



Multicultural Recognition Act

REPORT ON WHAT WE HEARD

INTRODUCTION

The ACT Government committed to developing a Multicultural Recognition Act for the ACT under the Parliamentary and Governing Agreement of the 10th ACT Legislative Assembly.

This new law will recognise the importance and value cultural and linguistic diversity brings to the ACT community.

The Act will complement existing laws to protect people from discrimination and uphold their human rights, including the *Human Rights Act 2004* and the *Discrimination Act 1991*.

The draft law:

- includes a set of principles outlining the values for recognising and enhancing diversity, inclusion and belonging (Multicultural Charter)
- formally establishes a Multicultural Advisory Council (MAC) to advocate on behalf of Canberra's culturally diverse community
- requires ACT Government agencies to report on how they are applying the principles in their policies and programs.

The ACT Government first consulted on the development of a Multicultural Recognition Act in April and May 2021 through six face-to-face community sessions and the YourSay webpage. A draft Bill was prepared based on the feedback provided and was shared for public consultation.

THE SECOND CONSULTATION CONVERSATION

We held conversations online and face-to-face with stakeholders from 14 June to 26 July 2022.

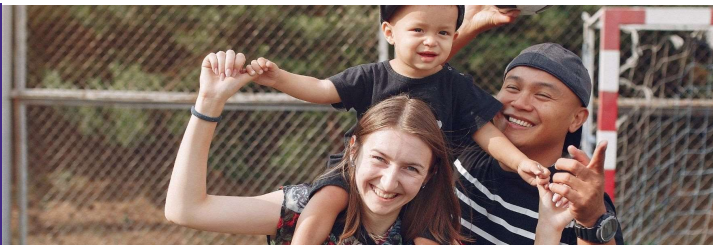
To support the community's consideration of key issues, the ACT Government released an Information Paper and fact sheets translated into five community languages.

Canberrans were invited to make submissions by email or through a YourSay webpage. Canberrans also had the option to post 'Quick comments' or complete a short survey about key parts of the proposed law. Two face-to-face community consultation forums were held on 23 and 27 June 2022 and two online forums were held on 30 June and 20 July 2022. Two additional forums were requested by a group of gender-equity consultants and an ANU-based group representing people of colour on 11 July 2022 and 21 July 2022 respectively. The six forums were attended by 32 community members.

The ACT Government held one consultation meeting to gather feedback from an academic and research officer and met separately with the Multicultural Advisory Council and a representative of a multicultural community organisation to answer specific questions about the proposed law. A presentation was delivered to representatives of the Canberra Multicultural Community Forum (CMCF) on 20 July 2022.

We sought the Canberra community's views on:

- the principles contained in the Multicultural Charter
- the functions and composition of the Multicultural Advisory Council
- proposed reporting measures.



WHO WE ENGAGED

Multicultural community organisations, peak bodies, government advisory groups, academics, advocacy groups and members of the community contributed to the consultations.

Respondent	Number of Submissions
Government advisory groups	1
Peak bodies	2
Advocacy groups	2
Multicultural community organisations	7
Faith based organisations	3
Academic	1
Consultancy	1
Individuals	9
Total	26

We also received 18 quick comments and 60 responses to an online survey. 53% of respondents identified as female, 42% as male, 3% as non-binary and one respondent did not wish to disclose their gender. The largest number of respondents were aged between 30 to 34 years. 58% respondents had lived, worked or studied in Canberra for over 10 years. 78% had not participated in the first round of public consultation.



Key insights from the community

68% of respondents agreed a Multicultural Recognition Act will deliver positive outcomes for the Canberra community. However, many emphasised it cannot be enacted in isolation. Ongoing work and resourcing are required to change attitudes, perceptions and behaviours so there is greater acceptance, respect and inclusion of diversity across the community.

Three survey responses did not agree legislation was necessary, stating it would promote segregation or division, represented 'cultural cringe' or did not accurately reflect the views of the ACT community.

