Australian
Human
Rights
Commission

everyone, everywhere, everyday

Inquiry into Multiculturalism in Australia

·····························

Australian Human Rights Commission Submission to the Joint Standing Committee on Migration

29 April 2011

Table of Contents

1 Introduction

1. The Australian Human Rights Commission makes this submission to the Joint Standing Committee on Migration in its Inquiry into Multiculturalism in Australia.

2. The Commission welcomes the release of Australia's Multicultural Policy in February 2011 and the commitment of the Australian Government to recognise and maximise the positive effects of migration in Australia, of which there are many.

3. The Commission recognises the contribution of the diaspora community (in Australia and abroad) to Australia's relationships with Europe, the Middle East and the immediate Asia-Pacific region and the role migration has played and in Australia's long term productive capacity.

4. The Commission also recognises the important contribution of Aboriginal and Torres Strait Islander peoples and their cultures to the fabric of the Australian nation. We note that reconciliation and multiculturalism are mutually reinforcing policies that operate in tandem in celebrating the diversity and cultural richness of Australia.

5. While recognising the importance of reconciliation, this submission focuses on issues relating to migrants and refugees.

6. This submission also considers the types of initiatives that encourage the long term integration into Australian society of migrants and refugees and that encourage the full utilisation in Australia of the skills of migrants.

2 Recommendations

7. The Australian Human Rights Commission recommends:

Recommendation 1:

That the Social Inclusion Board:

- include appropriate membership from culturally and linguistically diverse communities to ensure that issues facing communities that are marginalised and suffer discrimination are addressed in the social inclusion policy process;

- formalise strategic relationships with peak organisations including the Australian Human Rights Commission, Australian Multicultural Council, Federation of Ethnic Communities Council of Australia, National Congress of Australia's First Peoples, Refugee Council of Australia and Settlement Council of Australia to ensure a coordinated and holistic approach to social inclusion, multiculturalism and reconciliation; and

- conduct strategic research and disaggregated data collection by ethnicity and gender, in relation to culturally and linguistically diverse communities' access to health, housing, education, legal and employment services including experiences of racial discrimination.

Recommendation 2:

That the *Charter of Public Service in a Culturally and Linguistically Diverse Australia* be reviewed with reference to the Social Inclusion Agenda, Australian Human Rights Framework and Australia's Multicultural Policy. Particular attention should be given to compliance measures within Government and the need for publicly funded services by non-government organisations.

Recommendation 3:

That further consideration be given to the type, amount and timing of information and services provided to migrants and refugees on their arrival.

Recommendation 4:

That the Federal Government consider funding the Department of Education, Employment and Workplace Relations to develop a national employment strategy for people from culturally and linguistically diverse communities, which should address their key employment exclusion points including a lack of recognition of overseas qualifications, work experience opportunities in Australia and support services for finding, applying and retaining jobs.

3   Multiculturalism, social inclusion and human rights

8. The Commission sees multiculturalism as critical for advancing the promotion and protection of human rights in Australia. Multicultural policy should clearly state the rights of migrants and refugees to live free from discrimination and to enjoy equality before the law as part of the wider Australian community.

9. The Commission also sees multiculturalism as having an important role to play in advancing the Federal Government's social inclusion agenda. Both of these policy frameworks should be advanced in a coordinated manner.

10. On 27 August 2010, the UN Committee on the Elimination of Racial Discrimination released its Concluding Observations on Australia's compliance with the *International Convention on the Elimination of All Forms of Racial Discrimination* and recommended that the Government should 'strengthen the race and cultural dimensions of its Social Inclusion Agenda'[1]. The Commission agrees with this recommendation.

11. Social inclusion has been described by the Social Inclusion Board as requiring that 'all Australians will have the resources, opportunities and capability to… have a voice in influencing decisions that affect them'[2].

---

[1] Committee on the Elimination of Racial Discrimination, Seventy-seventh session, 27 August 2010, Consideration of reports submitted by States parties under article 9 of the convention, *Concluding observations of the Committee on the Elimination of Racial Discrimination – Australia*, pp. 3
[2] Australian Government 2011, *Overview of the Social Inclusion Agenda*, Viewed: 27 April 2011, http://www.socialinclusion.gov.au/SIAGENDA/Pages/Overview.aspx

12. At present, social inclusion policies tend to focus on socio-economic disadvantage. The Australian Public Services' Social Inclusion Toolkit identifies priority groups for social inclusion policies as people who are homeless, children at risk of long term disadvantage, Indigenous Australians, people living with mental illness or disability, communities experiencing concentrations of disadvantage and exclusion, jobless families and low-skilled adults. It identifies vulnerable new arrivals and refugees as one 'at-risk' group that requires attention.[3]

13. While this captures some groups who are particularly marginalised based on their race or ethnic background, it does not adequately address disadvantage that results from discrimination on the grounds of race, religion, country of origin or citizenship status as well as, gender, disability and age. There is no specific or identified priority that expressly focuses on the disadvantage of ethnic minorities in Australia.

