

15 April 2011

to the Secretary of the Committee

SUBMISSION TO THE JOINT STANDING COMMITTEE ON MIGRATION

re: the Inquiry into Multiculturalism in Australia: the economic, social and cultural impacts of migration and means to maximise the positive effects of migration in Australia

The following submission has been prepared by Conrad Gershevitch, Amareswar Galla and Maria Dimopolous. We have substantial track records in professional, academic and community engagement fields on issues related to the terms of inquiry of the Joint Standing Committee. Our experience includes first hand policy and operational-level management, 'fingers-in-the-dirt' grassroots work, and a wide range of consultancies. Please note: the following comments are the authors' and do not represent the opinions of any past or present employers or contractors.

OPENING REMARKS

We are very pleased that the government has recently made a number of unequivocal public statements: that it supports multiculturalism as a national public policy, that it condemns all forms of racism and related discrimination, and that Australia is a multicultural democracy. It has been many years since such statements were made in clear and unambiguous terms. For this reason the government must be acknowledged, and the Minister for Immigration and Citizenship, in particular, commended for his speech to The Sydney Institute. These are landmark statements which deserve to earn a place in Australia's history. That said, some of this submission may be construed as critical. The following remarks are intended to be a positive contribution to assist the government actively progress its multicultural agenda. They are provided in a spirit of co-operation and a desire to build on the important new agenda to which the government and its departments are developing.

MULTICULTURALISM, HUMAN RIGHTS AND HUMAN DEVELOPMENT

Australia played an important role in the drafting and passage of the Universal Declaration of Human Rights (UDHR) at the United Nations in 1946. The principles espoused in the UDHR were brought under the ambit of international law with the adoption by the UN General Assembly in December 1966 of the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR). These two pivotal covenants – which bring into effect the principles of the UDHR – came into force 10 years later, in 1976, when under the terms of article 27, the 35th State Party lodged its instrument of accession.

Australia agreed to support ICCPR, but did not formally accede to it until 1980; it ratified ICESCR in 1975. However, Australia is yet to further its international obligations by bringing them into effect through domestic laws, such as in a Charter of Human Rights. We are one of the few democratic countries that is yet to protect the rights of its citizens in such a way. In its various representations to international treaty bodies, successive Australian governments have argued this is unnecessary because other laws, and common law, offers alternative human rights protections. While this may be true (up to a point) for ICCPR, such claims are far more questionable in relation to ICESCR. It is this covenant, dealing with economic, social and cultural rights, that is particularly relevant to the terms of inquiry of the Joint Standing Committee, and it is regarding the terms laid out in ICESCR that Australia needs to further its commitments to a rights-based democracy.

Generally, those principles that are described in ICESCR are regarded as 'positive rights' or those that people are *entitled to* (such as health and education services, or to the decent conditions of employment); this differs from the 'negative rights' of ICCPR in which people are *protected from harm* (such as torture or arbitrary arrest). It is easier (and arguably cheaper) for governments to legislate to ensure that fundamental human rights are not infringed,¹ such acts are more likely to provide a general benefit and less likely to arouse competition between differing groups in society.

For this reason, there has been a persisting inference that positive rights are harder to establish and should follow at some undetermined time once rights in the civil and political sphere are more fully protected. This is a questionable position on a number of grounds, however, one reason why will suffice: *all* human rights are inalienable, indivisible, inter-connected, and can be inter-generational (such as rights to a habitable planet, or to

cultural knowledge or religious practice). Reticence about, and avoidance of, those rights listed in ICESCR is hard to justify in terms of internationally accepted, normative human rights standards. It is not necessary to scope these out in this submission, there is sufficient explanation (for example) in the UN Committee on Economic, Social and Cultural Rights' concluding observations about Australia's 4th report, released in 2009.² This committee's report expresses concern, inter alia, that social, cultural and economic rights were not included in the terms of reference of the national human rights consultations; it is still awaiting incorporation into domestic legislation; there are ineffective judicial remedies for the protection of these rights; and that Australia's national human rights institution is unfunded, and has no mandate to report against or to fulfil its advisory and related functions, under its Act in relation to ICESCR.

Consistent with the principles outlined in ICESCR - as well as the definition of 'multicultural democracy' explained in the United Nations Development Programme's (UNDP) 2004 report - multiculturalism is a policy which brings into practical effect human rights principles associated with access and equity, social justice, social inclusion, a rejection of discrimination on grounds of race, faith, ethnicity and nationality, and, at the same time, supports human development - including economic wealth.³

MULTICULTURALISM, SOCIAL INCLUSION AND GLOBALISATION

Multiculturalism and social inclusion are complementary public policies: both are tangible actions designed to ensure social justice that bring human rights principles into effect. While there are clearly parallels and synergies between multiculturalism and social inclusion they are not the same, and it would be most unwise to subsume multiculturalism under the broad social inclusion agenda.

There are two broad reasons for this. First, social inclusion is largely about addressing exclusion, or improving the socio-economic and related status of people so they are better able to contribute to society while building their sense of personal agency and independence. Although, in these regards, the settlement of migrants and refugees into Australia is an activity that shares certain descriptors and generic objectives to social inclusion it is, generally, a different process. Humanitarian entrants and migrants are usually very keen to be included. Settlement is how this is achieved - their exclusion tends to be more the result of the choices that *others* make for, or about, them. For example: they don't have the skills or capacity to do a job, their cultural difference means they will not maintain a rental property in good condition, their 'colour', 'race' or faith suggests a lower level of intelligence, willingness or entitlement to actually *be* included.

On the other hand, many of those from the so-called 'mainstream' community are socially excluded because of different causes, such as inter-generational unemployment, substance abuse, family dysfunction, mental illness or physical or other impediments. This stated, it is still important that migrant and humanitarian entrant issues are recognised under the social inclusion rubric given this will help target agency responses to specific needs of defined communities within some sub-populations with high-needs.

The second reason why multicultural policy is different is that it is not about social 'deficits' in the way - to some extent - that social inclusion is. Not only does migration contribute to the cultural richness of our society through the arts, diet and cuisine, and spiritual traditions, it does so intellectually and creatively (a global effect, as argued by Richard Florida in his work on 'the creative classes'). The wealth derived from migration is also self-evident and has been understood for a long time: the Keating Government established the Productive Diversity Program which recognised and sought to expand these benefits; this is discussed in more detail below.

