



# **Towards a Multicultural Recognition Act for the Australian Capital Territory**

Office for Multicultural Affairs  
Community Services Directorate

April 2021

## CONTENTS

Minister's Foreword .....	3
Introduction .....	4
Multicultural Charters in other Australian States .....	4
<b>What is a Multicultural Charter? .....</b>	<b>4</b>
<b>Queensland.....</b>	<b>4</b>
<b>New South Wales .....</b>	<b>5</b>
<b>Victoria .....</b>	<b>5</b>
Proposed ACT Multicultural Charter.....	6
<b>Draft ACT Multicultural Charter for Consultation .....</b>	<b>7</b>
Other relevant legislation in the ACT.....	6
Functions of an ACT Multicultural Advisory Council .....	7
Possible functions of a Multicultural Advisory Council .....	9
<b>Possible statutory functions of the ACT Multicultural Advisory Council .....</b>	<b>10</b>
Membership and Term of Appointment.....	10
<b>Possible make-up of the ACT Multicultural Advisory Council .....</b>	<b>11</b>
Priority Setting, Accountability and Transparency.....	11

## Minister's Foreword

It is a great privilege to release this discussion paper on the development of a Multicultural Recognition Act for the Australian Capital Territory.

I acknowledge the traditional owners of the land we know as Canberra, the Ngunnawal people. I pay my respects to their elders, past, present and emerging.

The ACT is proudly a multicultural and inclusive community. With one in four Canberrans born overseas, diversity in our community is our strength. The contributions of our multicultural communities are felt in every corner of our city—from community celebrations and major events like the National Multicultural Festival, to the richness we all experience every day in the language, history, dress, music and food of cultures shared and celebrated in the ACT.

As a city and as a people, we are committed to multiculturalism. But we know that multiculturalism is a shared responsibility. The development of a Multicultural Recognition Act forms part of this. It will signify – and formalise in legislation – the value that we as a community place on multiculturalism. It will create a Multicultural Charter, codifying key principles of a successful multicultural society; enshrine into law the Multicultural Advisory Council; and provide reporting mechanisms to ensure accountability to these principles.

Crucially, it will be developed through meaningful conversation with the ACT community as a whole.

I warmly encourage you to:

- reflect on what multiculturalism means to you;
- consider how we as a community can best show our commitment to the ongoing work of building a welcoming, respectful, and inclusive multicultural Canberra; and
- discuss these questions with your friends, family, and community.

Your views on this important work are not only valued, but critical to its success.

Thank you for helping to shape our multicultural city.



**Tara Cheyne MLA**

**Minister for Multicultural Affairs**



# Introduction

The ACT Government has committed to developing and delivering a Multicultural Recognition Act to formalise in legislation our strong and ongoing support for multiculturalism in the ACT.

As part of this process, the ACT Government will enshrine the existing Multicultural Advisory Council in legislation and establish a multicultural charter.

The ACT Government would like to hear from the ACT community on the development of our legislation and what it should include. The legislation intends to:

- craft a set of principles and develop a charter that showcases what our ACT society strives to be;
- legislate a council of members that can advocate on behalf of the multicultural community to the ACT Government; and
- embed transparent accountability mechanisms into government practice with regular reporting back to the ACT community.

The discussion paper includes a series of key questions and possible charter to prompt readers on the types of issues that need to be considered when developing this Act.

## Multicultural Charters in other Australian States

### What is a Multicultural Charter?

Multiculturalism is a policy that recognises the cultural and linguistic diversity of the Australian community and promotes social justice and social cohesion by supporting and promoting the preservation of cultural identities.

A Multicultural Charter describes the 'key principles' that supports the policy of multiculturalism. These key principles can be used by governments, businesses and communities to make assessments about whether multiculturalism is being advanced within their community.

The Charter also allows policy makers to consider the key principles when they are developing, delivering and evaluating policy, programs and services that they provide to the community.

### Queensland

Schedule 1 of the [\*Queensland Multicultural Recognition Act 2016\*](#) establishes the following Multicultural Queensland Charter:

1. *A shared commitment to Queensland and Australia, and a free and democratic society governed by the rule of law, fosters a strong and unified community.*
2. *The people of Queensland come from many diverse backgrounds and have worked, and continue to work, together to build a prosperous, fair and harmonious Queensland.*
3. *The people of Queensland should be able to express and celebrate, in a lawful way, their cultural, linguistic and religious diversity.*
4. *Equal rights and responsibilities under the law and equitable access to the services provided or funded by Schedule 1 Multicultural Recognition Act 2016 Page 16 2016 Act No. 1 the Government for all people of Queensland helps build a fair community.*
5. *A shared commitment, among members of the Queensland community, to mutual respect, fair treatment and valuing the diversity of peoples in the community fosters a caring, safe and inclusive community.*
6. *The creation of opportunities that encourage the full participation of people from diverse backgrounds in the cultural, economic, political and social life of Queensland helps build a prosperous State.*