14. The Australian Social Inclusion Board has acknowledged that there is a 'critical link between discrimination and social exclusion and the need to include experiences of discrimination as an indicator of social inclusion/exclusion.'[4] What needs to occur is to articulate this link and ensure that it is explicitly addressed in formulating policies to advance social inclusion.

15. The 2010 Scanlon Report on Social Cohesion found that 95 percent of participants expressed a strong sense of belonging to Australia, 90 percent took great pride in the Australian way of life and 91 percent believed that maintaining the Australian way of life and culture is important. However, 14 percent of those participants also reported experiencing discrimination because of their skin colour, ethnic origin or religion, an increase from 9 percent and 10 percent in 2007 and 2009, respectively[5].

16. This is a clear example of how multiculturalism and social inclusion are inextricably linked. Social inclusion should not involve a dominant or mainstream culture in to which others should be subsumed, but should recognise the difference between cultures and aim to encourage the equal and non-discriminatory participation of each individual.

17. The Commission notes that there is currently a lack of coordination between many government and non-government services in relation to social inclusion and multiculturalism. The Social Inclusion Board, as the primary advisory body on this policy, should form relationships with relevant organisations in the multicultural field in order to ensure an integrated response across sectors.

18. The Commission also notes that as part of Australia's Multicultural Policy, a National Anti-Racism Partnership and Strategy is to be developed. This

---

[3] Australian Government, *Australian Public Service Social Inclusion policy design and delivery toolkit*, Commonwealth of Australia, Canberra 2009, p9.
[4] Australian Social Inclusion Board 2010, *Social Inclusion in Australia: How Australia is Faring*, Commonwealth of Australia, Canberra pp. 11
[5] Professor Andrew Markus 2010, *Mapping Social Cohesion: The Scanlon Foundation Surveys Summary Report 2010,* Monash Institute for the Study of Global Movements, Victoria, pp. 13 & 17

partnership includes the Commission, and specifically the Race Discrimination Commissioner. The Commission appreciates the opportunity to be involved as one of five partners in this project and intends to engage with the Social Inclusion Board as the project develops.

Recommendation 1:

That the Social Inclusion Board:

- **include appropriate membership from culturally and linguistically diverse communities to ensure that issues facing communities that are marginalised and suffer discrimination have a voice in the social inclusion policy process;**

- **formalise strategic relationships with peak organisations including the Australian Human Rights Commission, Australian Multicultural Council, Federation of Ethnic Communities Council of Australia, National Congress of Australia's First Peoples, Refugee Council of Australia and Settlement Council of Australia to ensure a coordinated and holistic approach to social inclusion, multiculturalism and reconciliation; and**

- **conduct strategic research and disaggregated data collection by ethnicity and gender, in relation to culturally and linguistically diverse communities access to health, housing, education, legal and employment services including experiences of racial discrimination.**

4   Settlement and participation

19. This section recommends initiatives to ensure that culturally diverse communities can fully participate in Australian society.

20. Migrants face unique barriers to participation and access to services that facilitate settlement. These barriers take many forms: lingual, digital, locational and cultural in a number of key areas including health, education, housing and the justice system.

21. In order for information and services to be genuinely accessible, they must cater to the diversity and complexity within culturally and linguistically diverse communities. This means information and services should allow for language and cultural diversity through the provision of translated materials, interpreters, bilingual service workers as well as innovative and culturally appropriate service delivery (considering child care responsibilities of migrant and refugee women, for example).

Recommendations 2:

That the *Charter of Public Service in a Culturally and Linguistically Diverse Australia* be reviewed with reference to the Social Inclusion Agenda, Australian Human Rights Framework and Australia's Multicultural Policy. Particular attention should be given to compliance measures within

Government and the need for publicly funded services by non-government organisations.