However, what is easily overlooked is the notion of a 'diversity dividend'. That is, the benefits which accrue to a wider society from living with diversity. For example, when service providers are trained in cultural competence this is, in effect, a form of sensitisation to individual difference and need. A client-focused service will therefore be more oriented towards the needs of all its users, not just those who are culturally diverse, but to the established mainstream as well. In addition, because pluralism is a living resource, it is something that can be researched and interpreted for more general application. For example, if sub-populations have greater life expectancy and lower morbidity in certain forms of chronic illness, then researching the group's trends in diet, activity, behaviours, or social capital may yield important data that will help provide information that can shape better health outcomes for *other* population groups.

In a globalised world, where information can be communicated constantly and instantly, the way diversity is managed in Australia will, inevitably, be transmitted and influence the way Australia is perceived, just in the same way that, in Australia, we are constantly informed about the events and the way people are treated in other

countries. For example (and leaving aside the 'rights', 'wrongs' and complexities of the issue) Australia's response to violence against international students in 2009 illustrates how domestic security, policing and discrimination problems will be interpreted and shape the way Australia is perceived internationally. That enrolments to Australian universities have declined since that time – and this comes with substantial loss of national revenue – demonstrates these links between the local to global.

While this example is one of negative effects (albeit one that would have occurred even if Australia did not enjoy a highly plural population), there are countless positive ones accruing from the presence of diaspora communities. The way skilled migrants, refugees, family reunion, temporary visas – and many other forms of permanent or transitory settlement – are managed has broad impacts. Positive settlement experiences into civil communities, where elementary human functionings are largely met without discrimination or other forms of barriers, will all contribute to the way Australia is perceived by those who do the settling, as well as to the vast global networks that are connected to them. This provides great opportunities for wealth transfers, investment, the establishment of business networks, as well as promoting Australia as a humane society (thus reducing certain potential security threats).

ACCESS AND EQUITY

The issue of the social inclusion of CaLD communities will be considerably aided by proper process of access and equity. Before this can occur there needs to be auditing, benchmarking and establishing some form of compliance to meet basic human rights standards, especially those pertaining to cultural diversity; freedom of religion, belief and non-belief; education (especially the higher education sector which has largely failed to keep abreast of social, cultural, demographic and intellectual changes, both locally and internationally); language; heritage; the equitable allocation of resources, and substantive equality – all essential but long overdue and neglected in Australia.

It is not possible to get a clear picture about our society if Australia does not regularly analyse the current situation, set clear and realistic standards, and then ensure there are basic accountability systems to meet national social inclusion and productivity goals. All countries invest into assessing their current financial status: their current accounts, gross domestic product, comparative standards of living, taxation revenue and the like. However, society should not be the handmaiden of economics. Economics should be a tool to ensure the free, competitive and efficient running of one aspect of society. The social health of nations requires far greater investment than it has hitherto received. This also relates to human and cultural rights – ends in themselves. But, self-evidently, when these rights are met societies and the individuals within them are more productive and report greater levels of satisfaction. This, at the same time, also enhances economic growth and savings. Gender is another dimension which affects access to “...unequal geographies of mobility, belonging, exclusion and displacement.”⁴ The interdisciplinary approaches to the study of gender and migration present opportunities to consider spatiality and gender; migrant women are also active human agents challenging gender-based roles and nation-based notions of membership.

Proper investment into CaLD community social research, and the introduction of some forms of cultural auditing, benchmarking and compliance will both help to build an urgently-needed evidence-base about society, our democracy, cultural industries, educational standards, and human rights. It will also help to achieve targets, drive change, and improve social inclusion. There are a range of international treaties which require Australia to respond with action in auditing, benchmarking and compliance in a way that, for a long period, it has not. We therefore recommend that Australia should meet both 'hard law' international treaty responsibilities and 'soft law' Charters, its obligations to the basic access and equity rights of its citizens, and to seize the opportunities of growth provided by greater social inclusion, economic participation and cultural citizenship.

Specific auditing, benchmarking and compliance measures the government could introduce to strengthen the new multicultural policy are:

1. Establishing cultural indicators to measure human development in Australia

This would help Australia to meet various development goals outlined in international treaties to which Australia is either a party, intends to become a state party, or has previously supported. Australia was one of the members of the UNESCO General Assembly that acclaimed the Universal Declaration on Cultural Diversity in November 2001. Under this Declaration's Action Plan states are encouraged to develop cultural indicators and to establish cultural observatories, gather data to track progress against these indicators, and the extent to which, over time, indicators are met. The literature provides various definitions of cultural

indicators and it is generally understood that countries have flexibility to develop, interpret, monitor and report against them.

Cultural indicators in Australia should be interpreted as the systematic location of cultural diversity values into public and private planning across all human welfare and services, environment and sustainable development, legislative, education, health, cultural and communication sectors and, of course, in meeting goals in social inclusion programs. Given this, the collection, monitoring and reporting on indicators would be an appropriate role for the agency responsible for the oversight of the access and equity strategy. It would also complement the Public Service Charter – had it not been allowed to lapse.

This Charter, or an updated version of it, is a critical plank to achieve the goals of multiculturalism in Australia, this has not been recognised in the new multicultural policy statement: an oversight. Whether these roles appropriate for a compliance agency is a different question as it may be better located in a co-ordinating department such as the Department of Prime Minister and Cabinet, or an independent statutory authority.

2. independently review national cultural institutions against Australia-specific cultural indicators

Cultural institutions such as museums, art galleries, libraries, archives, other heritage spaces (which collect, exhibit, curate, lend, promote, conserve, restore, interpret and educate on the range of cultural, social and environmental heritage relevant to Australian communities) have not been reviewed on their approach to cultural diversity for over a decade and Australian cultural spaces have never systematically addressed cultural inclusion in accountable and measurable ways.⁵ Given the importance of such institutions to the civic life of our nation, and their responsibility to reflect the diversity of contemporary Australian life and culture, an audit of these institutions, against the indicators referred to above, is both timely and a human rights (if not social inclusion) issue.

3. Review the Charter of Public Service in a Culturally and Linguistically Diverse Australia (1998)

Now over 10 years old, as noted above, this is an important framework and set of principles that helps meet service standards for public service agencies. While targeted at culturally and linguistically diverse communities, it clearly has a 'diversity dividend' in that it helps improve service standards for all clients. Reviewing the charter will help to increase its relevance to the changed demography, shifting policy settings and national priorities of Australia. It will also help reinforce to government agencies, from the local to national, what are appropriate and professional standards of service and conduct.⁶ Recent international local government associations have taken a more integrated approach to locating cultural diversity in human development.⁷ Australia's action in this domain, then, would be consistent with international norms.

