



Multicultural Recognition Bill 2015

**Report No. 11, 55th Parliament
Communities, Disability Services and Domestic
and Family Violence Prevention Committee
February 2016**

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Communities, Disability Services and Domestic and Family Violence Prevention Committee

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Acknowledgements

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* On 15 December 2015, the Leader of the House advised that the Member for Bundaberg had decided to stand down from the Communities, Disability Services and Domestic and Family Violence Prevention Committee. In accordance with Standing Order 202, the Leader of the House appointed the Member for Sunnybank to replace the Member for Bundaberg and nominated the Member for Pine Rivers as Acting Chairperson.

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Abbreviations

AASW	Australian Association of Social Workers – Queensland Branch
Access	Access Community Services Inc.
Advisory Council	Multicultural Queensland Advisory Council
ATSILS	Aboriginal and Torres Strait Islander Legal Service
AUSIT	Australian Institute of Interpreters and Translators Inc.
Bill	Multicultural Recognition Bill 2015
CALD	Culturally and linguistically diverse
Charter	Multicultural Queensland Charter
Committee	Communities, Disability Services and Domestic and Family Violence Prevention Committee
Department	Department of Communities, Child Safety and Disability Services
ECCQ	Ethnic Communities Council of Queensland
FamilyVoice	FamilyVoice Australia
Former Minister for Multicultural Affairs	Hon Shannon Fentiman MP, Minister for Communities, Women and Youth, Minister for Child Safety and (former) Minister for Multicultural Affairs
IWSS	Immigrant Women’s Support Service
MDA Ltd.	Multicultural Development Association Limited
Minister	Hon Grace Grace MP, Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs
NEDA	National Ethnic Disability Alliance
NGOs	Non-government organisations
PACT	Protect All Children Today Inc.
QCEC	Queensland Catholic Education Commission
QPASTT	Queensland Program of Assistance to Survivors of Torture and Trauma
Reference Group	interim Multicultural Community Reference Group
SBS	Special Broadcasting Service

Chair's foreword

This Report presents a summary of the Communities, Disability Services and Domestic and Family Violence Prevention Committee's examination of the Multicultural Recognition Bill 2015.

The Bill seeks to ensure that State Government policies, programs and services recognise and respond to Queensland's growing culturally and linguistically diverse communities. The Bill aims to achieve this by establishing a Multicultural Queensland Charter, and associated implementation and reporting requirements for government entities, and a Multicultural Advisory Council.

The Committee's task was to consider the policy outcomes to be achieved by the legislation, as well as the application of fundamental legislative principles – that is, to consider whether the Bill had sufficient regard to the rights and liberties of individuals, and to the institution of Parliament.

On behalf of the Committee, I thank those organisations who lodged written submissions on the Bill. I also thank the Committee's Secretariat, the Technical Scrutiny Secretariat and the Department of Communities, Child Safety and Disability Services.

I commend this Report to the House.



Nikki Boyd MP

Acting Chairperson

Recommendations

Recommendation 1

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The Committee recommends that the Multicultural Recognition Bill 2015 be passed.

Recommendation 2

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The Committee recommends that the Department of Communities, Child Safety and Disability Services works with the Multicultural Queensland Advisory Council to put in place appropriate mechanisms to ensure that the views of Queensland's diverse communities, in particular those in regional and rural locations, are sought and considered by the Multicultural Queensland Advisory Council.

1. Introduction

1.1 Role of the Committee

The Communities, Disability Services and Domestic and Family Violence Prevention Committee (Committee) is a portfolio committee of the Legislative Assembly which was established on 27 March 2015 under the *Parliament of Queensland Act 2001* (POQA) and the Standing Rules and Orders of the Legislative Assembly.²

The Committee's primary areas of responsibility include:

- Communities, Women, Youth, Child Safety and Multicultural Affairs
- Domestic and Family Violence Prevention, and
- Disability Services and Seniors.³

Section 93(1) of the POQA provides that a portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles, and
- for subordinate legislation – its lawfulness.

1.2 Examination of the Bill

The Multicultural Recognition Bill 2015 (Bill) was introduced into the House on 27 October 2015 by the Hon Shannon Fentiman MP, the then Minister for Communities, Women and Youth, Minister for Child Safety and Minister for Multicultural Affairs (Former Minister for Multicultural Affairs).⁴ The Bill was referred to the Committee for examination pursuant to Standing Order 131. The Committee was required to report to the Legislative Assembly by 5 February 2016.⁵

On 28 October 2015, the Committee wrote to the Department of Communities, Child Safety and Disability Service (Department) seeking advice on the Bill. The Department provided a written briefing on the Bill on 4 November 2015 and officers from the Department briefed the Committee on the Bill on 11 November 2015 (see **Appendix B**).

The Committee invited submissions on its website and by notice to subscribers to updates on the work of the Committee. The Committee also directly invited submissions from stakeholder organisations. The Committee received 21 submissions (see **Appendix A**). The Committee held a public hearing on the Bill on 18 January 2016 (see **Appendix B**).

2 *Parliament of Queensland Act 2001*, section 88 and Standing Rules and Orders of the Legislative Assembly, Standing Order 194

3 Standing Rules and Orders of the Legislative Assembly, Schedule 6

4 On Tuesday 8 December 2015, portfolio responsibility for multicultural affairs was transferred from the Hon Shannon Fentiman MP, Minister for Communities, Women and Youth, Minister for Child Safety and Minister for Multicultural Affairs (Former Minister for Multicultural Affairs) to the Hon Grace Grace MP, Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs

5 Standing Rules and Orders of the Legislative Assembly, Standing Order 136

The transcript of the public briefing on 11 November 2015 and public hearing on 18 January 2016, correspondence from the Department and the submissions received and accepted by the Committee, are published on the [Committee's website](#).

1.3 Policy objectives of the Bill

The Queensland Government made an election commitment during the 2015 campaign to develop legislation to ensure that State Government policies, programs and services recognise and respond to Queensland's growing culturally and linguistically diverse population.⁶

In her explanatory speech, the Former Minister for Multicultural Affairs stated that the Bill:

*... will deliver on the Palaszczuk government's election commitment to promote Queensland as a united, harmonious and inclusive community and foster an environment of opportunity for people from culturally and linguistically diverse backgrounds.*⁷

The Bill consists of three main elements:

- the Multicultural Queensland Charter which aims to recognise the contribution of Queenslanders from diverse backgrounds and promote Queensland as a united harmonious and inclusive community
- the Multicultural Queensland Advisory Council to advise the Minister on multicultural issues and consult with culturally and linguistically diverse communities and other interest groups, and
- the Multicultural Policy and Multicultural Action Plan, with associated implementation and reporting requirements for government entities.⁸

1.4 Consultation on the Bill

The Explanatory Notes state that the Department consulted with key stakeholders through targeted forums held across the State to "ensure that provisions in the proposed Bill reflect contemporary community views on promoting community harmony and inclusiveness".⁹

The Department held seven forums in Cairns, Toowoomba, Townsville, Logan, Rockhampton, Mount Isa and Brisbane. The Explanatory Notes state that "The feedback from stakeholders ... was very positive, reinforcing the need for the legislation and providing suggestions on ways to improve it".¹⁰

In addition, an interim Multicultural Community Reference Group (Reference Group) was established to support the development of the Bill. The Reference Group was consulted on a draft version of the Bill

6 Multicultural Recognition Bill 2015, *Explanatory Notes* (Explanatory Notes), p.1

7 Former Minister for Multicultural Affairs, *Hansard*, 27 October 2015, p.2375

8 Ms Megan Giles, Executive Director, Legislative Reform, Department of Communities, Child Safety and Disability Services (Department), *Public Briefing Transcript*, 11 November 2015, p.1

9 Explanatory Notes, p.4

10 Explanatory Notes, p.4

prior to its introduction into Parliament. The Explanatory Notes state that the Reference Group supported the Bill.¹¹

The Department advised that there “was strong support expressed” throughout the consultation process and stakeholders identified that the proposed legislation would: improve cultural capability across government service delivery; complement the *Anti-Discrimination Act 1991*; improve collection and reporting of cultural diversity data; have a positive impact on the community; and strengthen reporting requirements for government entities about how they are implementing the multicultural policy.¹²

The Department also consulted government departments and the Anti-Discrimination Commissioner on a draft version of the Bill.¹³

Committee comment

The Committee notes the consultation undertaken by the Department and the support expressed for the Bill by stakeholders and the Reference Group.

