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**KHMER COMMUNITY OF NSW Inc.**

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**KHMER COMMUNITY OF NSW INC. SUBMISSION TO  
SENATE COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE  
ISSUES FACING DIASPORA COMMUNITIES IN AUSTRALIA**

**INTRODUCTION: THE CAMBODIAN DIASPORA IN AUSTRALIA**

Cambodian diaspora communities were formed in many OECD countries (Australia, Canada, USA, France) that offered asylum and resettlement in response to the refugee emergency following collapse of the Pol Pot regime in 1979. Cambodians’ ethnic roots are predominantly Khmer with some of Chinese heritage. The predominant religion is Theravada Buddhism with small minorities of Christians and Muslims.

Currently, there are some 33,149 Cambodian-born people living in Australia.<sup>1</sup> The wider Cambodian community in Australia, including those born in Australia of Cambodian descent, is estimated to number around 60,000<sup>2</sup>. Some 15,500 Cambodian-born migrants (over 40 per cent of all Cambodian-born migrants in Australia) live in NSW, with the majority residing in the Fairfield and Liverpool local government areas<sup>3</sup>.

The Cambodian diaspora in Australia reflects successive waves of immigration including students (pre-1975), refugees (1980s), special and family intakes (1990s), political refugees (after a political coup in 1997) and some business, spouse and student migration (2000s). The current Cambodian diaspora in NSW is therefore not a homogeneous group in terms of their migration experience or world view. The overwhelming majority of settlers arrived in Australia during the 1980s under the humanitarian program.

The Khmer Community of NSW was formally established as a registered charity by Cambodian students after 1975 when Cambodia fell to the genocidal Khmer Rouge regime in 1975 and its borders were closed. The initial primary function of association was a mutual support group for the small group of Cambodians who had been cut off from their homeland and families. After the Khmer Rouge regime was overthrown in 1979, the Khmer Community was primarily a welfare organization to assist with resettlement and migration (family reunion) issues as well as a cultural hub for the community.

The Khmer Community of NSW is one of a number of Cambodian organisations in NSW. With a membership of some 800, we are able to speak on behalf of a majority of the Khmer diaspora in NSW. Our submission addresses key issues facing the Khmer diaspora community in NSW with particular reference to the inquiry’s four terms of reference.

<sup>1</sup> Department of Home Affairs Cambodia-born Information Summary 2016 Census <https://www.homeaffairs.gov.au/mca/files/2016-cis-cambodia.PDF>

<sup>2</sup> Department of Foreign Affairs and Trade: <https://www.dfat.gov.au/geo/cambodia/Pages/cambodia-country-brief>

<sup>3</sup> Multicultural NSW Community Profile: Khmer Ancestry Report - 2016 compared to 2011

**a. SUPPORT OFFERED TO DIASPORA COMMUNITY ASSOCIATIONS AND SIMILAR ORGANISATIONS, INCLUDING GOVERNMENT GRANTS AND OTHER FUNDING**

***Issue 1: Changes in Commonwealth Government community grant funding structures/processes***

Changes in Commonwealth Government community grant funding structures and processes over the last two decades have effectively reduced much needed settlement support for diaspora communities such as Khmer Community of NSW.

When the Cambodian refugees first began arriving in Australia in the early 1980s funding for settlement services was given directly to ethnic communities to employ ethno-specific workers speaking the language of the new arrivals to facilitate their resettlement process. The support model provided targeted individual casework with Department of Immigration officials having an active, hands-on role working with communities in grant funding applications, project implementation, and staff training, mentoring support and advice. This model was necessary for newly arrived communities who lacked experience in delivering such services and supported successful settlement outcomes due to increased understanding of the society in which they settled.

As new community capacity building approaches to community work developed throughout the 1990s, the Khmer Community continued with the individual casework model while the Cambodian-Australian Welfare Council of NSW Inc. undertook complementary capacity building initiatives.

Under successive governments, the immigration department's role changed towards compliance monitoring rather than community capacity building support for community development. This change has effectively resulted in withdrawal of support that has left diaspora communities without ongoing advice and guidance. Community leaders are left to fall back onto familiar but less effective case-based service delivery models and ways of working. In this context, communities like the Khmer Community have been reluctant to seek advice directly from the government funding source fearing perceived failure and lost funding and often sought alternative sources of advice from other service providers with varying success.

A further change has occurred since 2013 whereby smaller ethnic communities have been defunded in favour of larger consortiums or 'broker' organisations. In many cases, this redirection of funding led to effective subcontracting, while in other cases, community organisations disappeared entirely. This change has had the effect of marginalising consideration of the ethno-specific needs and perspectives of communities in the funding system and reducing understanding of specific cultural issues in the design and implementation of community-based projects.