4. Establish a compliance regime to ensure the Charter is implemented across all levels of government

Services provided by governments (whether these be local, state/ territory, or Commonwealth) should be obliged to meet a minimum set of access and equity requirements set out in a public service charter. While there are cases of good practice, this is still the exception rather than the rule. Far better compliance to the charter is needed as is a public service recruitment and retention that is more reflective of Australia's demography.

The 2009-10 report of the Australian Public Service Commissioner on the state of the service is damning. It is an appalling indictment of the public service because of all the things it *fails* to say as well as the things it does.⁸ Diversity is still seen as marginal in the policy work of most Commonwealth agencies; planning does not integrate diversity as the lived reality of most Australians. If the government is sincere about the principles (not to mention efficiencies and professionalism) outlined in its APS blueprint, *Ahead of the Game*, and genuinely wishes to engage in citizen-focused policies and programs, it must commit to reform – through necessary compliance – within a multicultural/human rights frame of action.

While the public service charter provides a principled framework, it has always been limited due to its guidance, rather than compliance, status. At the Commonwealth level (the state, territory and local governments will need to find their own methods) the access and equity reporting co-ordinated by the Department of Immigration and Citizenship is a good model.

The charter's limitation has always been that agencies contributing to the report do so voluntarily.⁹ This should change. Agencies should be obliged to report, adhering to the revised public sector charter principles to do so. Failure to meet minimum standards could be linked to chief executive (departmental Secretary) performance appraisals and remuneration – in this way the motivation and leadership to meet the human rights of Australian citizens to services, with equality and fairness, will be met. It will also help the public

sector to deliver services outside a 'silos' approach, this will help break down poor communication between departments on how to deliver integrated services that are genuinely responsive to the needs of a diverse population. Again, this should also help deliver services that will raise standards for *all* consumers of government services.

These measures will be critical adjuncts to the government's agenda to revitalise multicultural policy in Australia.

SETTLEMENT AND PARTICIPATION

Settlement occurs across a range of domains, including employment, education, health, housing, transport and justice. There are many different approaches that government can take to improve settlement outcomes in each of these areas. Meaningful employment opportunities for humanitarian entrants are critical to their quality of life and settlement outcomes because, without such life chances, new arrivals will enter a cycle of poverty, exclusion and social alienation.¹⁰ Supporting people migrating to Australia (in particular high-need humanitarian entrants) into meaningful work requires periods of intensive specialised case management provided by expert community-based agencies such as migrant resource centres, and combined with programs that mainstream the settlement process with the wider business sector and communities. There are some excellent social enterprise models that help humanitarian entrants bridge from the settlement experience into employment through participation in such programs and where continuing education (such as English tuition) are combined with practical vocational skills.

A population policy that helps Australia plan for its long-term economic, workforce and development needs, and balanced with the impacts of demographic change, was an important and welcome process started under the Rudd government. How well this is being integrated into the social inclusion and multicultural agenda is, however, an important consideration. Integrated planning for national productivity should also take account of the need to develop sustainable settlement services in sustainable communities. Rural revitalisation is often possible and desirable, and it can be achieved by carefully managed migration or refugee resettlement programs. However, planning around this demands integrated population, environmental management, human services and infrastructure development. This is very much a sustainable human development issue and one agreed many years ago between the ethnic and environmental protection NGO sectors: population growth has always been understood to be viable so long as it is confined to a viable 'footprint'.

Australia works hard to conduct an orderly settlement program, to welcome immigrants and humanitarian entrants, and to then ensure they are supported during their transition to become productive members of society. Because they provide intensive and specialised case-management, the problem that settlement and rehabilitation services face is not within the sole domain of one, or a few, agencies. That is why whole-of-government approaches are required that will better complement the government's immigration program, such as workforce reform, anti-discrimination programs, and skills and qualification recognition by professional bodies and employers.

It is also important to acknowledge that the processes by which women negotiate settlement, form and reshape their identities, often differ markedly from those of men. The development of women's sense of identity may be complicated by conflicting expectations which will often be held by them, of themselves, as well as by their partners, their families, communities, and the society into which they are settling.

SETTLEMENT AND SECURITY

Trust, reciprocity, understanding, respect: these values pave the civil pathway to peace and they help underpin the idea of a global ethic. Programs, spanning the local to national, that say 'no' to racist, religious, nationalist, ethnic or culturally-based discrimination, are essential to build free, civil societies. This can be done through communication, information, promotion, education and legislation. These approaches build knowledge, awareness and help to change attitudes in communities. All these measures are also likely to have both direct and indirect impacts upon the counter-radicalisation agenda of government by helping people to feel, generally, more 'included'.¹¹

Social inclusion, multiculturalism and human rights are all enmeshed concepts. Interpenetrated policies and programs that implement these principles pay not just dividends of better social capital, healthier populations and greater economic efficiency. In communities that value peace and human rights it is far harder for radical agendas to develop, and for those who would seek to destabilise a system of government and physically harm their fellows citizens, to establish, organise and to be resourced.¹² These approaches, therefore, are also

necessary to an over-arching national security strategy. With reference to multiculturalism, social inclusion and security, this could be achieved in the following areas:

- Communication

Compared to many countries Australia has been relatively accepting and welcoming. Nevertheless, this does not mean we are a country without racism, stereotyping and discrimination of both the overt and covert varieties.¹³ This racism can manifest itself in many ways. No matter how it is expressed, one of the goals of human rights communications must be to try and reduce the incidence of stereotyping, discriminatory or racist behaviours and attitudes, and to promote a culture of dialogue, understanding and respect between people. At the same time it must be vigilant against opportunism associated with violent forms of religious fundamentalism or racism that is allowed to take root under the cover of 'rights'.

Human rights communications can be driven in a number of ways, as well as the specifically targeted there is need for mainstream, mass media promotion (not necessarily advertising) of human rights values, particularly to emphasise zero tolerance to racism. Only in this way can the more mischievous forms of media be countered with a values campaign that clearly states the limits of bigotry, the boundaries of tolerance, and the normative standards of conduct. Such communication should (ideally) focus on at-risk population groups where there are particular threats of harm, alienation or disempowerment. These include young people, women, certain ethnic and religious or otherwise highly visible minorities, or those with a mix of all such vulnerabilities.

