-australia-multicultural-policy-booklet.pdf

Multicultural Advisory Council - AMAC) is the result of a direct recommendation of the AMAC which called the Commonwealth Government to *establish a permanent independent, bi-partisan body that can advise and consult on policies and emerging issues to inform a national multicultural Australian strategy.*³ Similarly, the Victorian Multicultural Commission is established under the Multicultural Victoria Act 2011 as an independent statutory body. The Act specifies that certain persons may not be recommended for appointment as a member (to the Commission – including :)

- a) a member of the Parliament of Victoria;
- b) a Councillor
- c) an electorate officer
- d) a Ministerial officer
- e) a Parliamentary adviser⁴

MDA believes that the of independence of the Council and its members is essential to the functioning of the council itself. A key function of the proposed Multicultural Queensland Advisory Council will be to give advice and make recommendations to the Minister about developing and implementing government policies about multiculturalism. Queensland is a diverse multicultural community and any body such as the Council that is mandated to develop and implement government policies around multiculturalism will necessarily need to be independent and bipartisan. The Council will need to be a strong, unifying and independent voice within a diverse community with differing needs and priorities. Accordingly, the Multicultural Recognition legislation should specify the establishment of the Council as an independent, bipartisan body.

Recommendation 2: The functions of the Council be amended to enable it to advise the Minister on settlement issues. The Multicultural Recognition Bill clause 9(1) (b) should be amended to:
enable the Council to advise the Minister on -
developing and implementing government policies about multiculturalism and settlement.

MDA considers it imperative that the Council have a specific focus on settlement as well as multiculturalism. The growth of Queensland's refugee communities and the specialist nature of settlement service provision warrants the need for quality, appropriate and effective government and non-government service delivery to ensure positive long term settlement outcomes for individuals and the Queensland community. Empowering the Council to provide advice on settlement will ensure government policies are more responsive to settlement issues as well as multiculturalism.

³ Response to the Recommendations of the Australian Multicultural Advisory Council In The People of Australia, February 2011

⁴ *Multicultural Victoria Act 2011* Section 12 (4)

MDA is Queensland's leading settlement agency for refugees and migrants and witnesses everyday – through the lived experiences of its clients - the challenges refugees and migrants experience in settlement. MDA settles approx. over 1000 newly arrived refugee clients annually and currently works with 3,500 migrants and refugees. MDA clients and new and emerging communities often experience barriers to participation and access to services, social exclusion and disadvantage in multiple areas (including, employment, education, housing, health, transport, police and justice and participation in decision making and governance) Racism and discrimination further exclude already marginalised individuals and communities within Queensland society.

Effective settlement and social inclusion – of individuals, families and communities – is critical to the continued success of our thriving multicultural society. MDA believes that effective settlement is a dynamic, two-way process through which refugees can achieve full equity and participation in society together with Australian society gaining access to the full human resource potential within the refugee communities.⁵

The National Multicultural Policy (The People of Australia) recognises this in Principle and states:

*The Australian Government is committed to a just, inclusive and socially cohesive society where everyone can participate in the opportunities that Australia offers and where government services are responsive to the needs of Australians from culturally and linguistically diverse backgrounds.*⁶

The current Victorian legislation specifically raises the issue of settlement support. One of the functions of the Victorian Multicultural Commission is to *'research, report and advise the Minister on systemic community issues relating to the objectives of the commission –*

...

*(ii) that relate to the adequacy of government services, settlement support or service delivery for diverse communities;*⁷

MDA refers the Queensland Multicultural Policy : Queensland Multicultural Action Plan 2011-14 which refers to the Queensland Settlement Committee to work between levels of government and non-government organisations to align services to better meet the needs of migrants and refugees. A possible interface between the Council and the Settlement Committee could be suggested with the Settlement Planning Committee providing background information and strategic advice to the Council around settlement issues.