The only option left for organisations like the Khmer Community has been to apply for small, short-term project funds which cannot support staff employment and must rely on volunteers with limited expertise. These small-scale, piecemeal project grants are unable to support community capacity-building projects needed to develop the community as a whole.

***Recommendation 1:***

*That the Commonwealth Government ensures dedicated grant funding is available for targeting the specific settlement needs of diaspora communities and provide direct community capacity-building support to enable diaspora community organisations to effectively use these funds to develop their communities*

***Issue 2: The five year period for settlement support***

Around 2005, the Commonwealth Government set a five-year limit on settlement support period based on the rationale that five years was sufficient time for effective resettlement of recently arrived migrants and that, after this time, mainstream services can effectively meet these needs.

This arbitrary, cross-the-board, cut-off, however, ignores the varying amounts of time which different subgroups (eg. aged, mothers with young children, people with low educational attainment, refugee youth) need in order to successfully resettle in Australia. It also ignores the time implications of key factors that facilitate successful resettlement such as developing adequate English language and literacy. For many migrant and refugee communities, including the Khmer diaspora community in Australia, settlement is a long-term process which requires targeted support of different kinds to enable different communities subgroups to make a contribution to the economy and society.

Implementation of the of five-year settlement support limit has meant that diaspora community organisations such as the Khmer Community of NSW, who have been in operation for longer than 5 years, were no longer eligible for settlement funding. The direct impact of these changes has been that previous community based settlement services have ceased and inadequate or inappropriate services have been provided according to the limited funding obtained.

***Recommendation 2:***

*That the five year settlement funding criteria be reviewed in light of the different settlement support needs of subgroups of diaspora, refugee and asylum seeker communities and that a more refined funding model be developed that promotes identified best practice models of settlement assistance for these subgroups*

**b. SAFETY CONCERNS AMONG DIASPORA COMMUNITIES, AND MEANS FOR STRENGTHENING THE PROTECTION AND RESILIENCE OF VULNERABLE GROUPS**

***Issue 3: Cambodian Government interference in the Cambodian diaspora in Australia***

Free to speak out about corruption and human rights in their former homeland, the Cambodian diaspora in Australia are regarded as a threat by the authoritarian Cambodian Government of Hun Sen. Over the last decade, the Hun Sen Government has intimidated Australian Cambodians in an attempt to silence opposition and has established patriotic front organisations in Australia to recruit, infiltrate or take control of local Cambodian community and Cambodian Buddhist temple organisations.

In 2014, in response to poor results at the 2013 Cambodian elections,<sup>4</sup> Cambodian Government officials set up a Cambodian People's Party (CPP) youth network in Australia with the help the Cambodian ambassador to Australasia. The political network in Australia has a central management and command structure under Hun Sen's eldest son, Hun Manet, who is head of the Overseas Youth Working Group, and Deputy Commander-in-Chief of the Royal Cambodian Army. The political network is organised into state branches based in major cities within nine zones of political influence across Australia and New Zealand. Establishment of the Overseas Youth Working Group is part of a world-wide political campaign by the Hun Sen Government among overseas Cambodian diaspora<sup>5</sup>.

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<sup>4</sup> [https://en.wikipedia.org/wiki/2013\\_Cambodian\\_general\\_election](https://en.wikipedia.org/wiki/2013_Cambodian_general_election)

<sup>5</sup> <https://english.cambodiadaily.com/news/cpp-lays-out-plan-to-woo-cambodians-overseas-84786/>

Hun Manet led political delegations in Canada, the USA and Europe where they were universally met with opposition from local Cambodian communities.<sup>6</sup>

The Cambodian Government exerts political influence in Australia through its zone branches, regular missions led by the under Secretary for the Ministry of Justice and President of the Youth Working Group of the Cambodian People's Party (CPP) for Australia and New Zealand, Kim Santepheap, special delegations led by Hun Manet, Cambodian international students associations<sup>7</sup>, infiltration of Australian Cambodian community organisations, CPP branch meetings and political anniversary banquets; business and property interests<sup>8</sup>, money laundering<sup>9</sup> and liaison with local politicians. Between 2015 and 2019, there were at least twelve political missions led by Kim Santepheap and over 25 Cambodian Government funded political banquets held throughout Australia.