- Education and public information

International reports that deal with cultures of peace and ways to counteract the toxicity of racial, religious and ethnic hate, all emphasise the need to work with young people through systems of education.¹⁴

These reports also emphasise the importance of the media which, in many ways, orchestrates the quality of public information and discourse about racism, security and human rights. While education is a major engine of social change, cultural competence is critical to promote human rights and such competence is often lacking in both the formal and informal teaching environment. Children are not naturally racist, they learn discriminatory attitudes as they age, often during their time within the secondary schooling system.¹⁵ This makes the role of culturally competent teaching all the more important, especially germane given the *Melbourne Declaration on Education Goals for Young Australians* (December 2008) which emphasises the importance of ethical integrity; the appreciation of cultural, linguistic and religious diversity; valuing democracy, justice and equity; cross-cultural competence; contributing to social and cultural environments, and acting as responsible local and global citizens.¹⁶

It is also important to note that the Australian higher education sector has remained immune to accountability under the principles of the Public Service Charter. Their focus has largely remained in the deficit model and often confused Australian CaLD demands with the needs of income generation with international students. While most universities provide diversity statistics about their student and administrative populations, they rarely do so about their academic staff. The concern is that a predominantly monocultural academia is delivering higher education to a culturally and linguistically diverse student population. The outcomes of the recent Excellence in Research (ERA) initiative of the Australian Research Council and ranking of Journals also need to be assessed within the framework of the Charter principles, especially in the arts and humanities.

- Legislation

The government's multicultural policy statement lists under principle no.4 that it will “...act to promote understanding and acceptance while responding to expressions of intolerance and discrimination with strength, and where necessary, with the force of law.” In the past governments have often been quick to introduce a range of new or amended laws that have aimed to prevent acts of terrorism and hence to protect the community. However, many of these laws have been criticised as eroding civil liberties.¹⁷ Whatever the merits and failings of these laws, it is worth noting that where there is a political will to introduce a suite of controversial new legislation this can often be achieved. The main piece of Commonwealth legislation to protect people from racial vilification is the Race Discrimination Act. However, this law was enacted over 30 years ago. It is a law that is in urgent need of amending – both to modernise the definition of ‘racism’, to extend the protections and cover of what is included, to criminalise certain extreme acts, and to reflect the modern vectors of racism that now exist, such as racism on the internet. To do so would be entirely consistent with the principle espoused in the multicultural policy document.

NATIONAL PRODUCTIVE CAPACITY

Access Economics has undertaken considerable modelling of the economic benefits of immigration, demonstrating there are substantial, and increasing, gains to GDP based on both skilled and humanitarian entry into Australia. In the case of a skilled migrant this can on per capita average equate to approximately \$6,700 per annum, increasing to \$12,190 per annum after twenty years (2007-08 prices).¹⁸ On this basis, the quantum of economic benefit of the migration program can be estimated over time, it amounts to \$11,600,000 per 1,000 permanent migrants in total (this includes both skilled migrants combined with humanitarian entrants in 2007-08 prices). Given the combined migration and humanitarian program was 158,960 individuals in 2006-07, this is approximately equivalent to \$861,621,000 for that financial year, rising to \$1,844,400,000 after 20 years.¹⁹ Bearing in mind these estimates are for a single year in a continuing migration and humanitarian program, the quantum of the flow of economic benefits is vast (although this is off-set by a range of direct and indirect costs). Not only do these receipts indicate the extent to which migration adds to GDP, the human capital of migration expands national productive capacity by bringing skills (workforce) that are either in short supply due to the existing size of the Australia population, insufficient or unavailable interest and/or education and training infrastructure. There are, however, global distributive equity issues associated with this, especially when skilled labour is attracted from developing economies where such labour is in short supply and has been trained at the expense of those countries. This represents a form of wealth transfer from poor to rich nations.

A more immediate concern relating to effective skills-utilization is the extent to which skilled migrants are actually working in a professional capacity in their areas of education or training. Sadly, it is a frequent experience that migrants are attracted to Australia on the pretext that their knowledge, experience and skills are in demand, only to find a range of structural barriers (both formal and informal) actually preclude their full participation in the workforce. For example, migrants are often excluded on grounds that could be regarded as racist (even if this often unconscious or indirect impact racism). This exclusion may be due to concerns that an applicant's training is different or misaligned to the precise needs of a company, or that some skills (such as English as a second language, or cultural differences) may limit potential applicants' ability to assimilate into a workplace. A recent study highlighted the systemic discrimination of job applicants on the basis of their names, not their qualifications for a position.²⁰ On the other hand some professions continue to maintain barriers to overseas trained applicants on the basis that their qualifications were not gained in Australia and therefore not consistent with the education and training in this country: the exclusion in this way of professionals from medical disciplines is particularly acute.

While this can be seen as unfinished business of the national productivity and competition reforms of the 1990s there are legitimate concerns, within some professions, that overseas training does not fully qualify somebody to work in a sector in Australia. For instance, if knowledge of domestic legislation is necessary to fully perform in a job, then the successful completion of bridging education programs are a legitimate requirement before a skilled migrant could do so. Analysis, identifying which professional associations and industries continue to exclude skilled migrants on unreasonable grounds, and developing strategies to either limit this conduct or collaborate around workable bridging training programs, is an important strategy for government in coming years. There will be resistance to this, but it will be important to forge reform on both grounds of equity and efficiency.

While the government recognises that lack of economic participation is both an issue of rights as well as one of national productivity (hence its social inclusion agenda) what it has yet to clearly articulate is that it recognises racism, discrimination and exclusion on the grounds of culture, race and faith also limit national productivity. These barriers to growth occur through:

- exclusion, or the limitations in opportunities, due to the failure to recognize overseas qualifications, or adequate bridging or accreditation programs. These represent perverse incentives to attract skilled immigrants to Australia
- morbidity. Racism makes people sick; this has substantial costs to the economy which could be assessed through the development of an economic modelling instrument based on existing health-cost methodologies (Yin Paradies from Melbourne University, and ARC colleagues, are currently undertaking some of this work)
- enforced low socio-economic status due to unfair barriers to participation in the workforce (which in turn limits growth, taxation revenues, and adds to population-level morbidity)
- insufficient planning, research and consultation on future skills and workforce needs in the Australian economy and services sectors. Artificial or perverse barriers to participation should be identified, the

costs (and benefits) estimated, and action should be taken to address these problems. This will improve overall national productivity

- inadequate legislation, protection and compliance and, as such, justice and equity, for certain classes of visa holders (eg: 457 visas), full-fee paying overseas students studying at Australian tertiary education institutions, communities seeking development applications and CaLD consumers
- lack of truly co-ordinated planning between local, state and Commonwealth tiers of government to determine rural development needs, infrastructure constraints and requirements, and to support the economic and social integration of immigrant and refugee communities into regional economies.

The productivity value of culturally diverse communities has been recognised for a long time. The former Prime Minister, Paul Keating, launched a policy known uniquely in Australia as 'Productive Diversity' in 1992.