1.5 Should the Bill be passed?

Standing Order 132(1) requires the Committee to determine whether or not to recommend the Bill be passed.

After examination of the Bill, including its policy objectives, and consideration of the information provided by the Department and from submitters, the Committee recommends that this Bill be passed.

Recommendation 1

The Committee recommends that the Multicultural Recognition Bill 2015 be passed.

11 Explanatory Notes, p.4

12 Department, *Briefing Note*, 3 November 2015, p.5

13 Explanatory Notes, p.4

2. Multiculturalism in Queensland

2.1 Overview

Queensland is a State of considerable ethnic diversity. Queenslanders come from more than 200 different cultural backgrounds, speak more than 220 languages and follow over 100 faiths.¹⁴ Around 20 per cent of the population were born overseas, and almost 40 per cent have at least one overseas-born parent.¹⁵ In addition, nearly 10 per cent of the population speak a language other than English at home.¹⁶

Migration has helped shape the State's cultural and religious infrastructure, buildings and creative arts scene, cuisine and civic character, enhancing Queenslanders' social experiences, insights, choices and global connections.¹⁷ Critically, it also brings a broad range of benefits to the Queensland economy.

Migration serves to increase labour participation and employment by boosting the working age population and improving the skills base, as well as introducing new ideas and techniques which stimulate innovation, enhancing net productivity.¹⁸ Research also indicates positive impacts on wages and income and boosts to business and trade through new links with domestic and international markets.¹⁹ In addition, migration provides gains in living standards as government taxation revenues increase with the gains to employment.²⁰

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- 14 Department, Multicultural Affairs Queensland, A multicultural future for all of us: Queensland Multicultural Policy 2011, Queensland Government, June 2011, p.3
<http://www.cabinet.qld.gov.au/documents/2011/jun/multicultural%20policy/Attachments/Att%201%20Multicultural%20Policy%2019.PDF>
 - 15 Australian Bureau of Statistics, Census of Population and Housing, 2011, Basic Community Profile, Queensland – B09, Country of Birth of Person (usual residence), 2012; Department of Aboriginal and Torres Strait Islander and Multicultural Affairs, Diversity Figures Snapshot: A statistical snapshot of the diversity of Queensland's population, State of Queensland, December 2012, p.1
<https://www.communities.qld.gov.au/multicultural/multicultural-communities/multicultural-diversity-figures>
 - 16 Australian Bureau of Statistics, 2011 Census QuickStats, All people – usual residents, Queensland, People – demographics & education, 28 March 2013
http://censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/3#cultural
 - 17 Department, Multicultural Affairs Queensland, A multicultural future for all of us: Queensland Multicultural Policy 2011, Queensland Government, June 2011, p.6
 - 18 NSW Government, The economic advantages of cultural diversity in Australia, Community Relations Commission, 2011, p.13
http://www.crc.nsw.gov.au/data/assets/pdf_file/0010/17479/The_economic_advantages_of_cultural_diversity_in_Australia.pdf; Migration Council of Australia, The Economic Impact of Migration, March 2015.
<http://www.migrationcouncil.org.au/assets/files/2d690a3a5.pdf>
 - 19 R Smith, *Migration and the Innovation Agenda*, Department of Innovation, Industry, Science and Research, Working Paper 2011-02, April 2011; F Docquier, C Özden and G Peri, The Wage Effects of Immigration and Emigration, National Bureau of Economic Research (United States), NBER Working Paper No. 16646, December 2010. <http://www.nber.org/papers/w16646.pdf>
 - 20 Explanatory Notes, p.9

The Migration Council of Australia projects that by 2050, Australia's population will be 38 million and migration will contribute approximately \$1,625 billion (\$1.6 trillion) to Australia's gross domestic product – around 40 per cent of annual economic output.²¹

However, despite the benefits that migrants bring to Queensland, it is also recognised that newly arrived migrants are “often disadvantaged in participating in the economy”, facing a range of significant barriers to finding employment.²² In addition, community cohesion may be adversely affected by the impact of national and global events, including overseas conflicts, heightened security protocols and resettlement issues.²³ The Department has noted that “recent international events and media coverage of racially motivated incidents in Australia have the potential to damage Queensland's reputation as a welcoming place to live or visit, which can have a negative impact on the Queensland economy”.²⁴

Migration and multicultural policies can play a significant role in determining the degree to which societies can realise the economic opportunities and benefits of migrations while simultaneously supporting and maintaining social harmony and inclusion.²⁵

The Department stated that “promotion of welcome, belonging and equal access to resources is the foundation of preventing feelings of marginalisation and social exclusion”.²⁶ Furthermore:

*Engaged and cohesive communities are better placed to work together to solve their own social issues. In contrast, fractured and disharmonious communities draw on public resources and need assistance to become empowered to find local solutions.*²⁷

2.2 Current government approach to multicultural affairs

Queensland has had a multicultural policy since 1993.²⁸ The implementation of the multicultural policy across government agencies is currently the responsibility of Multicultural Affairs Queensland, which is also charged with promoting multiculturalism more broadly.²⁹

Multicultural Affairs Queensland is a government agency, within the Department, which works with Australian and local government agencies to ensure the policy service delivery environment takes account of key factors such as education, employment, health services and opportunities for new arrivals to connect with and feel safe in a new home.³⁰ The agency also delivers funding for events, projects and

21 Migration Council of Australia, *The Economic Impact of Migration*, March 2015.

<http://www.migrationcouncil.org.au/assets/files/2d690a3a5.pdf>

22 Department, *Briefing Note*, 3 November 2015, p.1

23 Explanatory Notes, p.9

24 Department, *Briefing Note*, 3 November 2015, p.1

25 Goldin, G Cameron and M Balarajan, *Exceptional People: How Migration Shaped Our World and Will Define Our Future*, Princeton University Press, 2010, p.132

26 Department, *Briefing Note*, 3 November 2015, p.1

27 Department, *Briefing Note*, 3 November 2015, p.1

28 Department, *Briefing Note*, 3 November 2015, p.1

29 Department, *Annual Report 2014-15*, 2015, p.44

<http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2015/5515T1183.pdf>

30 Communities, Disability Services and Domestic and Family Violence Prevention Committee, *2015-16 Budget Estimates: Volume of Additional Information* (Former Minister for Multicultural Affairs, Response to Question on Notice No. 6), Queensland Parliament, 2015

programs that support community celebration of Queensland's multicultural identities and promote the benefits of diversity and community participation for migrants, humanitarian entrants and other overseas arrivals.³¹

Queensland does not currently have any principle-based legislation regarding multiculturalism, as is in place in other jurisdictions, such as New South Wales, Victoria and South Australia.³² There is also no national legislation relating to multiculturalism.³³

<http://www.parliament.qld.gov.au/documents/committees/CDSDFVPC/2015/Estimates2015-16/Est-tp-11Sept2015-VOAI.pdf>

31 Department, *Annual Report 2014-15*, 2015, pp.44-45

<http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2015/5515T1183.pdf>

32 Department, *Briefing Note*, 3 November 2015, p.1

33 Department, *Briefing Note*, 3 November 2015, p.1

3. Overarching purposes of the Bill

Clause 3 provides that the Bill's purposes are to:

- recognise the valuable contribution of diverse groups of people to the Queensland community
- promote Queensland as a united, harmonious and inclusive community by establishing the Multicultural Queensland Charter (Charter), and
- ensure services provided by government entities³⁴ are responsive to the diversity of the people of Queensland by:
 - establishing the Multicultural Queensland Advisory Council (Advisory Council)
 - providing for the Multicultural Policy and Multicultural Action Plan
 - requiring that employees of government entities be made aware of the Charter, Multicultural Policy and Multicultural Action Plan, and
 - establishing reporting obligations for particular government entities.