Hun Manet made three visits to Australia as head of the Overseas Youth Working Group: in October 2015 to consolidate the CPP youth network; in October 2016 as part of an Australia-wide political recruitment drive among Cambodian communities in Adelaide, Melbourne, Brisbane and Sydney<sup>10</sup>; and in March 2018 to attend the Sydney ASEAN Summit with his father. The 2016 delegation resulted from a Cambodian Government decision that year to expand the operations of the Overseas Youth Working Group and infiltrate overseas Cambodian organisations. On 9 October, 2016 in Sydney, Hun Manet presided over a military-style, induction ceremony for the Cambodian Sydney's Youth (CSY) Zone 3 network and also inaugurated a CPP association for the growing number of Cambodian international students studying at NSW universities. The next day, the Hun Manet delegation met with state politicians in NSW Parliament House.

The Cambodian embassy in Australia operates as a branch of the CPP. In 2015, the Cambodian Government announced, "Newly appointed Cambodian ambassadors have been officially charged with leading membership drives for the ruling CPP in the countries to which they have been assigned." An official circular signed by Prime Minister Hun Sen, says that Koy Kuong, the new ambassador to Australia and New Zealand, would also serve as director of the newly established CPP committee in Australia and New Zealand.<sup>11</sup> During his ambassadorial appointment from 2015 -2019, Koy Kuong, acted as President of the CPP in Australia and New Zealand and President of Zone 1 (Canberra) of the Youth Working Group for Australia and New Zealand and worked to set up a network of CPP organisations throughout Australia, regularly accompanying Kim Santepheap on his Australian missions.

During 2015-2018, the Khmer Community of NSW and the Cambodian Buddhist temple at Bonnyrigg became targets of intense, covert CPP activity in the lead-up to, and after, Cambodian Prime Minister Hun Sen's attendance at the March 2018 ASEAN Summit in Sydney. Disputed elections for the Khmer Community of NSW (December 2015) and the Cambodian Buddhist Society of NSW (December 2016), in which CPP influence and interference were key, resulted in separate litigation in

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<sup>6</sup> See news reports at: <http://www.phnompenhpost.com/national/cnnp-reacts-manets-us-recruitment-drive>;

<http://www.rfa.org/english/news/cambodia/cambodias-hun-manet-04142016171630.html>;

<http://www.phnompenhpost.com/national/hun-manet-heckled-montreal-event>;

<http://www.sbs.com.au/yourlanguage/khmer/en/content/hundreds-cambodian-australian-proteted-against-hun-manets-party-melbourne-while-other>; <https://www.cambodiadaily.com/news/manet-questions-motives-australia-protesters-119510/>

<sup>7</sup> <https://www.abc.net.au/news/2018-09-15/how-cambodias-government-is-recruiting-students-in-australia/10243468>

<sup>8</sup> <https://www.abc.net.au/news/2018-10-25/cambodian-pm-henchmen-splash-millions-on-melbourne-property/10355246>

<sup>9</sup> <https://menafn.com/1097945570/Hun-Sen-regimes-nefarious-activities-Down-Under>

<sup>10</sup> <https://www.phnompenhpost.com/national/manet-upset-over-australia-protests>; <https://www.voacambodia.com/a/ruling-party-defends-pm-son-after-australia-protest/3547618.html>

<sup>11</sup> "Ambassadors to Double as CPP Campaigners" (Cambodia Daily 13 June 2015) <https://english.cambodiadaily.com/news/ambassadors-to-double-as-cpp-campaigners-85490/>

the NSW Supreme Court.<sup>12</sup> Although the outcomes of the two court cases resulted in fresh elections that upheld democratic election processes within the two associations, the Cambodian Buddhist Society and the Khmer Community of NSW have each born substantial legal and administration costs in defending their membership rights and reclaiming their community organisations.

The establishment of CPP network in NSW; the recruitment campaign, intimidation and death threats via social media<sup>13</sup>; the Cambodian Prime Minister's public threats during his Sydney ASEAN visit to have protestors beaten up if they burnt him in effigy<sup>14</sup>; ongoing photo surveillance of protestors at demonstrations; and the continuing, unhindered political missions of Cambodian Government officials to Australia have all fostered anger, fear, insecurity, mistrust and division among the Cambodian diaspora in NSW. Many Australian Cambodians are afraid to speak out publically or speak freely for fear of possible recrimination for themselves personally or for their relatives in Cambodia. For the survivors of Pol Pot's killing fields, these events and the increasing political repression in Cambodia recall the fear and trauma of the Khmer Rouge years.

Regular official association between high level Cambodian Government officials and local state MPs has conveyed the impression of support for a foreign government known for its human rights abuses, corruption, land confiscations, extra-judicial killings and political repression<sup>15</sup> above the interests, rights and wellbeing of its own citizens. To Cambodians in NSW, this association has given a degree of political legitimacy to the Hun Sen Government and has eroded trust among Australian Cambodians in Australian democracy that is meant to serve and protect its citizens.