Productive diversity has been defined as "...the use of cultural diversity, language, cultural knowledge and homeland contacts to strengthen business performance, create new products, get better market opportunities and add to the bottom line of a business. It is about making the most of what (businesses) have, valuing differences, agreeing on common goals, looking at different ways of doing business and producing positive outcomes that can have social and economic benefits."²¹

At the time the Productive Diversity policy was announced it was seen as a business imperative, especially given the growing pace of globalisation and changing patterns of workforce participation. These processes suggested that homogenous organisations would struggle to remain viable and would be less productive than those who were not. Improving the management of diversity would therefore have multiple and simultaneous benefits: increasing profitability and competitiveness, solving cases of workplace discrimination, and liberating the productive capacity of those from diverse backgrounds.²² While this may have been innovative 19 years ago, now more than ever, it should be seen as essential to business success.

Such an approach - complementing multiculturalism with active programs recognising that diversity is the mainstream, and the mainstream is diverse - was one that was gradually neglected over recent past years. This meant the opportunities offered by such an integrated approach to national productivity were lost, and business was generally patchy in its interest in the economic benefits accruing from competent diversity management. This is somewhat surprising given the previous government's focus on economic growth and big businesses support for high levels of skilled immigration.

The current review and implementation of a renewed multicultural agenda makes it an idea opportunity for a whole-of-government approach to harness multiculturalism to national productivity goals, while also ensuring that fairness and equity for CaLD workers and their families are protected. A Commonwealth taskforce that co-ordinates this planning across applicable social, cultural, environmental and economic policies, would help achieve more integrated planning for national productivity and could yield great economic benefits if appropriate investments were made.

GENDER ISSUES

Unfortunately, womens' right to gender equality continues to be challenged, this is both a specific as well as a general concern. This challenging occurs in both 'multicultural' as well as so-called 'mainstream' contexts; it is driven by both persisting discriminatory attitudes (as recently witnessed in the ADFA skype sex-scandal), and the rise of modern extremist political agendas, including conservative religious fundamentalism.

The Commonwealth Attorney General has recently asked the Family Law Council to undertake an enquiry into multiculturalism and family law because it is in the domain of the courts, especially Family Courts, that issues of gender equality, religious and cultural misunderstandings are particularly acute. This highlights the crucial importance that all governments commit to openly contest the use of culture and religion as a means to legitimize the disempowerment of women. In particular, every effort should be made to reject claims that violence against women and children are defensible on the grounds of cultural rights. Girls, as both females and children, are especially vulnerable to exploitation, cruelty and a curtailment of their rights on 'cultural' pretexts.

As noted in the UN Secretary-General's in-depth study on all forms of violence against women: "...tension between cultural relativism and the recognition of women's human rights, including the right to be free from violence, has been intensified as a result of the current heightened attention to State security issues. The resort to cultural relativism has been made worse by the policies adopted since 11 September 2001 by many groups

and societies that feel threatened and under siege. This tension poses a notable challenge in ensuring that violence against women is kept firmly on the international and national agendas with the priority it requires.”

We have written recently on this matter, in a supplementary paper for the Australian Human Rights Commission on freedom of religion, belief and the arts, arguing:

“The rights of women, children, people with a disability, for example, are not rendered irrelevant by cultural rights. As stated repeatedly in human rights hard and soft law, a human right only applies when it does not impinge upon other human rights. Furthermore, the claim that cultural rights describe fixed and immoveable cultural practice is also patently false.²³ Cultures are dynamic and changing,²⁴ indeed, human rights have the potential to take harmful cultural practices and effect their transmutation: cultural rights can be protected and cultural practice preserved through this very process of cultural development. These views have found thorough articulation in the early work of Farida Shaheed, the Independent Expert in the field of cultural rights, appointed by the Human Rights Council in late 2009.

Shaheed’s annual report in 2010 emphasized that culture is a living and dynamic process, it is a tool for development, peace-building and social cohesion, for the eradication of poverty, and cultural rights cannot be equated with relativism: if they impede human rights they require modification or discarding. She says that ensuring ‘...cultural diversity is less about preserving cultural goods and practices as they exist...than about ensuring the conditions which make possible the continuous creation and development of cultural goods and practices’.”²⁵

It is of utmost importance there is no silencing of social change advocates, or of women, who assert the fundamental human rights of women and children. Such silencing would make acceptable those spurious claims that women’s rights, children’s rights, and gender equality are incompatible within multicultural contexts. It would also represent a form of passive condoning of the use of violence as a mechanism of control over women and minors: culturally-justified violence against women, girls and children - in all its manifestations - can never be defended or tolerated, whenever and wherever they occur.

While recognising that culture and religion can be empowering for, and central to, both individual and collective identities, it is critical that any misuse of culture and religion to control women and girls, especially their bodies, their sexuality, their choice of who to love, who to marry, how to express themselves, and what to believe, is completely rejected.

Any claims of ownership over an ‘authentic’ interpretation of culture, tradition and/or religion, and where women are not only told to accept violence, but are denied the fulfilment of their potential as equal and active contributors to the development and production of culture, should never be allowed to retain or attract either moral, theological or political legitimacy. Human rights are universal, indivisible, and inalienable to each and every person. State Parties (as is Australia) to treaties such as the *Convention on the Elimination of All Forms of Discrimination Against Women* are accountable under international law to prevent, investigate, punish and redress all acts of violence against women, whether in peacetime or armed conflict, regardless of whether the perpetrators are State or non-State actors: ending discrimination against women and girls is the ultimate solution to culturally-justified violence against women.

CONCLUSIONS

While multiculturalism is often seen as one policy it must be understood as the practical implementation of a range of human rights principles, amongst these cultural rights. But it is also a policy that sits at the centre of related or complementary policies and programs including access and equity, anti-racism, and social inclusion. Notions of inclusivity and citizen-centered policy and programs are well and good, nevertheless, their value and principles can also be questioned because they are something of intellectual and ethical ‘poor relation’ to the human development capability approach,²⁶ and the systemic development and introduction of a human rights protection regime in Australia. If this was effectively introduced, many of the goals of such public policies would follow as would, in likelihood, many of the social, economic and cultural benefits as well.

The benefits of multiculturalism are not exclusionary or indicate favouritism towards certain groups. Even if they were, this would be quite defensible on the grounds of social justice, in particular, substantive equality. However, they are not: all these policies and programs are grounded in ethical standards and will deliver tangible benefits to all Australians, either directly or indirectly. They are not just about wealth creation, or national security, or cultural richness, but about constantly striving to build a truly civil society.