7. *Sustained, respectful and inclusive engagements between all individuals, groups and the Government are a basis for mutual understanding.*
8. *A unified and harmonious community promotes a sense of belonging among its people and builds community confidence and resilience.*

## New South Wales

One of the main purposes of the [\*Multicultural New South Wales Act 2000\*](#) is to enshrine a set of multicultural principles (which are defined as the policy of the state). The six multicultural principles enshrined in the Act are:

- (a) *all individuals in New South Wales, irrespective of their linguistic, religious and ancestral backgrounds, should demonstrate a unified commitment to Australia, its interests and future,*
- (b) *all individuals in New South Wales should recognise the importance of shared values governed by the rule of law within a democratic framework,*
- (c) *the people of New South Wales are of different linguistic, religious and ancestral backgrounds who, either individually or in community with other members of their respective groups, are free to profess, practise and maintain their own linguistic, religious and ancestral heritage,*
- (d) *all individuals and institutions should respect and make provision for the culture, language and religion of others within an Australian legal and institutional framework where English is the common language,*
- (e) *all individuals in New South Wales should have the greatest possible opportunity to:*
  - i. *contribute to, and participate in, all aspects of public life in which they may legally participate, and*
  - ii. *make use of, and participate in, relevant activities and programs provided or administered by the Government of New South Wales,*
- (f) *all institutions of New South Wales should recognise the linguistic and cultural assets in the population of New South Wales as a valuable resource and promote this resource to maximise the development of the State.*

## Victoria

The [\*Multicultural Victoria Act 2011\*](#) outlines principles of multiculturalism that reflect a shared commitment to democracy and recognition of the richness that diversity brings to the Victorian community. Rights and responsibilities of all Victorians include:

- (a) *all individuals in Victoria are entitled to mutual respect and understanding regardless of their diverse backgrounds;*
- (b) *all individuals and institutions in Victoria should promote and preserve diversity within the context of shared laws, values, aspirations and responsibilities;*
- (c) *all individuals in Victoria (regardless of background) have shown that they can work together to build a positive and progressive future and this co-operation is to be encouraged so as to enhance Victoria as a great place in which to live;*
- (d) *all individuals in Victoria are equally entitled to access opportunities and participate in and contribute to the social, cultural, economic and political life of the State;*
- (e) *all individuals in Victoria have a responsibility to abide by the State's laws and respect the democratic processes under which those laws are made;*
- (f) *all individuals in Victoria should be united in a shared commitment to Australia and to community service;*

(g) *all individuals and institutions should recognise Victoria's diversity as an asset and a valuable resource benefiting Australia.*

Victoria also has a Multicultural Policy Statement, *Victoria. And proud of it*. This sets out the government's directions for multicultural policy and includes the Victorian Values Statement, which is described as the centrepiece of the Multicultural Policy Statement. Its purpose is to define the rights and responsibilities of all Victorian citizens. These are:

- one law for all;
- freedom to be yourself;
- discrimination is never acceptable;
- a fair go for all; and
- it is up to all of us to contribute to a Victoria we can be proud of.

## Proposed ACT Multicultural Charter

While it is important that the principles in the proposed ACT Multicultural Charter reflect the experiences and views of Canberrans, it is useful to consider the multicultural principles enshrined in legislation and policy across Australia.

The function of a charter, in the context of this Act, is to provide a lens for policy makers to develop, implement and evaluate policies, programs and services to ensure the principles of multiculturalism are upheld in the ACT.

The multicultural principles that are consistent in Queensland, New South Wales, and Victoria are:

- shared commitment to the rule of law;
- shared commitment to Australia;
- freedom to express cultural, linguistic and religious diversity;
- mutual respect regardless of background; and
- equal access to participation.

Other principles for consideration in the context of the proposed ACT Multicultural Charter include:

- counteracting racism and discrimination;
- valuing, promoting and preserving diversity;
- recognition of diversity as an asset;
- recognition of all people and their contributions;
- making provision for different cultures, languages and religion within an Australian legal and institutional framework;
- aiming to ensure services, events and programs are inclusive, equitable and accessible no matter your background.

## Other relevant legislation in the ACT

The ACT has existing legislation to protect Canberrans from discrimination and protect a person's human rights: the [\*Discrimination Act 1991\*](#) and the [\*Human Rights Act 2004\*](#).

