



MDA

Multicultural Development
Association

The case for Multicultural Legislation in Queensland

Advocacy and Social Policy Unit

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Background

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.

In 2009 – 2010 Multicultural Affairs Queensland (MAQ) reviewed its Multicultural Policy for Queensland. As part of the review, MAQ undertook widespread community consultation to inform its policy development. The finalised policy is expected to be announced in late 2010.

As part of the review, MAQ sought feedback about whether specific legislation relating to multiculturalism should be introduced in Queensland. The Multicultural Development Association's (MDA) Advocacy and Social Policy Unit addressed this issue in its May 2010 submission to the Multicultural Policy Review (a copy of which is available at www.mdainc.org.au).

MDA recently provided a supplementary submission to MAQ reiterating its support for the introduction of multicultural legislation for Queensland. MDA advocates for multicultural legislation for the reasons detailed below.

National consistency

Victoria, New South Wales and South Australia have legislation around multiculturalism. The other Australian states and territories have charters, strategies or policies which reflect their commitment and approach to multiculturalism. Introducing multicultural legislation in Queensland would ensure national consistency with other States with high proportions of residents from diverse cultural backgrounds.

The role of multicultural legislation

The *Multicultural Victoria Act 2004* (Vic) establishes principles for multiculturalism, reporting requirements for government departments in relation to multiculturalism and the Victorian Multicultural Commission.¹

During the Second Reading of the Multicultural Victoria Bill (2004) before the Victorian Legislative Council, the significant role and purpose of multicultural legislation and its benefits were recognised:

Multicultural legislation is generally enacted to demonstrate a commitment to promoting multiculturalism, achieving social cohesion and espousing the values of cultural diversity as guidance for public policy makers and service delivery.

In a strong democracy it is up to the community to ensure that it deals respectfully and tolerantly with each other. However, it is a role for government to actively promote policies that strengthen all aspects of the (Victorian) community and to show leadership in multicultural affairs and policies of inclusion.²

This statement embodies MDA's views about the purpose of and need for multicultural legislation in Queensland. In particular, as recognised by the Victorian Government, it is the role and responsibility of Governments to demonstrate leadership in the areas of policy

¹ *Multicultural Victoria Act 2004* (Vic) s 1.

² Victorian Legislative Council, *Second Reading of the Multicultural Victoria Bill (2004)*, 7 December 2004 (JM Madden).

development, promotion of diversity and service delivery around multicultural affairs. Legislation provides a unique opportunity for this.

At a public policy level, legislation plays a vital role in ensuring the accountability and transparency of Government systems, processes and expenditure through establishing regulatory, compliance and enforcement frameworks. This is advantageous in the context of multiculturalism as to date the Queensland Government's Policy requires government departments and agencies to provide Multicultural Action Plans (MAPs). While it must be noted that the introduction of MAPs has meant that some government departments have begun to engage meaningfully for the first time with the CALD sector, this has occurred largely on an ad hoc basis.

This is primarily due to the fact that targeted resources were not provided to Queensland Government Departments for the implementation of MAPS. Consequently, many departments have been constrained to strategies with minimal costs which do not allow for the implementation or resourcing of whole of departmental strategies for rolling out of their MAPS. While some departments have been successful in their bids for multicultural resources, others have had varying levels of success.

The current absence of appropriate accountability and enforcement mechanisms to ensure that benchmarks are set or targets are met for CALD communities in MAPS has meant that meaningful progress has not been made to improve responses by government departments to the communities they are servicing. A key example of this is the *New Futures: the Queensland Government's Engagement with African Refugees* document which was launched in 2008. To date, there has been no comprehensive strategy for the tracking of any progress or targets that the document has set out to achieve. On the previous occasions that MDA has queried various government departments about whether the document has assisted African communities we were advised that this was unknown due to a lack of data collection around these matters. Accordingly, there appears to be no accountability mechanism for determining the extent to which government departments are meeting the benchmarks and targets provided for in their MAPS.

ECCQ has in the past undertaken two comprehensive reviews on the operation of MAPS and has outlined clearly the concerns they have about their operation. We encourage the Queensland Government to consider these recommendations.

The introduction of multicultural legislation in Queensland would therefore establish a framework through which the accountability of Queensland Government departments and agencies would be improved through mechanisms such as annual reporting to Parliament or a relevant Minister about multicultural matters including their development, strategy and implementation of multicultural initiatives, programs and policies, use of interpreters, compliance with Multicultural Action Plans and cultural competence levels and training of staff.

Principles of multiculturalism

To date, the Queensland Government has not provided a clear, comprehensive definition of multiculturalism. Accordingly, legislation would provide clarity in relation to the term 'multiculturalism' and the values it encompasses. MDA supports the introduction of legislation which, similarly to Victoria, establishes core principles of multiculturalism and would assist both the State Government and public services, and the wider Queensland community to understand multiculturalism.

Embedding principles of multiculturalism in legislation would not only emphasise the rights of all Queenslanders to equality, dignity and respect, but would constitute a significant step

forward in addressing racism and discrimination through encouraging and cultivating broader community acceptance of cultural diversity.