It is one thing to commit to a renewal of Australian multiculturalism, it is another to achieve the aspirations outlined in *The People of Australia*. Like any complex social policy that aims at shifting population-level knowledge, attitudes and behaviours over time, the multiculturalism agenda must be strategic and integrated. It will need to work across multiple sectors, with many partners, and simultaneously reinforce various approaches. This is a well-known methodology, it is reflected in the health promotion, social capital, and security literature. To succeed, therefore, such an approach takes time and adequate resources. As has been pithily observed, “...strategy without money is no strategy at all”.²⁷

A human rights approach to the issue of settlement (both humanitarian, migration, and reunion-based) is critical for community participation and integration. This includes a commitment to (1) simultaneously promote individual responsibility while (2) protecting people from racism and related forms of direct impact and indirect impact discrimination. In this context, the particular challenge the government, and its many allies and supporters of multiculturalism, may face is a campaign within some cliques in the commercial media pushing an anti-progressive agenda.

Discussion about the extent and harm inflicted on civil society by the incitement to race hate has continued over decades to the current day.²⁸ There are many ways to respond to this rhetoric, some of it coming directly from the politics of the ultra right where representatives of neo-Fascist groups, such as One Nation, are given legitimacy and prime broadcasting opportunities on popular commercial radio stations.²⁹ Space precludes a detailed analysis here; given the challenges around restricting on-air content, perhaps the most constructive way of contesting this form of corporate-sponsored race hate is a concerted media response that is positive, a direct engagement with the community ‘mainstream’, appealing to both decency and objectivity.

Such media campaigns do not need big budgets for this kind of work – indeed, expensive advertising may have a perverse effect – but they do need co-ordination and some resourcing for extended periods. For example, there are many progressive NGOs, former politicians across the political divide, business leaders and business peak bodies that have, and promote, a strong sense of corporate social responsibility, and community leaders who are passionate and articulate defenders of cultural diversity and critics of racism in Australia. This extensive network of support can be recruited to frame persisting race hatred and xenophobia and help push it to the radical fringes of Australian society where it belongs.

To achieve the opportunities offered by a renewal of Australian multiculturalism, the government needs to commit meaningful funding. This does not have to be huge, just adequate. As has been noted in this submission:

- racism makes people sick – it costs our economy billions of dollars per annum directly and indirectly
- if we want to enjoy the economic benefits of cultural diversity we need to invest in research into our culturally diverse communities – at present this does not happen in any real way, and
- effective means of compliance with equity frameworks and public sector standards need to be established.

These measures cost money. But they are investments and will also save on other forms of outlays. Treasury may refuse to measure ‘secondary effects’ of government expenditure, however, such an attitude in relation to important social investment is misguided. If ever there were reasonable grounds to save resources, or to build national wealth, it is in the domain of multiculturalism and anti-racism, settlement and participation, and productive diversity.

SUMMARY OF RECOMMENDATIONS:

1. Update and re-institute the Public Service Charter for a Culturally Diverse Australia

This is obviously a first step towards renewing multiculturalism. It sets the normative standards for the respect given, the degree of equity, and the inclusion of (and for) members of cultural, linguistic, racial and religious minorities in Australia. The 1998 Charter should be reviewed, national consultations undertaken, and the document then revised and endorsed by government. This should set the benchmark against which access and equity is measured.

2. Access and equity compliance reform

The current access and equity monitoring and reporting arrangements are merely tokenistic. Based on a revised Charter (see above), access and equity deliverables must be met by all APS agencies (unless granted special exemptions) with reporting on an annual basis. If agreed goals are not met agency heads must be held accountable, for example, through performance appraisals which impact on their

remuneration. Only in this way will there be broad APS change-leadership. This compliance regime must be driven by a co-ordinating agency with a whole-of-government mandate, or independent statutory authority status.

3. Research

Social policies and planning cannot be effective without sufficient or relevant data, nor can the impact of substantive equality measures be assessed, nor can the benefits and opportunities of diversity be analysed and reported. Across multiple disciplines research about, and data collection on, CaLD communities is neglected, ignored or unfairly distributed. A national priority needs to be placed on this area of research with funding directed towards CaLD issues. New money is not necessarily required, just the provision of a reasonable proportion of existing research funds mandated for this purpose, along with accountable and needs-based funding determinations. Oversight of the direction and allocation of research grants could be conducted by independent, expert, inter-disciplinary committees established under the ARC, NHMRC, and other important grant bodies.

4. Undertake an independent review of cultural institutions

This is a single exercise (albeit repeated periodically – it has not been undertaken since the early 1990s) and one that is applied to all government organisations that work broadly in the cultural sector, including the media, because of the important role they have recording and reflecting the social and cultural fabric of the nation. Similar to access and equity reporting, this would be an additional auditing process, given the nexus between cultural identity, the creative arts, and national heritage institutions.

5. Develop Australian-specific cultural indicators

Establishing cultural indicators would complement the review of the public service charter, research, and agency-wide auditing. This is a long-term scoping exercise that would inform how access and equity (human rights) principles are implemented. Cultural indicators are important for the protection of cultural rights, but they also offer a valuable framework to understand an evolving human ecology, the economic and social benefits of diversity, and as a means to monitor cultural issues in a nation's development.

6. Review the tertiary education sector

Australia has, over many years, attempted to expand its productive capacity in 'knowledge industries' rather than solely relying upon manufacturing, agriculture and mining to build national wealth. In a globalised world this is critical and, critical to its success, is the way higher education is delivered. This recommendation has two aspects:

- higher education institutions should be audited regarding the numbers, status and treatment of CaLD academic staff. In particular, the refusal to recognise peer reviewed journal publications in languages other than English, or in prestigious academic journals produced in non-English speaking countries must be exposed and ended. These are not only discriminatory, but establish perverse incentives, and curtail Australia's academic global engagement.
- explore the links between tertiary education and professional bodies, in particular, the inequities and exclusionary practices barring membership and accreditation of professional bodies, and participation in the workplace, by skilled migrants. This will need a multi-sector review process and should be accompanied by competition reforms as well as fair bridging programs.

7. Address racism: through legislation and awareness-raising

Racism today takes many forms, not merely old eugenicist hatreds, but as antagonism towards 'the other': this has been described as xeno-racism.³⁰ The RDA is an ineffective, outdated law, predating the rise of the internet (cyber-racism is perhaps the most pernicious form of race-hate today), it needs to be over-hauled. In the very least courts should be given 'cease and desist' powers so that material can be withdrawn immediately pending judicial decision as to whether it is genuinely offensive. The consolidation of federal anti-discrimination laws provides a timely opportunity to do so.