22. Service provision specific to culturally and linguistically diverse communities is currently offered for limited periods of time following their arrival in Australia. For example, under the Integrated Humanitarian Settlement Strategy, those eligible can receive intensive settlement assistance for the first six months after arrival.

23. However, settlement can be a lifelong process,[6] with migrants and refugees often experiencing 'information overload' in the initial period following arrival[7] and requiring information to be provided to them over an extended period of time.

    Recommendation 3:

    That further consideration be given to the type, amount, and timing of information and services provided to migrants and refugees on their arrival.

24. Traditionally, programs have focused on raising awareness of systems and services within migrant and refugee communities. However, there is also a clear need for greater education amongst the Australian public. The Challenging Racism project found that 84 percent of people believed that there is racism in Australia. 12 percent of the 12,512 participants acknowledged that they were prejudiced against other cultures.[8]

25. Accordingly, facilitating a greater understanding of and respect for cultural difference across key service providers, in schools and in the broader Australian public is critical to eradicating discrimination.

5   National productive capacity

26. Gainful employment is one of the most crucial ways in which members of culturally and linguistically diverse communities can be empowered and included in the community. The financial benefits gained from employment can facilitate access to other essential services such as health, housing, education and legal, while the mental benefits of dignity and self-confidence provide a sense of well-being, participation and belonging.

27. People from culturally and linguistically diverse backgrounds bring with them considerable professional and vocational skills, qualifications and experience and are eager to make a positive contribution to their new home.[9] However, they

---

[6] Federation of Ethnic Communities' Councils of Australia, March 2011, *Settlement is a Life-Long Process*: *Submission to the Department of Immigration and Citizenship*
[7] Australian Human Rights Commission 2010, *In Our Own Words - African Australians: A review of human rights and social inclusion issues*, Sydney, pp. 24-25
[8] Professor Kevin Dunn 2010, *Challenging Racism: The Anti-Racism Research Project - National Level Findings*, University of Western Sydney, pp. 2
[9] Australian Human Rights Commission 2010, *In Our Own Words - African Australians: A review of human rights and social inclusion issues*, Sydney, pp. 10

continue to experience unemployment and underemployment at disproportionate levels as their skills and experience fail to be recognised in Australia.[10]

28. This not only represents a barrier to culturally and linguistically diverse communities, but also represents an underutilisation of skills and resources and economic loss for the Australian labour market, particularly in the context of Australia's aging population. There is a clear need to maximise full participation of the multicultural community in the labour market, as labour market predictions[11] show that Australia will be highly reliant on migrant labour into the future.

29. At present, many qualified migrants and refugees take up positions as factory hands, taxi drivers or cleaners because of the cost and time of bridging courses, professional examinations, assessment and accreditation of prior learning[12] and administration associated with having an overseas qualification recognised.

30. Most Australian employers will require relevant work experience before hiring a prospective candidate. However, members of culturally and linguistically diverse communities often have difficulty finding opportunities to gain first-hand work experience and knowledge of the industry and develop networks. Initiatives should be put in place, such as financial and other incentive schemes, to encourage employers to take on migrants and refugees as apprentices and trainees.

31. One of the most pressing issues for culturally and linguistically diverse communities is a lack of employment systems knowledge and support. In particular, information and support is required for finding jobs (including information about job services organisations and how to use them), applying for jobs, writing resumes and being interviewed. There should also be information available about relevant vocational education and training programs as well as workers' rights and avenues for reporting discrimination.

32. There is a need for a funded and targeted employment strategy to help engage culturally and linguistically diverse communities in the labour market, similar to strategies that the Government has introduced for other marginalised groups, such as the Indigenous Employment Strategy, a Disability Employment Strategy and the Equal Opportunity for Women in the Workplace Act.

Recommendation 4:

That the Federal Government consider funding the Department of Education, Employment and Workplace Relations to develop a national employment strategy for people from culturally and linguistically diverse communities, which should address their key employment exclusion points including a lack of recognition of overseas qualifications, work experience

---

[10] Refugee Council of Australia, February 2010, *Australia's Refugee and Humanitarian Program 2010-11: Community Views on Current Challenges and Future Directions*, pp. 61

[11] Access Economics 2009, *Economic modelling of skills demand*, Report by Access Economics Pty Limited for Skills Australia, Pp. 9,31, 69

[12] Australian Human Rights Commission 2010, *In Our Own Words - African Australians: A review of human rights and social inclusion issues*, Sydney, pp. 12

opportunities in Australia and support services for finding, applying and retaining jobs.