The Australian Government has a duty to protect its citizens, including those from diaspora communities, from political pressure and interference from foreign governments. In the face of a concerted and systematic campaign of political interference by the Cambodian Government, the Khmer Community of NSW received no state protection and was forced to use its own financial resources to defend its political independence and democratic rights in court. Australia's foreign interference legislation does not appear to apply to diaspora communities and has offered no protection.

There are, nevertheless, a number of proactive measures the Australian Government can take to protect diaspora communities. These include monitoring the activities of foreign governments and embassies in Australia, making expectations clear to ambassadors, refusal of visas to political agents of foreign governments, strengthening democratic governance processes for community associations and liaising with community organisations.

**Recommendation 3:**

*That the Australian Government take active measures to protect the political rights and freedoms of diaspora communities in Australia, including communicating clear expectations to ambassadors, refusing visas to political agents of foreign governments, strengthening the democratic governance of community associations and conducting ongoing communication and dialogue with community organisations on these issues*

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<sup>12</sup> <https://www.smh.com.au/national/nsw/sydney-cambodians-rise-from-two-rigged-elections-and-fornicating-monk-20190107-p50pxn.html>

<sup>13</sup> <https://www.abc.net.au/news/2018-07-30/australia-urged-to-reject-cambodian-election-result/10030904>

<sup>14</sup> <https://www.abc.net.au/news/2018-02-22/cambodian-pm-hun-sen-threatens-to-beat-up-protesters/9476082>;

<https://www.smh.com.au/world/asia/cambodia-pm-hun-sen-threatens-to-beat-up-protesters-on-australia-visit-20180222-p4z192.html>

<sup>15</sup> Human Rights Watch Cambodia reports at: <https://www.hrw.org/asia/cambodia>

**c. BARRIERS TO THE FULL PARTICIPATION OF DIASPORA COMMUNITIES IN AUSTRALIA'S DEMOCRATIC AND SOCIAL INSTITUTIONS, AND MECHANISMS FOR ADDRESSING THESE BARRIERS**

***Issue 4: Targeted education and training addressing the needs of diaspora communities in Australia***

Full participation of diaspora communities in Australia's democratic and social institutions requires systemic design and delivery of targeted education and training programs aimed at addressing specific needs of community subgroups informed by ongoing community consultation and co-design. In the absence of this approach, groups within diaspora communities will continue to experience disadvantage in accessing relevant mainstream education and training and face barriers to productive participation in Australian life, work and society.

A key barrier for the Cambodian diaspora is the psychological legacy of the genocidal Pol Pot regime. Even forty years after the Khmer Rouge years, the lives of many Cambodian survivors continues to be affected. This life-long trauma finds expression in many different ways and needs to be taken account of in the design and delivery of education and training programs.

The Cambodian diaspora in NSW share a common educational disadvantage that affects their ability to access education and training. Relative to the total NSW population, more Cambodians have no formal qualifications while fewer have formal qualifications.<sup>16</sup> Within the community, some common barriers that continue to be experienced by particular groups include social and linguistic isolation of the elderly, access to effective English language and literacy programs beyond an initial new arrivals period for adults and school aged children, and accessible education and training pathways for school leavers and youth at risk.

English language programs such as the Adult Migrant Education Program and TAFE TESOL courses have been a mainstay of multicultural Australia's ongoing resettlement provision for recently arrived and more settled migrants. Over the last decade or so, however, the continuity and quality of many of these programs have been eroded through serial outsourcing, multiple and changing providers, and the casualisation and employment of unqualified specialist teachers. In particular, program outsourcing has created confusion among communities as providers change with each funding round. Now, with the cessation of immigration to Australia as a result of the COVID pandemic, these programs are particularly at risk and require renewed Government commitment to maintain these programs and ensure that the current unmet and future English language needs of diaspora communities can be met.

There are also a number of new and emerging areas of need which the Khmer Community has identified as education and training priorities for diaspora communities. As well developing individual human capital they build social capital through a community capacity building focus. Community leadership development courses are needed by new and next generation community leaders. Such courses should encompass communication skills and cultural, institutional and civic understandings and be underpinned by a national strategy, funding and recognition. There also is a need for community-based media education courses that provide ongoing training opportunities in the effective use of new media so communities can meet the contemporary communication needs of their communities.

The complex, shifting landscape of federal and state government education and training and changing funding, outsourcing, availability and delivery of courses make it difficult for smaller

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<sup>16</sup> Multicultural NSW Community Profile: Khmer Ancestry Report - 2016 compared to 2011

communities to keep informed of developments, make appropriate referrals and provide informed client feedback and evaluation. In this context, there is a need to establish an ongoing process of community consultation and co-design involving diaspora communities around federal and state government education and training to ensure that such provision meets the particular needs of community subgroups as well as communities as a whole.