Alternatively, such matters could be incorporated in a legislated charter of rights; however, at this time such a law seems a long way away. As noted in the body of the submission, awareness-raising through long term 'health-promotion-like' programs to change community knowledge, attitudes and behaviours is critical, demanding both political leadership and consistent funding.

8. Resources: especially for supplementary programs in the arts, sport, productive diversity, and local-level activities

Humans relate to their immediate environment and to much larger collective ideas (such as 'nation-hood', although this is not necessarily the same as the 'nation-state'); this means that healthy communities are built locally. Locally based activities, owned and shaped by communities, are ideal spaces in which to build both bonding and bridging social capital. Working with local councils, especially in the areas of the arts, sport, and other forms of communal activity, are positive spaces to combat fear and discrimination, while enhancing health and improving the quality of people's lives.

9. Commit to the principle that multiculturalism complements, and does not substitute, genuine progress on the protection of universal human rights in Australia

Dialogues with, and across, religious and ethnic community leaders to uphold and promote human rights must not be used as a substitute, or a means of avoiding or delaying, a number of Australia's normative, international, legal obligations. The government must unequivocally guarantee to end impunity, and to bring to justice, those who incite and carry out violent forms of intolerance and discrimination – justifying such behaviour in the name of religion or cultural 'norms' - especially when they are committed against women, religious and cultural minorities, and recent humanitarian arrivals.

10. Recognise the persistence of religion in community life

The role of religious belief in the lives of many Australians must not be reductively interpreted as a mere cultural expression, yet many religious beliefs and practices are culturally defined (indeed, most harmful ones are cultural, not theological). Australian secularity makes engagement with religion difficult, yet multiculturalism must acknowledge the persisting role of religion as a form of identity, in particular, that many forms of racism are manifestations of faith-hate. The new multicultural and anti-racist programs of action must therefore make decisive efforts to mobilise support among followers of various faiths to end the misuse of religions, traditions, and customs as justifications of discrimination and intolerance against individuals and groups, and to commit to promoting a culture of inter-cultural and inter-religious respect.

We would be happy to provide further information relating to the issues raised in this submission, or to speak directly to the Joint Standing Committee or Secretariat, if required.

Yours sincerely

Conrad Gershevitch Current positions: Manager Innovation and Partnerships, Health Workforce Research Centre, NSW Health; Diversity-e magazine editorial board Previous positions: Director, Race and Cultural Diversity Unit, Australian Human Rights Commission; Director, Federation of Ethnic Communities Councils of Australia (FECCA); Executive Officer, Settlement Council of Australia; manager of various Commonwealth projects including multicultural mental health, and torture and trauma rehabilitation (PASTT) at the Commonwealth Department of Health and Ageing; also, member of many CaLD-related advisory, steering and working groups including the NHMRC; Australian Partnership of Religious Organisations (APRO); National Prescribing Service CaLD QUM program; and The Australian Collaboration	Dr Amareswar Galla Current positions: Chair, International Knowledge Communities on Cultural, Economic, Social and Environmental Sustainability; Inclusive Museum; Intangible Heritage; & Climate Change. Convener of the Pacific Asia Observatory for Cultural Diversity in Human Development; Chair, Cross Cultural Task Force, ICOM, Paris; International Technical Adviser to UNESCO on culture and heritage; Lead Expert for the International Centre for Intangible Heritage. Previous positions: Director on the Board of SBS Radio & TV; member of ACMAC, Australia Council; Chair of the Joint Heritage Committee, ACT; Immigration Museum Advisory Committee, NSW; Professor of Sustainable Heritage Development, RSPAS, the ANU; Professor of Museum Studies, UQ; and Chair of cultural diversity committees at UC and UQ.	Maria Dimopoulos Current: Managing Director, Myriad Consultants Board memberships: Institute for Cultural Diversity; Immigrant Women's Domestic Violence Service of Victoria; Australian Council of Social Services (ACOSS) Member of: Australian Lawyers for Human Rights; International Commission of Jurists; Australian Institute of Management, and several other associations Recipient: Amnesty International Human Rights Award (for work on the legal needs of women from CaLD backgrounds) March 2002: inducted into the Victorian Honour Roll of Women. 2009: appointed to the National Council to Reduce Violence Against Women and their Children
---	---	--

ENDNOTES

¹ although, under the tenure of the Howard Government, there were a range of legislative amendments that were deemed, by many critics, to restrict civil liberties. A number of these, and other laws, remain and which continue to concern human rights defenders in Australia. There are two broad critiques of the legislation: human rights and ethno-religious based. The human rights based critique accused the government of acting mischievously, for example, as argued by M Head, 'Counter-terrorism laws threaten democratic rights', *Alternative Law Journal*, Vol.17 no.3, June 2002

² see: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/428/99/PDF/G0942899.pdf?OpenElement> (accessed 1 April 2011)

³ UNDP, *Cultural Liberty in Today's Diverse World*, New York, 2004, see: <http://hdr.undp.org/en/reports/global/hdr2004/> (accessed 4 April 2011)

⁴ R Silvey, "Geographies of Gender and Migration: Spatializing Social Difference," *International Migration Review*, Vol.40 No. 1, Spring 2006, pp.64-81; and S J Mahler and P R Pessar, "Gender Matters: Ethnographers Bring Gender from the Periphery toward the Core of Migration Studies," *International Migration Review*, Vol.40 No. 1, Spring 2006, pp.27-63

⁵ diversity assessment of cultural institutions ceased for almost two decades. The last national consultations were in the early 1990s. A Galla et al., *Issues in Multicultural Heritage Management*, Office of Multicultural Affairs and Council of Australian Museums Association, June 1990; A Galla, *Heritage Curricula and Cultural Diversity*, National Guidelines for Museum Training, Office of Multicultural Affairs, Prime Minister and Cabinet, AGPS, Canberra 1993

⁶ A Galla and J Stanley, *Services for All: Promoting Access and Equity in Local Government*, Australian Local Government Association, 1999

⁷ *Culture, local governments and Millennium Development Goals: Report commissioned by the Committee on culture of United Cities and Local Governments*, UCLG, with the support of the Spanish Development Cooperation Agency - AECID, 15 June 2009, see: http://www.pacificasiaobservatory.org/images/stories/z_EN_report2_def.pdf