The Former Minister for Multicultural Affairs, in her explanatory speech, stated that the Bill:

*... will ensure that the Queensland government's policies, programs and services recognise and respond to Queensland's growing multicultural population and address wide-ranging issues including economic participation, domestic and family violence and mental health. It will provide real outcomes for Queensland, positioning the state to take advantage of overseas investment, trade and tourism, and solidifying our reputation as a safe, welcoming and cohesive community.*³⁵

3.1 Submissions

The majority of submissions supported the objectives of the Bill.³⁶ The Special Broadcasting Service (SBS) considered that the Bill demonstrates the Government's commitment to promote Queensland as a "united, harmonious and inclusive community for people from culturally and linguistically diverse backgrounds".³⁷

The Australian Association of Social Workers – Queensland Branch (AASW) noted that the Bill would bring Queensland into alignment with other jurisdictions and considered that the Bill would help "... achieve truly responsive, inclusive and appropriate service delivery to ensure the rights and needs of individuals are met".³⁸ The National Ethnic Disability Alliance (NEDA) also welcomed the Bill, which it considered formally recognises "the diverse and heterogeneous communities within the state".³⁹

34 Multicultural Recognition Bill 2015, clause 5 and *Public Service Act 2008*, section 24

35 Former Minister for Multicultural Affairs, *Hansard*, 27 October 2015, p.2375

36 Submissions no.1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18 and 19

37 Special Broadcasting Service (SBS), Submission no.14, p.2

38 Australian Association of Social Workers (AASW), Submission no.16, p.4

39 National Ethnic Disability Alliance (NEDA), Submission no.2, p.1

At the public hearing, the Islamic Council of Queensland stated that the Bill would provide important legislative backing for multicultural initiatives and service delivery standards, helping to expedite policy changes to facilitate more inclusive services which reflect the needs of a changing population.⁴⁰

The Refugee Council of Australia considered that the Bill would provide an important framework for enhancing settlement outcomes of people from migrant and refugee backgrounds,⁴¹ and would promote “the recognition of multiculturalism as a business-as-usual approach across state government”.⁴²

The Australian Institute of Interpreters and Translators Inc. (AUSIT) and the Immigrant Women’s Support Service (IWSS) suggested that clause 3 should be amended to provide a direct link to the Queensland Language Services Policy and a right to professional and accredited interpreters and translators.⁴³

Access Community Services Inc. (Access) also recommended amendments to clause 3. Access considered that clause 3(c)(iv) should be amended to include all government entities, rather than particular government entities. Access suggested that “By ensuring that all entities report, a significantly more profound positive impact will be made and no entity would be able to avoid reporting obligations and a commitment to this legislation”.⁴⁴

FamilyVoice Australia (FamilyVoice) opposed the Bill, as it considered that the Bill “... would foster an environment of resentment, as select groups received privileged treatment from government departments at the expenses of others”.⁴⁵ FamilyVoice also expressed concerns that the Bill would establish a large amount of bureaucracy and associated costs, which should instead be spent on service delivery.⁴⁶

3.2 Department’s response

In response to concerns raised by FamilyVoice, the Department stated that:

One of the aims of the Bill is to improve access and equity to services for people from culturally and linguistically diverse backgrounds, through the development of a culturally capable public service which has the skills and behaviours necessary to respond to the specific needs of a significant proportion of the community.

*This will assist people from culturally and linguistically diverse backgrounds to more fully participate in the economy and community, providing a greater sense of belonging for individuals and strengthening community cohesion.*⁴⁷

40 Mr Ali Kadri, Community Spokesperson, Islamic Council of Queensland, *Public Hearing Transcript*, 18 January 2016, pp.1 and 4

41 Refugee Council of Australia, Submission no.11, p.1

42 Ms Lucy Morgan, Senior Policy Advisor, Refugee Council of Australia, *Public Hearing Transcript*, 18 January 2016, p.8

43 Australian Institute of Interpreters and Translators Inc. (AUSIT), Submission no.6, p.2 and Immigrant Women’s Support Service (IWSS), Submission no.15, p.3

44 Access Community Services Ltd (Access), Submission no.18, p.1

45 FamilyVoice Australia (FamilyVoice), Submission no.9, p.2

46 FamilyVoice, Submission no.9, p.4

47 Department, *Response to issues raised in submissions*, 4 December 2015, p.5

The Department advised that the ability of customers of Queensland Government services to access interpreters is “a tangible and practical application of the existing purposes of the Bill, in particular: To ensure services provided by government entities are responsive to the diversity of the people of Queensland ...”⁴⁸

The Department also highlighted that clause 20(2)(c) requires that the Multicultural Action Plan state the actions that government entities must take to ensure services provided are accessible to people with difficulty communicating in English, and that access to interpreters is addressed through the Queensland Language Service Policy.⁴⁹

In response to Access’ comments about clause 3, the Department advised that the delivery of the Multicultural Policy outcomes may not be directly relevant to all government entities, hence the use of the term particular government entities. The Department stated that clause 20 allows the flexibility for the Multicultural Action Plan to contain actions for all or some government entities, depending on the relevance of the policy to the entity’s functions. Accordingly, the reporting requirements, at clause 3(c)(iv), only apply to those government entities which have actions in the Multicultural Action Plan.⁵⁰

Committee comment

The Committee supports the Bill and its objectives, which seek to: establish a legislative framework to support the recognition of the valuable contribution of multiculturalism; promote a united, harmonious and inclusive community; and ensure that State Government services are response to the needs of all Queenslanders.

The Committee also notes the widespread support for the Bill’s overarching purposes, and is satisfied with the Department’s response to the issues raised in submissions.

48 Department, *Response to issues raised in submissions*, 4 December 2015, p.4

49 Department, *Response to issues raised in submissions*, 4 December 2015, p.4

50 Department, *Response to issues raised in submissions*, 4 December 2015, pp.3-4

4. Application and scope of the Bill

The provisions of the Bill, including the Charter, apply only to government entities,⁵¹ which are defined as:

- a government department
- a public service office
- an agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act or under State authorisation for a public or State purpose
- another entity declared under a regulation to be a government entity, or
- a registry or other administrative office of a court of the State of any jurisdiction.

The Bill does not apply to Government Owned Corporations, local government, the parliamentary service and non-government organisations (NGOs) funded to deliver services on behalf of government departments.

Clause 6 provides that the Bill does not create:

- new rights nor impose legally enforceable obligations on the State, Minister, a member of the Advisory Council, a government entity or anyone else, or
- a civil cause of action if a provision was contravened and failure to comply with the Bill would not affect the validity of any decision.

The Explanatory Notes state that “This ... means that a person cannot take civil court action (for example, a claim for compensation) for contravention of the principles in the Charter.”⁵²

In addition, clause 6 clarifies that in the case of any conflict between the Bill and another Act, the provisions of the other Act prevail to the extent of any inconsistency. The Explanatory Notes state that:

*This is to ensure there is no conflict with existing legislation such as the Anti-Discrimination Act 1991. If a person suffers discrimination or racial or religious vilification, this should be dealt with under the Anti-Discrimination Act 1991.*⁵³

4.1 Submissions

A number of submissions considered that the scope of the Bill should be broadened to include NGOs who receive Government funding to provide services to culturally and linguistically diverse groups.⁵⁴

51 See Multicultural Recognition Bill 2015, clause 5 and *Public Services Act 2008*, section 24

52 Explanatory Notes, p.5

53 Explanatory Notes, p.5

54 Protect All Children Today Inc. (PACT), Submission no.5, Ema Vueti and Salome Swan, Submission no.13, and AASW, Submission no.16

The AASW considered that it is:

... vital that the Bill and Charter underpin funding partnerships and service agreements to ensure compliance by non-government services, including those services who provided outsourced services, to ensure that all organisations working with people from CALD backgrounds, are able to provide culturally responsive and safe services.⁵⁵

In addition, Ema Vueti and Salome Swan suggested that the private sector should also be covered by the provisions of the Bill.⁵⁶

Other submitters, however, recognised the difficulties associated with requiring NGOs and the private sector to comply with the Bill. At the public hearing, the Ethnic Communities Council of Queensland (ECCQ) stated that:

It is very difficult to make items mandatory for those other agencies or organisations ... and the level of commitment may be varied. We certainly see it as very positive that this will be compulsory for government agencies when they have to take action in their action plans and have requirements in their multicultural policy. We hope that will grow and spread ...