Principles

1. 93% of respondents agreed that the proposed principles reflect the ACT they wanted to live in.
2. The three most important principles nominated by respondents were (in order):
 - a. Principle 5: You belong to the ACT community and are free to participate on equal terms in the social, cultural, economic, civic and political life of the ACT.
 - b. Principle 1: You are entitled to live in a community where there is mutual respect, irrespective of your culture, language, religion or spiritual belief.
 - c. Principle 2: You have a shared obligation to stop racism, discrimination and the negative effects they have on our community.
3. Stakeholders were generally supportive of the principles contained in the Multicultural Charter. They appreciated the positive, person centred, forward-looking and aspirational tone, and clear and inclusive language. There was an acknowledgment that the principles captured several essential aspects of multiculturalism including recognition of culture, language and other shared responsibilities.
4. However, some submissions noted a formal acknowledgment of existing inequities in the society on the basis of skin colour, culture, language, migration status, religion, gender, sexual orientation would make the Act 'more grounded in reality, honest, and reflective of status quo'.
5. Many submissions wanted greater acknowledgement of marginalised and vulnerable groups and the complexity and intersectionality that exists within the culturally and linguistically diverse population. Submissions noted the power structures within the communities and highlighted some people choose not to be affiliated with aspects of culture. This impacted on individual's participation, inclusion and a sense of belonging.
6. Respondents also expressed the need for greater clarity about how the principles will be implemented and applied in everyday life.
7. Several submissions stated the importance of the legislation in encouraging positive behaviours and being embraced across all sectors of the community. Some felt the draft principles addressed the perceived needs of multicultural communities and were too individualistic but could be modified to emphasise they apply to all Canberrans, and to reflect collective responsibility, values, conduct and behaviours (including roles for organisations and institutions).
8. Some submissions wanted the principles to refer to the importance of maintaining and preserving linguistic diversity and expansion of language learning opportunities to support this. However, two submissions noted that this was in the context of acknowledging English as our national language.



9. Several submissions referred to religion and spirituality as key and central to the preservation and appreciation of cultural identity.
10. There was also strong support for creating an additional principle addressing equitable access to services and programs.
11. Many respondents sought greater recognition of Aboriginal and Torres Strait Islander people in the Charter.
12. Some submissions also wanted the principles to acknowledge our cultural heritage and its role in shaping our identity and to recognise greater understanding and creativity arises from diversity and interactions between people from different backgrounds.
13. Many submissions expressed concern about the application of Principle 3 and that freedom and safety to express and practice one's culture and religion should not be seen as protection to discriminate against others or interfere with individual rights and beliefs. Related to this, respondents noted the need to acknowledge some cultural practices are not appropriate in the Australian context e.g. female genital mutilation, child marriage, polygamy, and suggested emphasis should be added in Principle 3 that freedoms exist within Australian legal frameworks.
14. Some respondents felt the principles give all Canberra residents hope that they will be welcomed and treated equally, but this was not the reality for people with different visa or residency status (citizens, permanent resident, international student, partner visa) who had different rights and entitlements. Some also felt it may give false hope to those on temporary visas.
15. One submission stated, 'for the Multicultural Charter to truly embrace the spirit of "multiculturalism", it needs to be framed in language which offers equal opportunities to all peoples of ACT to belong and contribute equally'.
16. A number of submissions emphasised the need for a definition of 'multiculturalism' and a vision. However, there were no suggestions of what that definition should be.
17. A range of respondents felt 'recognition' was passive and did not adequately reflect the vision importance of cultural diversity to the ACT community. Suggestions to change the title of the Bill to include 'inclusion' and/or 'integration' were made. In subsequent conversations, community members expressed strong support for the term 'inclusion' rather than 'recognition' for the title of the new law.

Multicultural Advisory Council

18. In addition to providing administrative support and facilities for the Council, feedback stated Directors General of ACT Government agencies should make reasonable efforts to assist the Council with respect to its functions, including the provision of any data or information required for its work, and policies and programs administered by their directorates.

Functions of the Council

19. 68% of survey respondents agreed with the proposed functions of the Multicultural Advisory Council. However, several submissions and feedback from public consultations commented that there was little awareness of the current membership and their work. Many commented on the need for the Council to be more proactive in promoting their role, sharing information and independently engaging with community to identify views, needs and priorities. There is a role for the Council to create safe spaces where vulnerable and marginalised communities can participate.