Consideration should be given to how the proposed ACT Multicultural Recognition Act will complement existing legislation. The key objects of the *Discrimination Act 1991* are:

- to eliminate discrimination to the greatest extent possible;
- to promote and protect the right to equality before the law under the Human Rights Act;
- to encourage the identification and elimination of systemic causes of discrimination; and
- to promote and facilitate the progressive realisation of equality.

The human rights protected in the *Human Rights Act 2004* include, but are not limited to:

- Recognition and equality before the law;
- Protection from torture and cruel, inhuman or degrading treatment etc;
- Freedom of thought, conscience, religion and belief;
- Peaceful assembly and freedom of association;
- Freedom of expression;
- Taking part in public life;
- Cultural and other rights of Aboriginal and Torres Strait Islander peoples; and
- Rights of cultural, linguistic and religious groups.

## Draft ACT Multicultural Charter for Consultation

The ACT strives to be one of the greatest multicultural communities of the world.

We recognise our First Nations People, and respect their heritage, culture and the continuing contribution they make to the ACT and region. We promote reconciliation and recognise that this land was, and always will be, Aboriginal land.

We value all ACT residents, and we can all contribute towards making our Territory a harmonious and respectful place to live, where we rejoice in sharing our humanity, by learning about each other and extending the hand of friendship.

We recognise we all have a role to play through our workplaces and organisations, as individuals and collectively, in promoting an inclusive and respectful ACT society.

We each recognise shared principles being:

- a shared commitment to Australia and the ACT;
- a shared commitment to the rule of law;
- freedom to express cultural, linguistic and religious diversity;
- mutual respect regardless of background; and
- equal access to participation.

As a multicultural community we will continue to support multiculturalism by:

- Making services accessible and responsive to the multicultural community;
- Promoting active citizenship, participation and social cohesion;
- Capitalising on the benefits of cultural diversity;
- Creating opportunities for our organisations, agencies and institutions to better to embrace, promote and champion the philosophy of multiculturalism and the benefits of cultural diversity; and
- Supporting our diverse multicultural communities to develop and actively contribute to our great city.

### Key Questions:

1. What should be included in our ACT Multicultural Charter?
2. How should the Charter be inclusive of Aboriginal and Torres Strait Islander ACT residents?
3. Are there any other principles, not mentioned above, that should be considered for inclusion in the ACT Charter?
4. What ambition and/or aspirations should we set for ourselves as a community?

## Functions of an ACT Multicultural Advisory Council

The following sections ask questions about the functions and design of the proposed legislation to govern the ACT Multicultural Advisory Council (MAC). The current Terms of Reference for the MAC are available on the [Community Services Directorate](#) website.

The ACT Government has a range of [boards, councils and committees](#). Examples of legislated councils include:

- ACT Bushfire Council established under the [ACT Emergencies Act 2004](#)
- ACT Heritage Council established under the [ACT Heritage Act 2004](#)
- ACT Climate Change Council established under the [ACT Climate Change and Greenhouse Gas Reduction Act 2010](#)

The ACT Government has also legislated an Aboriginal and Torres Strait Islander elected body through the [Aboriginal and Torres Strait Islander Elected Body Act 2008](#).

Further examples can be found by searching 'council' on the ACT Legislation Register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

The range of legislative bodies above can be used as examples of the types of considerations that should be undertaken when drafting legislation for the ACT Multicultural Advisory Council.

Part 3 of the Queensland Multicultural Recognition Act 2016 outlines the following key areas related to its multicultural advisory council:

- Establishment
- Functions
- Membership of council
- Disqualification as member
- Term of appointment
- Conditions of appointment
- Chairperson
- Vacancy in office
- General procedure
- Minutes and records of decisions
- Publishing summary of meeting

Other considerations for the ACT legislation might include:

- Ending of council members' appointments
- Meeting procedure
- Minimum number for multicultural advisory council meetings
- Voting at meetings
- Multicultural advisory council resolutions
- Minutes of multicultural advisory council proceedings
- Disclosure of interests by multicultural advisory council members
- Remuneration

It is not expected that all the above areas would need to be included in the legislation. There is an opportunity for some of the areas to be included in a separate Terms of Reference developed by the Council and agreed by the Minister. The primary areas requiring consideration include:

- The functions of the Multicultural Advisory Council;
- Membership (not necessarily legislated); and
- Terms of appointment.

These are further considered below.

## Possible functions of a Multicultural Advisory Council

The proposed Multicultural Recognition Act will outline the statutory functions of the proposed Multicultural Advisory Council.