If the positive outcomes when reported upon are shared and people see it as good practice, hopefully they will come on board and implement those actions and activities within their own workplace and they will see it as a benefit.⁵⁷

The MDA Ltd. and the Queensland Program of Assistance to Survivors of Torture and Trauma (QPASST) expressed concerns that the Bill is not legally enforceable.⁵⁸ MDA Ltd. stated that while it understood that the Bill was principle-based legislation:

... the fact that the Bill does not allow for any inference that the obligations created are in any way legally enforceable and that "failure to comply with the Act does not affect the validity of decisions" detracts from the significance of the commitment to action otherwise articulated by the Act.⁵⁹

Other submitters, while expressing a preference for the Bill to be legally enforceable, considered that the Bill was a "... foot in the right direction to recognise the potential of the real economic participation of migrants and refugees from the diverse communities in Queensland".⁶⁰ The Islamic Council of Queensland considered that "... being binding would have encouraged people more, but ... it is a start. By

55 AASW, Submission no.16, p.11

56 Ema Vueti and Salome Swan, Submission no.13, p.1

57 Mr Garry Page, Chief Executive, Ethnic Communities Council of Queensland (ECCQ), *Public Hearing Transcript*, 18 January 2016, p.11

58 AASW, Submission no.16, MDA Ltd., Submission no.8 and Queensland Program of Assistance to Survivors of Torture and Trauma (QPASST), Submission no.12

59 MDA Ltd., Submission no.8, p.2

60 Queensland Chinese Forum, Submission no.19, p.1

having the dialogue and information sharing and encouraging people to learn more and be inclusive, it is a start.”⁶¹

FamilyVoice raised concerns that while the Bill states that it does not “impose legally enforceable obligations”, numerous other sections of the Bill are “couched in mandatory, rather than discretionary, terms and will lead to affirmative action policies”.⁶²

4.2 Department’s response

In relation to submitters’ calls for the scope of the Bill to be broadened to cover government funded NGO service providers and the private sector, the Department stated that it is expected that government entities will provide leadership in multicultural affairs by improving the responsiveness of services to the needs of people from culturally and linguistically diverse backgrounds. The Department advised that:

*If the Bill is passed, DCCSDS [the Department] will engage with all segments of the community to promote the Charter. It is anticipated that some private businesses and community service providers will follow the lead of government entities. For example, the Charter can be adopted by any group or organisation to assist with managing workforce diversity or to develop tailored responses to culturally and linguistically diverse customer groups.*⁶³

In relation to concerns that the Bill is not binding or legally enforceable, the Department advised that “Although not legally enforceable, there is an expectation that government departments and entities will comply with the principles in the Bill, including the reporting requirements”.⁶⁴ The Department stated that “Public service Code of Conduct requirements and parliamentary processes are available to ensure requirements in the Bill are met”.⁶⁵

Committee comment

The Committee shares submitters’ views that the fact that the Bill is not legally enforceable may impact upon the Bill’s ability to achieve its policy objectives. The Committee notes, however, that other jurisdictions, such as New South Wales, Victoria and South Australia, have adopted similar principle-based multicultural legislation.

The Committee considers that one of the most important tasks of the new Advisory Council, in partnership with Multicultural Affairs Queensland, will be to promote awareness and uptake of the Charter principles among NGOs, community organisations and the private sector.

In this regard, the Committee considers that the onus will be on government departments to lead the way and set a good example for other sections of the community, including businesses, to follow.

61 Mr Ali Kadri, Community Spokesperson, Islamic Council of Queensland, *Public Hearing Transcript*, 18 January 2016, pp.1 and 4

62 FamilyVoice, Submission no.9, p.3

63 Department, *Response to issues raised in submissions*, 4 December 2015, p.3

64 Department, *Response to Questions on Notice*, 13 November 2015, p.1

65 Department, *Response to Questions on Notice*, 13 November 2015, p.1

5. Multicultural Queensland Charter

Clause 7 and Schedule 1 provide for the Charter. The principles set out in the Charter are outlined below:

- **Principle 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.
- **Principle 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.
- **Principle 3:** The people of Queensland should be able to express and celebrate, in a lawful way, their cultural, linguistic and religious diversity.
- **Principle 4:** Equal rights and responsibilities under the law and equitable access to the services provided or funded by the Government for all people of Queensland helps build a fair community.
- **Principle 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.
- **Principle 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.
- **Principle 7:** Sustained, respectful and inclusive engagements between all individuals, groups and the Government are a basis for mutual understanding.
- **Principle 8:** A unified and harmonious community promotes a sense of belonging among its people and builds community confidence and resilience.

The Former Minister for Multicultural Affairs, in her explanatory speech, stated that the Charter "... outlines multicultural principles promoting harmony, inclusion and fairness. It is a statement of our values and aspirations. It is about who we are and what we hope to become".⁶⁶ The Department added that "The Charter is the first step in a cultural change which will lead to improved services for Queenslanders from diverse backgrounds over time".⁶⁷

While the requirements of the Bill and the Charter principles apply only to government entities, the Department stated that:

The Multicultural Queensland Charter is for the whole community. The high level values and principles outlined in the Charter can be entrenched across all sectors including business and the community services sector and within local communities, from managing workforce diversity, to developing tailored responses to particularly vulnerable culturally

66 Former Minister for Multicultural Affairs, *Hansard*, 27 October 2015, p.2375

67 Ms Megan Giles, Executive Director, Legislative Reform, Department, *Public Briefing Transcript*, 11 November 2015, p. 2

*and linguistically diverse customer groups, to holding events to welcome new arrivals and embrace diversity.*⁶⁸

In relation to government entities, clause 22 requires that the Chief Executive make staff aware of the Charter and how it applies to their work. The Department advised that “One way of achieving this may be through developing the cultural capability of employees”.⁶⁹ Clause 23 provides that employees of a government entity must consider the Charter when developing policies and providing services.

The Department advised that all government entities will be expected to support the principles, whether in managing workforce diversity or in developing tailored responses to culturally and linguistically diverse customer groups that may require assistance to accessing government services.⁷⁰

The Department envisages that “A greater understanding of the Charter, its intention and the multicultural policy outcomes, will facilitate the embedding of the values and principles of the Charter within departments’ business” and “in turn will lead to improved and more culturally responsive government services”.⁷¹

5.1 Submissions

A significant number of submissions supported the establishment of the Charter and the proposed principles.⁷² The NEDA considered that “the introduction of a Multicultural Queensland Charter will work to foster and promote harmony, inclusion and fairness across Queensland”.⁷³ At the public hearing, the Islamic Council of Queensland stated, in relation to the potential impact of the Charter, that:

*... if we were able to encourage people within the government departments to learn more about Islam, and the Muslim people ... I think that we would be able to counter a lot of fear and a lot of ignorance out there, and I think it would create a more harmonious and cohesive society.*⁷⁴

The ECCQ stated that:

*... it is hoped that business and community based organisations will also consider and perhaps adopt the multicultural charter or something similar. In the very least, the charter will lead to conversations and discussions in workplaces. It will be discussed at conferences and events and it will promote the benefits of multiculturalism and Queensland’s positive attitude towards multiculturalism.*⁷⁵

68 Explanatory Notes, p.9

69 Department, *Briefing Note*, 3 November 2015, p.2

70 Department, *Briefing Note*, 3 November 2015, p.2

71 Department, *Briefing Note*, 3 November 2015, p.2

72 Submissions no.4, 12, 14, 15 and 18

73 NEDA, Submission no.2, p.1

74 Mr Ali Kadri, Community Spokesperson, Islamic Council of Queensland, *Public Hearing Transcript*, 18 January 2016, p.2

75 Mr Garry Page, Chief Executive, ECCQ, *Public Hearing Transcript*, 18 January 2016, p.10

QPASTT applauded the Government's commitment to the Charter, but considered that the proposed Charter principles are weaker than those contained in the Multicultural Recognition Bill 2012⁷⁶ - in particular the removal of the word "should" from the 2015 principles.⁷⁷ The IWSS also commented that the Charter should use more active language.⁷⁸

The IWSS considered that the Charter could provide clearer direction about how diversity is to be incorporated into everyday life, and suggested that the *NSW Charter of Principles for a Culturally Diversity Society* be used as a reference.⁷⁹ The IWSS recommended that the wording of principle 2 should be used as a clear and concise introductory statement to the Charter. For example:

*The purpose of the Charter is to recognise that 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.*⁸⁰

The IWSS also suggested the inclusion of the principles of: Civic Values, Fairness, Equality and Participation, similar to the *Western Australia Charter of Multiculturalism*.⁸¹

The Queensland Catholic Education Commission (QCEC) raised concerns that Charter principles do not recognise the important role that education performs in achieving multicultural recognition and participation of people from diverse backgrounds.⁸²

FamilyVoice raised a number of concerns about the wording of individual principles. For example, they stated that principle 4 could be seen as suggesting that the "well-founded exemptions for religious organisations" in legislation, such as single sex-schools and religious education, should be removed.⁸³

MDA Ltd. considered that it is imperative that the Charter and Advisory Council make specific reference to settlement. MDA Ltd. stated that "The settlement journey is one of acculturation and ensuring successful settlement is central to the Bill's vision for a multicultural Queensland that is inclusive and cohesive".⁸⁴

The Aboriginal and Torres Strait Islander Legal Service (ATSILS) and FamilyVoice raised concerns about the recognition of Aboriginal and Torres Strait Islander people in the Charter preamble. ATSILS suggested additional wording to recognise the special place Aboriginal and Torres Strait Islander people hold within our multicultural society by virtue of being the original inhabitants of Australia.⁸⁵ While, FamilyVoice objected to the use of the terms "First Australians" and "lands, winds and water".⁸⁶

76 The Multicultural Recognition Bill 2012 was introduced by the Member for Inala on 23 August 2012 and referred to Health and Community Services Committee. The Bill failed at Second Reading on 6 March 2013.