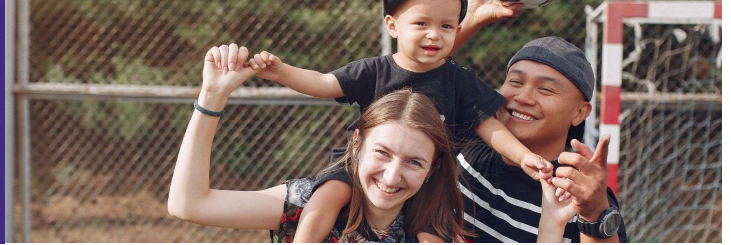
20. There was also strong support for greater accountability and transparency by the Council to the community. Many submissions recommended the Council's work be guided by the Charter and that they actively assess progress of implementation of the Multicultural Recognition Act. They also wanted the Council to report on their activities to the Minister and broader community through an annual report and by publishing outcomes of their meetings.
21. Some submissions suggested the functions could be expanded to advising the Minister and government agencies on the accessibility and effectiveness of programs and services delivered by the Territory for culturally and linguistically diverse people living in the ACT, and to make recommendations about undertaking research or other proposals.
22. There was also support for the Council working more closely with other advisory councils to address multicultural issues, ensure issues were considered intersectionally, and discuss other matters of mutual interest and concern.
23. There was widespread support for the Council to be independent, adequately resourced and remunerated in line with other Ministerial Advisory Councils.

Membership of the Council

24. 58% of survey respondents agreed the proposed membership Multicultural Advisory Council represented the diversity of voices and experiences within Canberra's multicultural community. However, many submissions emphasised the need for a diversity of membership, and in particular, inclusion of the voices of vulnerable and marginalised communities in order to understand evolving needs, issues and barriers. 'Grassroots' representation was also an important consideration to avoid dominance by large organisations. Other submission wanted established organisations or 'dominant' culturally and linguistically diverse groups to be considered as representative members.
25. Submissions emphasised the need for members to have deep community connections and experience to be selected through a transparent process by community.
26. Feedback from public consultations and through submissions recommended the Terms of Reference for the Council be guided by community consultation.
27. Increasing the term of appoint from two to three years was recommended to allow members sufficient time to become familiar with their roles and effectively contribute progress priorities and projects.

Reporting

28. 89% of people surveyed indicated consultation and public reporting on the Multicultural Recognition Act was very important (score of 70 or more). 81% thought public consultation on the implementation of the Act was the most important aspect of reporting. This was supported by submissions and feedback from public consultation sessions. Respondents requested reporting by ACT Government agencies focus on outcomes achieved by implementing the Charter and that this be guided by feedback from the community and service users. There was also strong support for ongoing feedback and evaluation mechanisms. One submission suggested collection of qualitative data also be considered.
29. We heard that in addition to annual reporting by ACT Government agencies and an annual statement by the Minister for Multicultural Affairs, additional measures were required to ensure transparency and accountability. Suggestions included development of an annual policy statement outlining the ACT



Government's multicultural policy priorities to be delivered as part of the Minister's annual statement. Some submissions suggested this should be accompanied by an action plan.

30. Some submissions emphasised reporting by ACT Government agencies on implementation of the Act be compiled and published in one place, similar to human rights reporting.
31. The need for ongoing education about government initiatives was also emphasised.
32. One respondent suggested that as no new regulations or complaint mechanisms will be created through this legislation, there is a need to increase the awareness of existing complaint mechanisms, and to provide additional resources and staff to the ACT Human Rights Commissioner to be able to administer these additional responsibilities.
33. One submission noted current reporting measures reflect internal benchmarking processes and could be strengthened by external benchmarking.
34. One Quick comment suggested reporting would be an impost on already overburdened public servants stating, 'Please don't enact a requirement that requires over governed public servants to report'.

WHAT'S NEXT?

The ACT Government will consider all feedback received when amending the proposed Multicultural Recognition Act.

This will then be considered by Cabinet before being presented to the ACT Legislative Assembly in late 2022.

Key Timings

August 2022 – Listening Report published

Late 2022 – Bill introduced to parliament



THANK YOU FOR YOUR FEEDBACK

1,499

People visited the YourSay page

660

We reached out to over 660 email addresses and 54 community organisation Facebook pages

521

The number of times the information paper was downloaded from YourSay

452

The number of times translated material was downloaded from YourSay

60

People completed the online survey through YourSay

26

We received 26 written submissions

18

We received 18 quick comments through YourSay

6

Consultation forums were held