NSW, Victoria and Queensland have taken different approaches in developing their consultative bodies. The *Victorian Multicultural Act 2011* establishes a Commission, whereas the Queensland *Multicultural Recognition Act 2016* establishes a Multicultural Advisory Council to advise the Minister.

The ACT Government outlined its intention to legislate the existing ministerial advisory body as part of its [Parliamentary and Governing Agreement for the 10<sup>th</sup> Legislative Assembly](#) (Appendix 2 No. 11).

The Terms of Reference for the current ACT Multicultural Advisory Council outlines,

*“The Council has been established to provide strategic advice to the Minister for Multicultural Affairs on issues affecting culturally diverse communities; and to provide a link between the culturally diverse communities and the Minister.*

*To achieve this, the Council will:*

- *regularly consult with culturally diverse communities, its organisations and groups, and with the broader community, using the most effective channels and media;*
- *provide the ACT Government, via the Minister, with direct and well-informed advice regarding culturally diverse communities, to ensure that its experiences, concerns, expectations and aspirations are understood by Government;*
- *advise the Minister on strategic policy and service priorities for culturally diverse communities;*
- *alert the Minister to relevant emerging issues, potential risks and opportunities;*
- *serve as a point of contact for the community regarding systemic issues; and*
- *where appropriate, and in collaboration with the Directorate, provide updates to community groups on relevant consultations and government initiatives.”*

The Victorian and Queensland functions are outlined below, followed by an outline of possible functions for the ACT’s Multicultural Advisory Council for consultation.

Section 8 of the Victorian Multicultural Act 2011 outlines a range of relevant functions of their Commission which, in part, include:

- *research, report and advise the Minister on systemic community issues;*
- *investigate, report and make recommendations to the Minister on any aspect of multicultural affairs referred to it by the Minister; and*
- *advise the Minister on factors inhibiting the development of harmonious community relations and on barriers to the participation of Victoria’s diverse communities in the social, cultural, economic and political life of Victoria;*
- *undertake systematic and wide-ranging consultation with bodies and people to determine the needs of Victoria’s diverse communities and promote the objectives of the Commission;*
- *develop and maintain partnerships between community organisations in providing assistance in settlement support and service delivery for diverse communities; and*
- *develop and maintain harmonious community relations.*

*Queensland Multicultural Recognition Act 2016* outlines the functions of their Council as follows.

*(1) The functions of the council are—(a) to give advice and make recommendations to the Minister about the following—*

- (i) the needs, aspirations and contributions of people from diverse backgrounds;
- (ii) raising awareness of the multicultural charter within the Queensland community;
- (iii) developing and implementing government policies about multiculturalism;
- (iv) how services and programs funded by the Government can be responsive to the needs of people from diverse backgrounds; and

(b) to consult with any group or entity as directed by the Minister.

*Examples for paragraph (b)—a group of people from a particular cultural, linguistic or religious background an entity representing the interests of people within a particular age group*

(2) The council may also perform other functions as directed by the Minister.

## Possible statutory functions of the ACT Multicultural Advisory Council

The functions of the ACT Multicultural Advisory Council are to advise the Minister on:

- Ways to increase opportunity and reduce barriers for Canberrans from culturally and diverse backgrounds to actively participate in social, cultural, economic and civic life in the ACT;
- Improvements to the way government services are delivered to multicultural communities in the ACT;
- The consultation required to determine the needs of the ACT's diverse multicultural communities;
- The needs of migrant communities, particularly refugees and asylum seekers, regarding their integration into the ACT community and identifying opportunities to improve their integration;
- Fostering harmonious community relations in the ACT and surrounding regions; and
- Any other functions as directed by the Minister.

Additionally, it is proposed the Council will:

- Undertake consultation with relevant bodies and representatives to determine the needs of the community.

**Key Question:**

1. What should the functions of the Multicultural Advisory Council be?

## Membership and Term of Appointment

The *Queensland Multicultural Recognition Act 2016* (see below) has an advisory council of 11 members, each appointed for 3 years, with a maximum term of 6 years. This is consistent with the ACT's legislated councils outlined above. Excerpts from the *Queensland Multicultural Recognition Act 2016* are:

### Membership of council

(1) The council consists of the Minister and 11 members appointed by signed notice by the Minister.

(2) In making an appointment, the Minister must have regard to—(a) the need for the membership of the council to be representative of the diverse groups of people in the ACT community; and (b) the need for balanced gender representation in the membership of the council.

### Term of appointment

(1) A member holds office for the term, not longer than 3 years, stated in the member's instrument of appointment.