77 QPASTT, Submission no. 12, p.2

78 IWSS, Submission no.15, p.3

79 IWSS, Submission no.15, p.3

80 IWSS, Submission no.15, p.3

81 IWSS, Submission no.15, p.3

82 Queensland Catholic Education Commission (QCEC), Submission no.4, p.2

83 FamilyVoice, Submission no.9, p.5

84 MDA Ltd., Submission no.8, pp.1-2

85 Aboriginal and Torres Strait Islander Legal Service (ATSILS), Submission no.7, p.2

86 FamilyVoice, Submission no.9, p.5

5.2 Department's response

In relation to the comments about the language adopted in the Charter Principles, the Department stated that:

Changes to the wording of the Charter were made [from the 2012 version] as a result of feedback from targeted stakeholder consultation undertaken across the State. A number of stakeholders felt that the wording of the principles of the Charter should be positive and aspirational, and specifically requested the word 'should' be removed.⁸⁷

The Department acknowledged the important role played by education and considered that the wording of principle 6 is broad enough to encompass that role. The Department stated that "A key avenue for the implementation of the Charter will be through the education sector".⁸⁸ The Department also advised that strategies will be developed to communicate the intent and principles of the Charter to stakeholders, both government and non-government.⁸⁹

In response to FamilyVoice's concerns, the Department clarified that there is no intention for the Bill to impact on the exemptions for religious organisations in the *Anti-Discrimination Act 1991*. In doing so, the Department highlighted that clause 6(4) provides that if there is any inconsistency between the Bill and the *Anti-Discrimination Act 1991*, the *Anti-Discrimination Act 1991* would prevail.⁹⁰

In response to the concerns raised about recognition of Aboriginal and Torres Strait Islander people, the Department advised that the wording used in the preamble to the Charter is consistent with the preamble to the *Constitution of Queensland 2001* and was endorsed by the Department of Aboriginal and Torres Strait Islander Partnerships.⁹¹

In relation to MDA Ltd's comments about the Charter making specific reference to settlement, the Department advised that "The provision of specific settlement services is the responsibility of the Australian Government". However, the Department considered that "both the Charter and Advisory Council may influence the delivery of Queensland government services, policies and programs which are delivered to humanitarian entrants and asylum seekers and assist in their settlement". The Department stated that Queensland Government and inter-governmental mechanisms exist to address specific settlement related issues, including a Senior Officials Settlement Outcomes Group.⁹²

In addition, the Department advised the Committee that two specific issues raised by stakeholders during its consultation on the Bill were not addressed in the Charter. The first issue related to including a specific reference to access to interpreters in the Charter. The Department advised that such a reference was not included as:

87 Department, *Response to issues raised in submissions*, 4 December 2015, p.2

88 Department, *Response to issues raised in submissions*, 4 December 2015, p.2

89 Department, *Response to issues raised in submissions*, 4 December 2015, p.2

90 Department, *Response to issues raised in submissions*, 4 December 2015, p.2

91 Department, *Response to Questions on Notice*, 13 November 2015, p.4

92 Department, *Response to issues raised in submissions*, 4 December 2015, p.5

*The Charter is high level and principles-based and includes the principle of equitable access to services. The ability to access interpreters by customers of Queensland Government services is a tangible and practical application of this principle. To ensure the Charter remained high level, specific reference to accessing interpreters was not included in the Bill.*⁹³

The second suggestion was to include in the Charter a principle that Queensland society is free of vilification and racism. The Department stated that “racial and religious vilification is already captured by the *Anti-Discrimination Act 1991* (Qld) and the *Racial Discrimination Act 1975* (Cwlth)”.⁹⁴

Committee comment

The Committee supports the establishment of the Charter and its principles. The Committee notes that, while reflecting the uniqueness of Queensland’s varied and diverse communities, the Charter principles are consistent with those contained in Multicultural Charters adopted in other jurisdictions, including New South Wales, Victoria and South Australia.

The Committee considers that the Charter will greatly assist in ensuring that Government services are responsive to the needs of all Queenslanders. The Committee also encourages NGOs, the community sector and business to adopt the Charter principles as best practice when providing services to culturally and linguistically diverse customers.

93 Department, *Response to Questions on Notice*, 13 November 2015, p.1

94 Department, *Response to Questions on Notice*, 13 November 2015, p.2

6. Multicultural Queensland Advisory Council

6.1 Establishment and functions

Clauses 8 and 9 provide for the establishment of the Advisory Council and outline its functions as follow:

- to give advice and make recommendations to the Minister about:
 - the needs, aspirations and contributions of people from diverse backgrounds
 - raising awareness of the Charter within the Queensland community
 - developing and implementing government policies about multiculturalism
 - how services and programs funded by the Government can be responsive to the needs of people from diverse backgrounds, and
- to consult with any group or entity as directed by the Minister, and
- any other functions as directed by the Minister.

The Explanatory Notes state that the Advisory Council will:

*... provide advice on the issues and barriers facing Queenslanders from culturally and linguistically diverse backgrounds and how these can be addressed, including economic participation of migrants and refugees. The Advisory Council will also assist in ensuring that Queensland Government policies, programs and services are responsive, equitable and inclusive for all Queenslanders.*⁹⁵

The Department advised that the Advisory Council will consult with culturally diverse communities across the State, as well as other groups, such as the business sector, to ensure that its advice to the Minister is both contemporary and representative of the diverse groups within Queensland.⁹⁶

The Department advised that Multicultural Affairs Queensland would provide secretariat support to the Advisory Council.⁹⁷

Submissions

A significant number of submissions supported the establishment of the Advisory Council.⁹⁸

The SBS considered that the Advisory Council could “... promote and offer advice on multicultural issues, and in-turn, create the conditions for improved social cohesion and highlight the issues facing migrants

95 Explanatory Notes, pp.1-2

96 Department, *Briefing Note*, 3 November 2015, p.2

97 Mr Wayne Briscoe, Executive Director, Stakeholder Engagement and Communications, Department, *Public Hearing Transcript*, 18 January 2016, p.17

98 Submission no.2, 8, 12, 14, 15, 17, 18 and 19

to Queensland”.⁹⁹ At the public hearing, the ECCQ stated that the Advisory Council would allow “high-level and informed contemporary advice to be provided directly to the minister”.¹⁰⁰

Submitters and witnesses at the public hearing suggested a number of topics and issues that the Advisory Council should prioritise once established. These included:

- how to encourage businesses and community groups to adopt the Charter, to recognise the benefits of having a diverse, multicultural workforce and to ensure that vulnerable or linguistically challenged groups are appropriately resourced¹⁰¹
- how to enhance economic participation and employment opportunities for migrants, including the recognition of overseas qualifications¹⁰²
- educating society about the positive impacts refugees have in Queensland, including economic productivity¹⁰³
- appropriate use of interpreters in government agencies and departments, and¹⁰⁴
- the culturally competency of staff within government agencies and departments.¹⁰⁵

At the public hearing, the Refugee Council of Australia stated that having a body which is tasked with looking at some of the issues outlined above, within a legislative framework in place, provides a “natural home” for such issues and “creates those sorts of possibilities to have a more co-ordinated approach” to service delivery.¹⁰⁶

QPASTT noted that the Queensland Government had acted on a number of the issues raised by stakeholders during the former Health and Community Services Committee’s consideration of the Multicultural Recognition Bill 2012. These included requiring the Advisory Council to consult with groups and entities, as directed by the Minister, and requiring a gender balance in the membership of the Advisory Council.¹⁰⁷

However, QPASTT suggested that the Advisory Council’s functions should include input into the development of the Multicultural Policy and Multicultural Action Plan and reports from government entities.¹⁰⁸ Ema Vueti and Salome Swan suggested that provisions in relation to the Advisory Council needed to specify the Advisory Council’s objectives and provide for powers and a review system for decisions made by the Council.¹⁰⁹