⁵ For a detailed discussion on settlement for refugees and migrants, see *Inquiry into Multiculturalism in Australia: Submission by the Multicultural Development Assoc. Inc.*, May 2011

⁶ http://www.immi.gov.au/media/publications/multicultural/pdf_doc/people-of-australia-multicultural-policy-booklet.pdf (p. 5)

⁷ *Multicultural Victoria Act 2011* Section 8 (b) (ii)

MDA strongly recommends that the functions of the Council be amended to enable it to make recommendations to the Minister on settlement issues. This will be a positive recognition within the Multicultural legislation, of a commitment to successful settlement and social inclusion of Queensland's refugee and CALD communities.

Recommendation 3: The Council be provided with an additional function– *work to promote multiculturalism and settlement, and compliance by public authorities with the Multicultural Charter.*

MDA strongly recommends a strong mandate for the Multicultural Queensland Advisory Council. A Multicultural Council with a strong mandate as suggested, would enable it to act as an independent champion of multiculturalism through undertaking substantive work on multicultural and settlement issues. MDA recommends that the Council work to promote compliance by public authorities with the Multicultural Charter. The Queensland Carers Advisory Council⁸ for instance, is similarly mandated. Under Section 12 of the Act, functions of the Carers Advisory Council are to-

- (a) work to advance the interests of carers and to promote compliance by public authorities with the carers charter; and*
- (b) make recommendations to the Minister on enhancing compliance by public authorities with the carers charter; ...*

This is also consistent with the Victorian legislation – with the Victorian Multicultural Commission provided with similar functions - especially on settlement issues.⁹ The Multicultural Council in Queensland should be able to research and work on multiculturalism and settlement matters. It should advise the Minister on issues of access to government services as well as on issues such as barriers to the participation of communities in the social, cultural, economic and political life of Queensland. Towards this end, MDA recommends:

- The Council should also be supported by a secretariat.
- The Council be adequately resourced to perform its functions –including providing remuneration for Council members.

⁸ Appointed under the *Carers (Recognition) Act 2008*

⁹ *Multicultural Victoria Act 2011* Section 8

Recommendation 4: The legislation include a provision specifying the eligibility criteria for membership to the Council.

The Multicultural Recognition Bill should include a provision specifying the eligibility criteria for membership to the Council. MDA considers appointment of members to the Council should be on the basis of their skills, knowledge and experience in relation to multicultural affairs and settlement, and connections to diverse communities. The functions of the Council as specified in the Bill (especially around developing and implementing government policies about multiculturalism and advising how Government services can accommodate the needs of people from diverse backgrounds)¹⁰ are key to the success of Queensland's multicultural policy. Specific provisions around eligibility criteria for membership to the Council will ensure that people of diverse backgrounds, skills, knowledge and experience are at the forefront of developing policies that affect Queensland's multicultural future.

Recommendation 5: The Council should undertake regular engagement and consultation with the Queensland public, particularly CALD and newly emerging communities.

For the Council to be able to function as an effective independent champion of multiculturalism, MDA believes that the general public should be able to regularly engage with the Council and provide information regarding multiculturalism and settlement. This is essential if the Council is to provide information to the Minister on matters of settlement support or service delivery for diverse communities. There should be a two way process of engagement and consultation – the Council should be required to undertake regular consultation with communities and there should be a specified procedure by which Queensland public can communicate with the Council (through the Secretariat, for instance.)

The Queensland Carers Advisory Council provides "an ongoing forum for public authorities to consult with individual carers and their representative bodies when making strategic policy and planning decisions relevant to carers and the people they care for."¹¹ The Carers Council cites as an achievement – 'exploration of communication options including an online Council portal.'¹² This could be one possible model for the Multicultural Council to undertake regular engagement with the Queensland public and communities. The Victorian Multicultural Commission is mandated to hold statewide consultations through a network of regional advisory councils. Ministerial advisory councils need to provide community inputs into policy and planning decisions affecting their sector – and the Multicultural Advisory Council

¹⁰ Section 9(1)(b) and (c) Multicultural Recognition Bill 2011

¹¹ <http://www.communities.qld.gov.au/resources/dlsability/support-services/carers/carers-2011/communique-2010-09-08.pdf>

¹² *Ibid.*

will need to regularly engage with the Queensland public and communities. MDA recommends that the Multicultural Legislation be strengthened by specifying this function for the Council.