The introduction of multicultural principles in legislation and the implementation of multicultural legislation generally would also be consistent with the Federal Government's commitment to social inclusion and the continued development of a socially inclusive society in which all Australians, particularly those from disadvantaged groups such as many people in refugee, CALD and Indigenous communities are valued, respected and provided with opportunities to engage and participate.

Recognition of multiculturalism and benefits for Queensland

As recognised in the *A multicultural future ... for all of us* Discussion Paper, multicultural legislation 'can make a powerful statement about the value of multiculturalism'.³ Legislation is imperative in embedding ongoing and clear commitment by the legislature, Government and the public service to progressing Queensland as an inclusive, cohesive multicultural society and the values inherent in multiculturalism – equality, unity, cultural diversity, mutual respect and understanding, human rights, shared laws and values, collaboration and cooperation, access to opportunities and services, and participation and inclusion, among others.⁴

Strong Government leadership around multiculturalism through a legislative framework would also stimulate a much-needed cultural shift towards greater recognition and acceptance by Queenslanders of the value of diverse cultures, languages, religions, ethnicities and races to our community and social, economic and political life.

Through this recognition the Queensland Government would also be better positioned to manage the challenges and opportunities of a burgeoning multicultural community. Queensland must be well-equipped to tackle the social, cultural, economic challenges of rapid demographic change and population growth. Our State's image as a thriving multicultural community is a valuable commodity which must be promoted and embraced in order to maximise our prosperity. This is imperative to Queensland benefiting from the emerging opportunities available in a changing global economy and society.

Legislation will therefore enable stronger planning, implementation and reporting by government agencies and consequently more effective and efficient delivery of services. The Queensland Government must also be appropriately resourced to provide the services and respond to the complexity and multiplicity of issues which emerge within a transforming multicultural Queensland.

Communities

At present the gap between our vision for a multicultural, equitable, inclusive Queensland and the real experiences of many Queenslanders is so significant that in order to achieve this vision and to embed multiculturalism more successfully within our community, a stronger catalyst than the current policy regime is required. An essential step towards addressing inequities, disadvantage and exclusion is through legislative recognition of multiculturalism and the valuable contribution people from diverse backgrounds provide to Queensland.

Legislation would also facilitate greater community engagement with government agencies and provide a clearer mechanism for communities to articulate their needs and issues to government, leading to more self-empowered communities assured of their rights and responsibilities in multicultural Queensland.

³ Department of Communities, *A multicultural future ... for all of us* Discussion Paper (October 2009) 12.

⁴ See for example the principles of multiculturalism enunciated in the *Multicultural Victoria Act 004* (Vic) s 4.

Consistency of Government practice

Multicultural legislation would underpin an integrated, strategic, whole-of-government strategy around multiculturalism. It would ensure greater consistency in policy, service delivery and practices among Government departments and agencies in areas including cultural competency of staff; access to interpreters for initiatives, programs and projects funded by Government; greater education, awareness and understanding of the challenges experienced by people from CALD and Indigenous backgrounds and better outcomes for those people in employment, education, health, family matters and other key areas. It would also ensure greater political leadership, clarify multicultural priorities, improve coordination and planning, more effective resourcing, data and information collection and enhanced community involvement and support.

A Multicultural Commission

As discussed in our initial submission, MDA reiterates its recommendation for the introduction of an independent agency or Commission to oversee the implementation of multicultural legislation across government, to provide advice to Government about multicultural affairs, drive research, develop multicultural strategies, and undertake evaluation and reporting. I refer you to pages 7 – 8 of MDA's earlier submission for further discussion around this recommendation.

Summary

For the reasons noted above, MDA strongly supports and recommends the introduction of legislation in Queensland.

As the Queensland Government examines the future of multiculturalism in our State through its Multicultural Policy Review, MDA recognises that Queensland has a unique opportunity to be at the forefront of good practise in managing cultural diversity.

It is imperative that MAQ, as the Government's multicultural agency, take the lead on the promotion and development of multiculturalism within Queensland. A significant initial step towards this is through the implementation of multicultural legislation. MDA believes that legislation would be an instrument that would enshrine the principals and values of multiculturalism in Queensland, as it did in Victoria. MDA considers that if multicultural legislation were to be introduced in Queensland it should reflect Victoria's legislation through embodying core principles for multiculturalism, establishing an independent agency/Commission for multiculturalism and its functions/powers and introducing a regulatory/reporting framework to ensure improved accountability, compliance and commitment.

MDA recognises however that legislation cannot operate in isolation to address multiculturalism. Appropriate and clear policy instruments, strategies and programs, driven and supported by strong leadership from Government must be developed and implemented alongside legislation in order to ensure best practice, compliance by all government departments and agencies and to maximise the benefits of a culturally diverse society.

While MDA recommends that multicultural legislation be implemented in Queensland, should the Government make a decision to the contrary we propose that the development and implementation of a comprehensive strategy for multiculturalism be undertaken. Such a strategy must contain the elements outlined in the paragraphs above in order to provide a robust functioning multicultural framework for Queensland.