99 SBS, Submission no.14, p.3

100 Mr Garry Page, Chief Executive, ECCQ, *Public Hearing Transcript*, 18 January 2016, p.10

101 ECCQ, Submission no.17, p.2

102 Ms Lucy Morgan, Refugee Council of Australia, *Public Hearing Transcript*, 18 January 2016, pp.6 and 7
Mr Garry Page, Chief Executive, ECCQ, *Public Hearing Transcript*, 18 January 2016, p.12

103 Ms Lucy Morgan, Refugee Council of Australia, *Public Hearing Transcript*, 18 January 2016, p.9

104 Mr Garry Page, Chief Executive, ECCQ, *Public Hearing Transcript*, 18 January 2016, p.12

105 Mr Garry Page, Chief Executive, ECCQ, *Public Hearing Transcript*, 18 January 2016, p.12

106 Ms Lucy Morgan, Refugee Council of Australia, *Public Hearing Transcript*, 18 January 2016, p.6

107 QPASTT, Submission no.12, p.1

108 QPASTT, Submission no.12, p.3

109 Ema Vueti and Salome Swan, Submission no.13, p.1

FamilyVoice raised concerns that the scope of the Advisory Council's functions was vague and could infringe on the constitutional freedom of religion by requiring independent religious schools to provide religious instruction contrary to the school's faith and beliefs.¹¹⁰

Department's response

In relation to submitters' comments about the Advisory Council's functions, the Department stated that the scope of the Advisory Council's functions has been developed to ensure flexibility in the range of advice that the Council provides, so that it can address emerging issues.¹¹¹

In response to QPASTT's suggestion that the Advisory Council's functions should cover the Multicultural Policy and Multicultural Action Plan, the Department advised that "one of the functions of the Advisory Council is to provide advice and recommendations about developing and implementing government policies about multiculturalism". Accordingly, the Advisory Council will provide ongoing advice regarding the implementation of the Multicultural Policy and on the development of the three-yearly Multicultural Actions Plans.¹¹²

The Department also clarified that the Bill does not detract from the principle of religious freedom guaranteed in the Australian Constitution. The Department stated that "The Advisory Council may provide advice to the Minister on a wide range of issues and this may include advice in relation to independent schools". The Department confirmed, however, that the Advisory Council is not a decision-making body and its role is to make recommendations and provide advice to the Minister. Accordingly, the Advisory Council "... will not have any direct impact on government funded services or programs".¹¹³

Given its advisory role, the Department also considered that it is not necessary for the Advisory Council to have the powers or review provisions suggested by Ema Vueti and Salome Swan.¹¹⁴

6.2 Membership

Clauses 10 to 15 provide for the appointment of Advisory Council members, the appointment of the Minister as Chairperson of the Advisory Council, terms of appointment (including remuneration), disqualification, conditions of appointment and vacancy in office.

Clause 10 provides that the Advisory Council is to consist of the Minister, as Chairperson, and 11 other members appointed by the Minister. The Minister must, in making an appointment, have regard to:

- the need for the membership to be representative of the diverse groups of people in Queensland, including regional locations, and
- the need for gender balance in the membership of the council.

110 FamilyVoice, Submission no.9, p.4

111 Department, *Response to issues raised in submissions*, 4 December 2015, p.6

112 Department, *Response to issues raised in submissions*, 4 December 2015, p.6

113 Department, *Response to issues raised in submissions*, 4 December 2015, p.6

114 Department, *Response to issues raised in submissions*, 4 December 2015, p.6

The Explanatory Notes state that:

*Members will be appointed on an individual basis having demonstrated that they have the skills and expertise to undertake the functions of a member of the Advisory Council. An expression of interest process, including calling for public nominations with clear selection criteria outlining the required skills and expertise will be undertaken to recruit members. In addition to representing diverse groups, the Minister may appoint members with skills relating to business, governance, community service or other skills needed to assist the Council.*¹¹⁵

At the public hearing, the Department advised that “...it is anticipated that the membership will be reflective not just of the diversity in the community but also of regions” and “will take into account things like economic participation expertise”.¹¹⁶

Submissions

The Islamic Council of Queensland stated, at the public hearing, that the Advisory Council’s membership should be “... as diverse and representative as possible, where people could bring positive energy to the table and to the Bill going ahead in the future”.¹¹⁷

The SBS stated that in addition to representing the various communities in Queensland, the Council needed “... people who are highly competent and able to have the personal skills and attributes to look at all of the issues”.¹¹⁸ Other submitters suggested that the Advisory Council’s membership should:

- include representatives with service delivery experience¹¹⁹
- represent new and emerging communities, such as refugees, and¹²⁰
- include members from regional Queensland.¹²¹

Access suggested that the names and email addresses of Advisory Council members should be made public, so they can be contacted and advised of suggestions or issues of concern.¹²²

Department’s response

In relation to the membership of the Advisory Council, the Department highlighted that “Clause 10(2)(a) ... provides that in making appointments to the Advisory Council, the Minister must have regard to the need for the council to be representative of diverse groups, including people from regional locations”.¹²³

115 Explanatory Notes, p.6

116 Mr Wayne Briscoe, Executive Director, Stakeholder Engagement and Communications, Department, *Public Hearing Transcript*, 18 January 2016, p.17

117 Mr Ali Kadri, Community Spokesperson, Islamic Council of Queensland, *Public Hearing Transcript*, 18 January 2016, p.4

118 Mr Todd Loydell, Head of Government and Regulatory Affairs, SBS, *Public Hearing Transcript*, 18 January 2016, p.15

119 PACT, Submission no.5 and IWSS, Submission no. 15

120 QPASTT, Submission no.12

121 Ema Vueti and Salome Swan, Submission no.13

122 Access, Submission no.18, p.2

The Department advised that “Following passage of the Bill, public nominations will be sought for the Advisory Council. A selection process will then be undertaken to ensure all members have the skills, knowledge and experience necessary to carry out the functions of the Council”.¹²⁴

During its examination of the Bill, the Committee sought further information from the Department about the appointment of the Minister as the Chairperson of the Advisory Council. In response, the Department advised that:

The functions of the Multicultural Queensland Advisory Council are primarily to give advice and make recommendations to the Minister about a number of matters including the needs, aspirations and contributions of people from diverse backgrounds.

*The Minister’s role as Chair of the Council provides the opportunity for the Minister to hear the issues impacting on culturally and linguistically diverse communities directly from Council members and to participate in these discussions.*¹²⁵

6.3 Governance

Clauses 16 to 18 provide that the Advisory Council must meet at least twice a year, keep minutes of its meetings and records of its decisions, and publish a summary of the meeting on the Department’s website and in any other way the Advisory Council considers appropriate.

The Explanatory Notes state that:

*The Advisory Council will be transparent and accountable, as a summary of issues discussed and decisions made at its meetings will be publicly available following each meeting. Culturally and linguistically diverse communities can ensure that their views and concerns are being represented by the Advisory Council.*¹²⁶

Submissions

Access supported the requirement for the Advisory Council to publish a summary of its meetings and suggested that the Advisory Council should meet a minimum of three times each year and at least once a year in a regional location.¹²⁷

123 Department, *Response to issues raised in submissions*, 4 December 2015, p.7

124 Department, *Response to issues raised in submissions*, 4 December 2015, p.7

125 Department, *Response to Questions on Notice*, 13 November 2015, p.2

126 Explanatory Notes, p.2

127 Access, Submission no.18, p.2

Department's response

In relation to the Advisory Council's governance arrangements, the Department advised that:

*The current requirement is flexible to allow for the Council to meet more regularly if required, such as to address emerging issues. The Council will also consult with diverse groups as directed by the Minister. It is expected that this may also require a significant time commitment from members.*¹²⁸

6.4 Community engagement

Submitters and witness at the public hearing raised the importance of ensuring that appropriate mechanisms are in place for the Advisory Council to engage with Queensland's diverse communities, including those in regional and remote areas.¹²⁹ For example, at the public hearing, the Islamic Council of Queensland highlighted the importance of Council members travelling to regional areas and making best use of technology, such as teleconference and videoconference facilities, to ensure that regional communities' views are heard by the Advisory Council.¹³⁰

The Committee understands that other jurisdictions, such as New South Wales and Victoria, have established regional advisory councils or sub-committees to ensure that regional communities' views are considered by the main Advisory Council.