Part 4 Responsibilities of the Minister and Departments

MDA proposes the following recommendations under Part 4 of the Multicultural Recognition Bill:

Recommendation 6: Part 4 Section 19 of the Bill be amended to read:
The chief executive of a department must ensure employees of the department have an awareness of *and understand* the Charter and the multicultural policy.

MDA believes that the legislation should place an emphasis on more than an awareness of the Charter and the Multicultural Policy. The proposed amendment to legislation will be a positive commitment to embed cultural awareness and competence in Queensland government departments and employees.

In addition, MDA also submits:

Recommendation 8: Part 4 Section 20 of the bill be amended to read:
The employees of a department must consider the charter when developing policies *and* providing services of the department.

The Multicultural Queensland Charter

MDA welcomes the Government's introduction of a Multicultural Queensland Charter as an important mechanism to recognise the diversity of our people, culture and identity and to enshrine the principles and values of multiculturalism in Queensland. The Charter includes recognition of significant principles that strengthen multiculturalism and it is appropriate that they are recognised in legislation.

MDA particularly welcomes the recognition that all Queenslanders should receive equitable access to services provided or funded by the Government and that any impediments to this should be removed. MDA believes that an achievement of this objective requires implementation of a range of measures across different departments. In this regard MDA recommends that the functions of the Council be amended to include work on promoting compliance by public authorities. This was discussed previously in **Recommendation 3** (Council be provided with an additional function— *work to promote multiculturalism and settlement, and compliance by public authorities with the Multicultural charter.*)

MDA welcomes a clear commitment to the values inherent in multiculturalism – equality, unity, mutual respect and fair treatment, equitable access to services and participation and inclusion – through their recognition in the Multicultural Queensland Charter

Conclusion

MDA welcomes the Government's introduction of the Queensland Multicultural Recognition Bill. We believe the introduction of the bill and Queensland's Multicultural Policy - demonstrate a strong commitment and support to the multicultural future of Queensland.

This submission has made recommendations to the Multicultural Recognition Bill to improve and strengthen it. These recommendations principally relate to the functions and procedures of the proposed Multicultural Queensland Advisory Council, and are essential to strengthen the Council towards effective functioning. When the Council starts functioning under the new legislation, it will come to represent the 'face' of multiculturalism in Queensland. A body that will represent the multicultural future of our community will need to be able to function effectively and independently as we face challenges of a changing economic and social landscape. The Council will need to be a strong voice to lead on issues of effective service delivery and positive settlement outcomes for individuals and the Queensland community – as we face the future of a transforming multicultural Queensland. The Council will need to be strong and committed to the ideals of an Inclusive and harmonious Queensland.

While the purposes of the Act and the Multicultural Queensland Charter embed significant principles strengthening multiculturalism in legislation, MDA recognises that the scope and application of the Act does not impose legally enforceable obligations on the Queensland Government. As such it is imperative that Queensland Government departments are responsive to the culturally diverse people of Queensland. The Multicultural Recognition legislation provides a cultural reference framework for Government departments and the departments will need to initiate specific strategies and programs to embed this framework in practice.

MDA acknowledges government departments must be appropriately resourced to undertake policy development and planning and also ensure service delivery around multiculturalism, settlement issues and issues affecting CALD communities. This will be a significant issue to consider in the future – on the strengths and challenges to multicultural policy and legislation in Queensland.

MDA equally believes that the Multicultural Recognition legislation must be appropriately supported. Towards this end MDA's submission has recommended:

- Strengthening the Multicultural Queensland Advisory Council (in particular its governance structure, membership and procedural requirements)

- Increasing the scope of the Council's functions (including that the Council be able to advise the Minister on matters relating to multiculturalism and settlement; and working on promoting compliance by public authorities with the Multicultural Charter.)
- Strengthening the Council to able to function as an independent champion of multiculturalism in Queensland (by including that the Council be able to engage and consult with the general public on matters significant to multiculturalism and settlement in Queensland)

MDA believes multicultural legislation of critical importance to our multicultural future and we urge the Queensland Parliament, following consideration of the Community Affairs Committee's report, to urgently progress the legislation.