⁸ the previous report was worse, it made virtually no mention of 'NESB' diversity (as people from culturally, linguistically, racially and religiously diverse backgrounds are categorised in the reports). The current publication is an improvement on previous reports which bordered on the racist. The state-of-play reveals that in 2009-10 only two APS agencies had targeted NESB recruitment strategies (table 8.2, p.188) and no tables are provided listing NESB employees' APS classifications (although it is noted they are far more likely to have tertiary education than those who are not NESB). There are three dedicated pages to NESB in this 270 page report, but 11 pages for people with a disability and almost 9 for Indigenous APS employment. The report also commends the fact that 6.3% of APS employees were NESB in 2010, but it does not compare this to the demographics in Australian society (2006 Census data) in which 15.8% speak a language other than English in their homes, and where 40% of the total population report that one or both of their parents were born overseas. On this basis real participation of NESB Australian in the APS is a disaster. Australian Public Service Commission, *The State of the Service Report, 2009-10*, see: <http://www.apsc.gov.au/stateoftheservice/0910/report.doc> (accessed 4 April 2011)

⁹ Galla Amareswar and Scott Phillips were the initial facilitators for the drafting of the Charter. It was our understanding and that of all those involved in consultations, that the principles in the Charter would become indicators for periodic reporting and tabling of outcomes based reports in the Australian Parliament. In the euphoria that a diversity Charter was adopted for the first time by the COAG, the accountability emphasis was lost and voluntary reporting became the norm.

¹⁰ from the SCoA submission to the Hon Kate Ellis MP on Job Services Australia, January 2011, see: <http://www.scoa.org.au/resources/Letter%20to%20Kate%20Ellis%20re%20%20DEEWR%20submission%20-%2028%20January%202011.pdf>

¹¹ see A Sen et al, *Civil Paths to Peace: Report of the Commonwealth Commission on Respect and Understanding*, Commonwealth Secretariat, 2007

¹² also see R Aslan, *How to Win a Cosmic War: confronting radical religion*, Arrow Books, London, 2010

¹³ this is described in the Race Discrimination Act (1975) as direct and indirect discrimination. An example of direct discrimination (also called 'disparate treatment' discrimination) is refusing to serve a person of a particular race at a hotel. Indirect discrimination (also called 'disparate impact' discrimination) refers to the imposition of policies or rules that unreasonably disadvantage people of a certain race, colour, descent or national or ethnic origin, even if it is applied equally and appears to provide equality of treatment. An example of this kind of indirect discrimination is a company that may require night stackers to have high levels of English language competency to be employed, even though this is not required for the discharge of their duties as employees. There are, however, situations where this kind of discrimination may be reasonable if it has a clearly demonstrable purpose, for example, if that same business had a position taking telephone orders, then it might not be discriminatory to require good English language skills.

¹⁴ for example, see A Sen op.cit, p.62, and, United Nations, *Alliance of Civilizations*, p.25 see: at http://www.unaoc.org/repository/HLG_Report.pdf (accessed 4 April 2011)

-
- ¹⁵ this has been analysed in the Australian Multicultural Foundation and RMIT University's report *Love Thy Neighbours: Racial Tolerance Among Young Australians* (2004).
- ¹⁶ although an understanding of, and acting according to, human rights were not specifically included in the Melbourne Declaration, it nevertheless supports human rights principles, see Goal 2, Active and Informed Citizens, p.9
http://www.mceetya.edu.au/verve/resources/National_Declaration_on_the_Educational_Goals_for_Young_Australians.pdf.
- ¹⁷ M Grattan, 'Terror Laws Threat to Basic Civil Liberties', *The Age*, 5 December 2005, see:
<http://www.theage.com.au/news/national/terror-laws-threat-to-basic-civil-liberties/2005/12/04/1133631146369.html> (accessed 2 April 2011)
- ¹⁸ estimate based on average of general skilled, business and employee sponsored migration, Access Economics, *Migrants Fiscal Impact Model: 2008 Update*, 11 April 2008, p.21
- ¹⁹ *ibid*, p.5 and p.21
- ²⁰ A Booth, A Leigh and E Varganova, 'Does Racial and Ethnic Discrimination Vary Across Minority Groups? Evidence From Three Experiments', ANU, 2009, can be accessed through:
http://www.culturaldiversity.net.au/index.php?option=com_content&view=article&id=40:does-racial-and-ethnic-discrimination-vary-across-minority-groups-evidence-from-three-experiments&catid=14:human-rights-articles&Itemid=24
- ²¹ from the Queensland government website: <http://www.business.qld.gov.au/dsdweb/v4/apps/web/content.cfm?id=8962>.
- ²² see J Pyke, *Productive Diversity: Which Companies are Active and Why*, a paper delivered at the Australian Social Policy Conference, UNSW, July 2005, at: <http://www.sprc.unsw.edu.au/ASPC2005/papers/Paper205.doc> for a good analysis of productive diversity policy
- ²³ UNESCO *Investing in Cultural Diversity and Intercultural Dialogue*, Paris, September 2009, at:
<http://unesdoc.unesco.org/images/0018/001852/185202E.pdf> (accessed 10 April 2011), see section 'Cultural Rights', 226ff
- ²⁴ *ibid*, p.20
- ²⁵ A Galla and C Gershevitch, *Freedom of Religion and Belief, Culture and the Arts*, September 2010 (pending publication)
- ²⁶ partially reflected in the Social Inclusion Board's definition (although unreferenced to Sen and Nussbaum) the capability approach is effectively about social inclusion, but within a much more inclusive human development and rights based framework. *Social Inclusion in Australia: How Australia is Faring*, 2010, pp.14-15, see:
http://www.socialinclusion.gov.au/Resources/Documents/SI_HowAusIsFaring.pdf (accessed 2 April 2011)
- ²⁷ C Ungerer 'To beat terror, beat its ideas', *The Australian*, 24 February 2010, see:
<http://www.theaustralian.com.au/news/opinion/to-beat-terror-defeat-its-ideas/story-e6frg6zo-1225833619639> (accessed 27 March 2011)
- ²⁸ a theme regularly discussed on Media Watch, most recently in episode 5, 7 March 2011, in which the way misinformation about the threats and activities of asylum seekers were misrepresented. See:
<http://www.abc.net.au/mediawatch/transcripts/s3157336.htm> (accessed 27 March 2011), but also see episode 27, 2010 (again, about asylum seekers) and episode 3, 2011 (linking multiculturalism to asylum seekers issues)
- ²⁹ for example, former One Nation politician David Oldfield has a prime broadcasting place on the Fairfax-owned, 2UE – a major player on the AM radio frequency in Sydney.
- ³⁰ a term coined by Liz Fekete in *A Suitable Enemy: racism, migration and Islamophobia in Europe*, Pluto Press, 2009