The concept of regional sub-committees or councils was supported, in principle, by witnesses at the public hearing.¹³¹ However, the Department raised issues about the potential cost of such a model and how regional sub-committees or councils would be resourced.¹³² The Department confirmed that members of the Advisory Council would be encouraged to travel to regional Queensland and that Multicultural Affairs Queensland would assist the Council when travelling, by providing support at the local level, including through the Community Action for a Multicultural Society (CAMS) program.¹³³

Committee comment

The Committee encourages Advisory Council members to travel as often as possible and to use modern technology to ensure that the views of Queensland's diverse communities are fed into its work and inform the advice it provides to the Minister.

The Committee notes the Department's comments regarding the potential cost and resource implications of establishing formal regional sub-committees or councils. However, the Committee

128 Department, *Response to issues raised in submissions*, 4 December 2015, p.7

129 Mr Ali Kadri, Community Spokesperson, Islamic Council of Queensland, *Public Hearing Transcript*, 18 January 2016, p.5

130 Mr Ali Kadri, Community Spokesperson, Islamic Council of Queensland, *Public Hearing Transcript*, 18 January 2016, p.5

131 Mr Ali Kadri, Community Spokesperson, Islamic Council of Queensland, *Public Hearing Transcript*, 18 January 2016, p.5

132 Mr Wayne Briscoe, Executive Director, Stakeholder Engagement and Communications, Department, *Public Hearing Transcript*, 18 January 2016, p.19

133 Mr Wayne Briscoe, Executive Director, Stakeholder Engagement and Communications, Department, *Public Hearing Transcript*, 18 January 2016, p.19

considers that there may be opportunities for the various multicultural groups and communities to provide their input and advice to the Advisory Council on an informal and voluntary basis.

The Committee recommends that the Department works with the Advisory Council to put in place appropriate mechanisms to ensure that the views of Queensland's diverse communities, in particular in regional and rural locations, are sought and considered by the Advisory Council.

Recommendation 2

The Committee recommends that the Department of Communities, Child Safety and Disability Services works with the Multicultural Queensland Advisory Council to put in place appropriate mechanisms to ensure that the views of Queensland's diverse communities, in particular those in regional and rural locations, are sought and considered by the Multicultural Queensland Advisory Council.

6.5 Alternative approaches in other jurisdictions

As part of its inquiry into the Bill, the Committee examined approaches taken in other jurisdictions in relation to multiculturalism.

The Committee notes that New South Wales, Victoria and South Australia have established an independent multicultural commission, rather than taking the Bill's proposed approach of appointing an Advisory Council to advise the Minister. For example, New South Wales and Victoria have commissions which undertake policy development and implementation, fund programs and co-ordinated government responses to issues impacting on culturally and linguistically diverse communities.

The Department advised that as part of the development of the Bill, Multicultural Affairs Queensland compared the approaches taken in other jurisdictions with the existing structures in Queensland. The Department stated that the analysis found that:

... the functions of a commission were largely performed by MAQ [Multicultural Affairs Queensland] and any potential additional benefits [of establishing a commission in Queensland] were not sufficient to warrant the costs associated with the creation of a new agency, including changes to existing staff roles and infrastructure costs.¹³⁴

At the public hearing, the Department advised that establishing a commission in Queensland, similar to those in New South Wales and Victoria, may cost approximately \$20 million.¹³⁵

The Department stated that Multicultural Affairs Queensland, as a government unit within the Department currently performs the same functions as commissions established in other jurisdictions (with the exception of interpreting and translation services). The Department advised that:

The addition of the Multicultural Queensland Advisory Council, for which MAQ [Multicultural Affairs Queensland] has received funding to provide secretariat support, will complement MAQ's role in policy development by providing advice to the Minister for

134 Department, *Response to Question on Notice*, 21 January 2016, p.1

135 Mr Wayne Briscoe, Executive Director, Stakeholder Engagement and Communications, Department, *Public Hearing Transcript*, 18 January 2016, p.18

*Multicultural Affairs on the needs and aspirations of people from CALD backgrounds as well as how government services and programs can be responsive to these needs. The Advisory Council will also consult widely with communities and organisations to ensure the advice provided is reflective of community views.*¹³⁶

Committee comment

The Committee is satisfied with the explanation provided by the Department as to why the Bill proposes to establish an Advisory Council, instead of the commission models adopted in other jurisdictions.

¹³⁶ Department, *Response to Question on Notice*, 21 January 2016, p.1

7. Multicultural Policy and Multicultural Action Plan

7.1 Multicultural Policy

Clause 19 provides that, within six months after commencement, the Minister must prepare a policy about multiculturalism (Multicultural Policy) which must:

- promote the principles of the Charter
- state outcomes for services provided by government entities to people from diverse backgrounds in the Queensland community, and
- provide for a consistent approach across government for collecting statistical information about the diversity of people who use services provided by government entities.

Clause 19(3) provides that the Chief Executive of the Department must publish the Multicultural Policy on the Department's website and in any other way the Chief Executive considers appropriate.

The Explanatory Notes state that requiring a consistent approach across government for collecting statistical information:

... will lead to improved services for the future by building a better evidence base on the needs of culturally and linguistically diverse customers and by ensuring that policies, programs and services are responsive to the multicultural reality of Queensland.

and

... will allow government to more effectively target the customers most in need, more accurately identify their needs, clearly articulate the outcomes to be achieved and provide for better evaluation and performance monitoring to identify further improvements and better ways to target investment.¹³⁷

7.2 Multicultural Action Plan

Clause 20 requires the Minister to prepare a plan, within six months after commencement, about implementing the multicultural policy outcomes (Multicultural Action Plan). The Multicultural Action Plan must:

- be consistent with the principles of the Charter
- state the actions that all or stated government entities must take to achieve the Multicultural Policy outcomes, and
- 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.

¹³⁷ Explanatory Notes, p.2

The Minister must prepare a further plan at least every three years.¹³⁸

The Chief Executive must publish each Multicultural Action Plan on the Department's website and in any other way the Chief Executive considers appropriate.¹³⁹

The Explanatory Notes state that "Government entities should also refer to the Queensland Language Services Policy and Language Services Guidelines regarding how to improve accessibility of services for people with difficulty communicating in English".¹⁴⁰

7.3 Reporting and ensuring awareness

Clause 21 provides that the Minister must, as soon as practicable after the conclusion of each Multicultural Action Plan period - in effect, every three years - table a report in the Legislative Assembly about the plan. The report must include information about:

- the extent to which the Multicultural Policy outcomes are being achieved, and
- the actions required by the Multicultural Action Plan taken by government entities in the period for which the plan was in effect.

Clause 22 provides that the Chief Executive of a government entity must ensure employees of the entity are aware of the Charter, Multicultural Policy and Multicultural Action Plan and how they apply to their work as an employee.

Clause 24 provides that those government entities which are required to take one or more stated actions in the Multicultural Action Plan must, as soon as practicable, after the end of each financial year, publish the following information on its website:

- a statement of actions the Multicultural Action Plan requires the government entity to take, and
- a summary of the entity's progress in implementing the actions in the financial year.

The Explanatory Notes state that:

*The Bill will strengthen government reporting requirements to include reporting on outcomes of policy, as well as implementation of the action plan. This will allow monitoring of progress of these outcomes, ensuring the Government is achieving positive change for the community. It will also identify where Government intervention continues to be needed or where investment can be realigned and services improved.*¹⁴¹

The Department advised that "It is envisaged that the report on the multicultural policy may include a mix of qualitative and quantitative information, and use as its base the annual statement of actions and summary of progress provided by government entities that have committed actions in the multicultural action plan".¹⁴²

138 Multicultural Recognition Bill 2015, clause 20(3)(b)

139 Multicultural Recognition Bill 2015, clause 20(4)

140 Explanatory Notes, p.7

141 Explanatory Notes, p.2

142 Department, *Briefing Note*, 3 November 2015, p.4

7.4 Submissions

The IWSS welcomed the development of the Multicultural Policy; the focus on improved access to government services for people from culturally and linguistically diverse backgrounds; and the improvements in data collection.¹⁴³

The ECCQ considered that the achievement of the Multicultural Action Plan “... will be best done by ensuring that multi-faith and multicultural organisations ... are involved in education of the relevant Departmental Officers as to the Charter and opportunities of putting them into practice within their department”.¹⁴⁴

Access also made a number of recommendations about the Multicultural Policy and Multicultural Action Plan, including that:

- the Multicultural Policy be reviewed and refreshed at least every three years
- the Multicultural Policy should state mandatory outcomes for services by government entities to people from diverse backgrounds in the Queensland and reporting on such mandatory outcomes should be undertaken in a consistent manner by each entity
- the requirements in the Multicultural Action Plan should apply to “all government entities”, not just “stated government entities”, and
- a Multicultural Action Plan should be prepared every two years, rather than three.¹⁴⁵