(2) If a member is reappointed, the total of the member's terms of appointment may not be more than 6 years.



## Possible make-up of the ACT Multicultural Advisory Council

- The council consist of between 9 and 11 members
- The term of appointment for members be 3 years
- Appointments be staggered with half of the membership being renewed every 18 months
- Council members may serve no more than 2 consecutive terms
- The Chair and Deputy Chair be remunerated, with the remuneration determined by the ACT Remuneration Tribunal
- The legislation be reviewed after 5 years of operation
- The membership of the council be outlined by the Minister by way of regulation. The Minister consider factors such as a mix of cultural background, gender, age and persons with expertise in contemporary issues. The Minister might consider representatives with expertise in the following areas:
  - Emerging communities
  - Settlement of migrants
  - Community and race relations
  - Language services
  - Interpreters and Translators
  - Leadership
  - Business
  - Community Language Schools
  - Community development
  - Community representative bodies
  - Faith groups
  - Youth
  - Arts and Culture
  - Intergenerational and multi-racial

### Key Questions:

1. What should the term of appointment for multicultural advisory council members be?
2. What should be the maximum number of terms, or years, a council member can serve?
3. Should a summary of the MAC's meetings be made available publicly following meetings?
4. What, if any, expertise should be prioritised in the make-up of the Council?
5. Are there any other issues that should be considered when developing the governance for the MAC in the Act?

## Priority Setting, Accountability and Transparency

An ACT Multicultural Recognition Act will enshrine the need for the Government to develop priorities in consultation with the MAC and include appropriate reporting mechanisms.

The ACT Government has traditionally implemented strategies to promote multiculturalism. The *ACT Multicultural Framework 2015-2020* (the Framework) details the Government's vision for an accessible, inclusive and cohesive Canberra. The First Action Plan of the Framework delivered on 28 actions and outcomes between 2015-2018. The Framework's Second Action Plan (2019-2020) was developed through extensive community consultation and has been extended until the end of 2021.

The ACT currently has a range of priorities including:

- Moving towards achieving the Advanced level of the Welcoming Cities Standard. The ACT is progressing work to be recognised as a Welcoming City by benchmarking our city against the specific goals and aspirations outlined in the Welcoming Cities Standard.

- Implementing our Language Service Policy to ensure that Government services meet the needs of the CALD community in the ACT.
- Developing a Multicultural Recognition Act.
- Conducting a review into community language schools in the ACT.
- Welcoming refugees into the community as a Refugee Welcome Zone.
- Supporting asylum seekers through the ACT Services Access Card.
- Supporting refugees and asylum seekers with humanitarian relief during COVID-19.
- Advocating for a national anti-racism campaign.
- Improving the wellbeing of Canberrans through the ACT Wellbeing Framework.

Different jurisdictions, and different ACT legislation, have different planning and reporting provisions in their legislation to achieve accountability and transparency back to the community.

The [Queensland Multicultural Recognition Act 2016](#) includes provisions that require the Minister to:

- prepare a policy about Multiculturalism that: (a) promote the principles of the multicultural charter; and (b) state outcomes for services provided by government entities to people from diverse backgrounds in the Queensland community; and (c) provide for a consistent approach across government for collecting statistical information about the diversity of people who use services provided by government entities. (Section 19)
- prepare a plan about implementing the multicultural policy outcomes (multicultural action plan) that must— (a) be consistent with the principles of the multicultural charter; and (b) state the actions that all or stated government entities must take to achieve the multicultural policy outcomes; and (c) state the actions that all or stated government entities must take to ensure services provided by the entities are accessible to people who have difficulty understanding English or communicating in English. (Section 20)
- as soon as practicable after each multicultural action plan stops having effect, table a report in the Legislative Assembly about the multicultural policy. (2) The report must include information about— (a) the extent to which the multicultural policy outcomes are being achieved; and (b) the actions required by the multicultural action plan taken by government entities in the period for which the plan was in effect. (Section 21)

The Queensland Act also requires government entities to:

- consider the Charter when developing policies or providing services (section 23); and
- provide a summary of the entity's progress in implementing the actions in the financial year (section 24).

It is envisaged that the Act will require the Government to develop a list of priorities and actions in consultation with the Multicultural Advisory Council to achieve the objectives of the ACT Multicultural Charter and promote the aims of multiculturalism in the ACT.

The second principle is that there are adequate reporting mechanisms by agencies and governments to report on their achievements, or areas that they further wish to improve.

### Key Question

1. **What should the new law require the ACT Government to do to ensure there is accountability and transparency back to the community?**





Office for Multicultural Affairs  
Community Services Directorate

April 2021