***Recommendation 4:***

*That the Commonwealth Government, with the states, establishes regular consultation and co-design forums involving diaspora communities around targeted education and training to meet the particular needs of community subgroups and diaspora communities as a whole*

**d. OPPORTUNITIES TO STRENGTHEN COMMUNICATION AND PARTNERSHIPS BETWEEN GOVERNMENT AND DIASPORA COMMUNITIES IN AUSTRALIA**

***Issue 5: Civic partnerships on human rights***

Human rights are a vital concern for the Khmer Community of NSW. The community has supported annual memorials for assassinated Cambodian activists, fund-raising for environmental protection in Cambodia and a White Ribbon Day event at Cabramatta Freedom Plaza against domestic violence in the community. Promoting human rights among Khmer people was adopted as an objective in the association's revised constitution at its December 2019 AGM. Community members have participated in Human Rights Watch Australia forums and have been encouraged by the parliamentary speeches of Federal MPs condemning human rights abuses in Cambodia. We strongly support the adoption and implementation of the Magnitsky act in Australia.

Over the last two years, the Khmer Community has also participated in annual Human Rights Forums organised for community constituents and hosted by the local MP for Fowler, Chris Hayes. The success of the forum provides a model of government-community partnership which could be extended more widely.

These human rights forums build civic and democratic participation among diaspora communities by informing about international human rights issues affecting local communities and providing opportunities to meet the local member and discuss concerns arising from the forum while promoting positive relationships among constituents.

Additional spin-offs from the forums have been the establishment of a community network providing access to funding and other information which is particularly valuable for smaller diaspora communities as they have often lack resources to access this kind of information. The elderly in diaspora communities, who experience particular difficulties with the Australian voting system, have benefitted from information sessions by the local member explaining how the voting system works in Australia.

***Recommendation 5:***

*That Federal government and non-government MPs consider establishing regular community forums in their electorates around human rights and other issues of concern to diaspora communities*

***Issue 6: Government-community partnerships for community-based planning***

The Khmer Community has evolved through many waves of settlers. Each wave comes with a different social characteristics, educational levels, political views, migration pathways, and expectations and goals. In the context of such changing demographics, regular, detailed community

profiles are essential tools for identifying diaspora community needs and effective planning and implementation of community development initiatives.

The Australian Government used to provide extensive statistical and qualitative reports on immigration and migrant communities through the Australian Government Bureau of Immigration, Multiculturalism and Population Research until their discontinuation in 2001. Currently, the Department of Home Affairs publishes brief Community Information Summaries based on ABS census data and Multicultural NSW may provide state based Community profiles if communities know how to access them. The value of these profiles for community planning is limited, however, as they are statistical-only reports and are often three or four years out of date by the time they are published.

To be useful for planning, communities need quicker publication of community profiles after each four year ABS Census. Such profiles need to go beyond the Department of Home Affairs' current minimal data reports and be able to provide state-based reports with disaggregated demographic data by key subgroup characteristics. The statistical data also needs to be supplemented by interpretation and analysis of qualitative data, gathered through surveys and focus groups, on the needs of specific community subgroups.

The Khmer Community last developed a qualitative community needs analysis profile in 1998 to better understand the needs of new and emerging groups in the community. The report investigated the needs of specific community subgroups such as city country origins in Cambodia, gender, age, marital status, educational background, geographic location in Australia, migration profile and family profiles and was useful in short and medium-term planning of community projects. Preparation of such reports, however, are labor and expertise intensive and beyond the resources of most diaspora communities.

What is needed now is ongoing and timely research that provides both statistical and qualitative information on demographic trends and emergent needs of specific communities. With its extensive immigration data systems, the Department of Home Affairs is best placed to undertake this research function with and on behalf of communities. To give effect to this, the Australian Government needs to establish a dedicated research unit that produces statistical and research publications along the lines of the former Government Bureau of Immigration, Multiculturalism and Population Research, but in consultation and partnership with community organisations. Such a partnership would provide the necessary support for diaspora communities' needs-based planning.

***Recommendation 6:***

*That the Australian Government establish a dedicated research unit to work in partnership with diaspora communities to produce statistical and research publications that facilitate effective community needs based planning*



Thank you for this opportunity to provide a submission to your Inquiry on issues relating to the Cambodian Diaspora. We would be pleased to elaborate on any of the issues if the Committee wishes further information or clarification.

Yours sincerely

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President, Khmer Community of NSW