A significant number of submissions supported the reporting obligations provided for in the Bill.¹⁴⁶ QPASTT stated that it was “... pleased to note the strengthened commitment to working towards data collection that is consistent across the whole-of-government and that is designed to inform culturally responsive service delivery”. QPASTT suggested that the categories of “country of birth” and “language” should continue to be used in data collection and the category of “year of arrival” added; while the category of “overseas born” should be removed.¹⁴⁷

At the public hearing, ECCQ stated that “the reporting obligations that are placed upon government agencies will be very beneficial. Reporting by all agencies will allow for recording of exemplars of good practice and hopefully replication of that good practice within other agencies”.¹⁴⁸ The ECCQ also considered that “a summary of this exemplary practice would be most beneficial and should be shared”.¹⁴⁹

143 IWSS, Submission no.15, p.4

144 ECCQ, Submission no.17, p.2

145 Access, Submission no.18, pp.1-2

146 Submission no.5, 8, 12, 17 and 18

147 QPASTT, Submission no.12, p.2

148 Mr Garry Page, Chief Executive, ECCQ, *Public Hearing Transcript*, 18 January 2016, p.10

149 Mr Garry Page, Chief Executive, ECCQ, *Public Hearing Transcript*, 18 January 2016, p.12

FamilyVoice, however, expressed concerns that “By requiring collection of niche statistical information, the Minister can impose added regulatory layers to already bloated bureaucracies. This would be counterproductive through increased paperwork at the expense of service delivery”.¹⁵⁰

Access supported the collection of statistical data and suggested that all statistical information be compiled into a single document containing individual entity information which is published annually. Access also recommended that the following amendments be made to the reporting obligations:

- the Minister should be required to report on the Multicultural Action Plan within four months or some other specified timeframe, after the Multicultural Action Plan has ceased to have effect, instead of soon as practicable
- the Chief Executive of a government entity should be required to report annually, on the entity’s website, how he or she has ensured employees are aware of the Charter, Multicultural Policy and Multicultural Action Plan and how they apply to their work
- the reporting requirements at clause 24(1) should apply to all government entities, not just those with stated actions in the Multicultural Action Plan
- a specific timeframe should be included in clause 24(2), rather than as soon as practicable, and
- the lead department should be obliged to summarise and report on government entities exemplary and/or concerning actions or lack of actions.¹⁵¹

At the public hearing, ECCQ stated that there needs to be:

*... a detailed and consistent approach across the whole-of-government departments and agencies regarding the collection and collation of statistical information and data. This data needs to be considered carefully and should signify and inform how well or otherwise the needs of CALD clients of government agencies are being met.*¹⁵²

7.5 Department’s response

The Department advised that the Multicultural Policy will promote the Charter, state outcomes for government services to address and provide for a consistent approach for collecting statistical information about customers from diverse backgrounds that access government services. The Department stated that “These will be long term outcomes for which progress will be measured over time through the Minister’s report to Parliament every three years”.¹⁵³

The Department also advised that “The multicultural action plan, which will state the government actions to address these outcomes, will be reviewed every three years to ensure the outcomes are still being effectively addressed”.¹⁵⁴

150 FamilyVoice, Submission no.9, p.4

151 Access, Submission no.18, pp.1-3

152 Mr Garry Page, Chief Executive, ECCQ, *Public Hearing Transcript*, 18 January 2016, p.10

153 Department, *Response to issues raised in submissions*, 4 December 2015, p.8

154 Department, *Response to issues raised in submissions*, 4 December 2015, p.8

In addition, the Department stated that “In developing implementation mechanisms for the components of the Bill, the Department will consider strategies and develop tools to assist government entities to meet the requirements of the Bill, including reporting within a reasonable timeframe”.¹⁵⁵

The Department confirmed that a consistent approach would be adopted across government for collecting statistical information, which it considers will lead to improved services by building a better evidence base of the needs of CALD customers and by ensuring that policies, programs and services are responsive to customers.¹⁵⁶

At the public hearing, the Department advised that in preparation for the enactment of the Bill it had “... already commenced discussions with agencies about the type of data they would need to collect to ensure the best service delivery outcomes for their clients”.¹⁵⁷

Committee comment

The Committee welcomes the introduction of the Multicultural Policy and Multicultural Action Plan and the accompanying reporting requirements at clauses 19 to 24.

The Committee considers that these provisions will ensure that the Charter principles are embedded in the business practices of government entities and that specific actions allocated to government entities are monitored, actioned, reported on and are open to public scrutiny. The Committee also considers that the requirement to collect data and statistics across all government entities will help improve government services to Queensland’s culturally and linguistically diverse communities.

The Committee notes that in Victoria the relevant legislation requires that Heads of Departments provide the following information to the Minister at the end of each financial year:

- the use of interpreting and translating services by department
- communications in languages other than English and communications in multicultural media by the department
- any major improvements made, or initiatives developed, that promote multiculturalism and meet identified needs of diverse communities
- the extent to which people from diverse backgrounds were represented on boards and committees established by the department or for which the department is responsible, and
- the department’s progress under its cultural diversity plan to address provisions for culturally sensitive service delivery.¹⁵⁸

The Committee encourages the Minister and the Department to adopt a similar approach when formulating the first Multicultural Policy and Multicultural Action Plans and establishing the approach for collecting statistical information across all government entities.

155 Department, *Response to issues raised in submissions*, 4 December 2015, p.8

156 Department, *Briefing Note*, 3 November 2015, p.3

157 Mr Wayne Briscoe, Executive Director, Stakeholder Engagement and Communications, Department, *Public Hearing Transcript*, 18 January 2016, p.19

158 *Multicultural Victoria Act 2011*, section 26

8. Fundamental legislative principles and explanatory notes

8.1 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* states that *fundamental legislative principles* are the “principles relating to legislation that underlie a parliamentary democracy based on the rule of law”. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals, and
- the institution of Parliament.

The Committee has examined the application of the fundamental legislative principles to the Bill. The Committee did not identify any significant issues of concern regarding fundamental legislative principles.

8.2 Explanatory notes

Part 4 of the *Legislative Standards Act 1992* provides that an explanatory note must be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an explanatory note should contain.

The Committee notes that explanatory notes were tabled with the Bill on its introduction in the Legislative Assembly.

The Committee considers that the explanatory notes are fairly detailed and contain the majority of information required by Part 4 of the *Legislative Standards Act 1992* and a reasonable level of background information and commentary to facilitate understanding of the Bill’s aims and origins.

Appendix A – List of submissions

Sub #	Submitter
001	Queensland Ombudsman
002	National Ethnic Disability Alliance
003	Macedonian Community of Brisbane Inc.
004	Queensland Catholic Education Commission
005	Protect All Children Today Inc.
006	Australian Institute of Interpreters and Translators Inc.
007	Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd.
008	MDA Ltd.
009	FamilyVoice Australia
010	Youth Affairs Network of Queensland
011	Refugee Council of Australia
012	Queensland Program of Assistance to Survivors of Torture and Trauma
013	Ema Vueti and Salome Swan
014	Special Broadcasting Service
015	Immigrant Women’s Support Service
016	Australian Association of Social Workers – Queensland Branch
017	Ethnic Communities Council of Queensland
018	Access Community Service Ltd.
019	Queensland Chinese Forum
020	Lord Mayor of Brisbane
021	The Uniting Church in Australia – Queensland Synod

Appendix B – List of witnesses at public briefing and public hearing

Public briefing on 11 November 2015
Mr Leigh Roach - Deputy Director-General, Strategy, Engagement and Innovation, Department of Communities, Child Safety and Disability Services
Ms Megan Giles - Executive Director, Legislative Reform, Department of Communities, Child Safety and Disability Services
Mr Wayne Briscoe - Executive Director, Stakeholder Engagement and Communications, Department of Communities, Child Safety and Disability Services

Public hearing on 18 January 2016
Mr Ali Kadri - Community Spokesperson, Islamic Council of Queensland
Ms Lucy Morgan - Senior Policy Officer, Refugee Council of Australia
Mr Garry Page - Chief Executive Officer, Ethnic Communities Council of Queensland
Mr Todd Loydell - Head of Government and Regulatory Affairs, Special Broadcasting Service
Mr Wayne Briscoe - Executive Director, Stakeholder Engagement and Communications, Department of Communities, Child Safety and Disability Services
Ms Helen Ferguson - Senior Executive Director, Policy and Legislation, Department of Communities, Child Safety and Disability Services

