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MULTICULTURAL NSW LEGISLATION AMENDMENT BILL 2014

Second Reading

The Hon. MELINDA PAVEY (Parliamentary Secretary) [4.27 p.m.], on behalf of the Hon. John Ajaka: I move:
That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is pleased to introduce the Multicultural New South Wales Legislation Amendment Bill 2014, which amends the Community Relations Commission and Principles of Multiculturalism Act 2000. This bill will give greater emphasis to the need for all citizens of New South Wales regardless of nationality, cultural origin or religious affiliation to have a collective responsibility to work together for our common welfare and future as Australians.

There have been many metaphors used to describe multicultural practice. The melting pot and the patchwork quilt immediately come to mind. For me, Australia's journey in multicultural practice is akin to the life of a river.

There is a Korean proverb that says, "a great river does not refuse small streams". This is a wonderfully profound proverb, in the context of Australia and our increasingly diverse State.

Australia is "the great river". And over the years, she has accepted streams of people from all around the world, including streams of people from England, streams of people from Ireland, streams of people from Armenia, China, India, Italy, Korea, from Lebanon, from Poland and in recent times, people from Africa.

Every time a new stream comes into the river, it makes the river richer—as it brings in new nutrients, new foods, new songs, new histories and new lessons. In return the river provides direction, safety, and a place to call home.

With every stream, the river becomes larger, it becomes deeper and it becomes more diverse. In terms of diversity, Australia, on any view, is truly one of the world's most majestic rivers and New South Wales is unquestionably the most culturally and linguistically diverse place in that river.

Over the past 40 years, we have welcomed more than 1.35 million overseas migrants. Each year, around 70,000 people from many countries settle here. They come to our shores to make a better life for themselves and their children.

When the original New South Wales Ethnic Affairs Commission was established in 1979, the emphasis of our multicultural policy was to assist individual ethnic groups to integrate into New South Wales society and to address barriers to their participation. Although our commitment to the benefits of multiculturalism has not changed over the ensuing years, our approach has.

In 2001 the organisation was renamed the Community Relations Commission for a Multicultural New South Wales and the legislation was amended to underline that all citizens of New South Wales have rights and responsibilities in a multicultural society and need to recognise the importance of shared values within a democratic framework governed by the rule of law.

In 2014 it is timely to re-examine this legislation to ensure it accurately reflects who we are and who we want to be. We should continue to celebrate the unique cultures, traditions and languages of our ancestors but we need to do more to promote initiatives that bring people from diverse backgrounds together as Australians. And that is what this bill does.

I will now outline the key provisions of the bill.

The bill makes it clear in the re-ordering of the elements in the preamble that while different linguistic, religious and ancestral backgrounds will continue to be recognised and valued, we will also pursue a commitment to New South Wales and Australia as being part of a cohesive and multicultural society.

This commitment is defined in new section 3 (2A) as including a commitment to the common values and things that bind Australians together such as a volunteering ethos, participation in Australian national days and events, and recognition of the heritage of Australia's Aboriginal and Torres Strait Islander people.

The bill will commence on proclamation.

To ensure that the principles set out in section 3 are not seen as merely ideological statements, the reference to "multiculturalism" in the section and elsewhere throughout the Act, will be amended to "multicultural". The principles are substantially the same with the recognition and value of different linguistic, religious and ancestral backgrounds remaining paramount, however the order in which they appear has been changed to reflect the renewed emphasis on the need for all individuals to demonstrate a unified commitment to Australia, its interests and future.

The definition of "cultural diversity" will be amended by removing the term "racial and ethnic backgrounds" and replacing it with "ancestral background" wherever occurring. This has been done to remove any possible pejorative connotations that may be associated with the term "ethnic" and to reflect the question asked routinely by the Australian Bureau of Statistics in the national census when inquiring as to each person's background.

The bill proposes to rename the Community Relations Commission [CRC] as Multicultural NSW. During consultations for a recent review of the organisation, many respondents stated that the term "community relations" was too broad and caused confusion with other Government organisations such as Family and Community Services and the term "Commission" suggested an authoritative and investigative body similar to a Royal commission or commission of inquiry.

Adopting the name, Multicultural NSW, will also highlight the change from the existing governance arrangements to those more in keeping with modern practice. Under the current Act the full-time Chairperson of the Commission is also the Chief Executive Officer of the organisation. The bill will give effect to the change brought about through administrative orders following the retirement of the former long-time Chairperson Dr Stepan Kerkyasharian in January this year.

There is now a clear delineation between the roles of the full-time chief executive officer, who is a public service employee responsible for the management of the organisation, and the part-time Chairperson of the Advisory Board appointed in keeping with the New South Wales public service boards and committees framework.

It is important to note that Multicultural NSW will continue to be subject to the control and direction of the Minister except in relation to the contents of any advice, report or recommendation it makes. Similarly there is no attempt in the bill to fetter the advisory board, allowing it to continue in its role as an independent expert body.

Part 3 of the bill deals with the objectives and functions of Multicultural NSW and the advisory board. In relation to the objectives of Multicultural NSW, new section 12 re-orders the existing provisions and includes a reference to combating racism as an example of how to promote mutual respect for and understanding of cultural diversity. It also includes the promotion of rights and responsibilities of citizenship and unity and a strong commitment to a New South Wales and an Australia where all people live in a cohesive and harmonious multicultural society.

New section 13 reflects the current functions and activities of Multicultural NSW and broadens the function of supporting community initiatives to include support for women and girls and other groups of diverse backgrounds.

This legislative reform is supported by Multicultural NSW's strategic Plan, Harmony in Action, that I announced on 20 August at the CRC Symposium.

Key reforms under Harmony in Action include a revitalised grants program, a stronger focus on the beliefs and values which unite us all as Australians and a refocused and formalised community engagement strategy which will engage across multicultural communities to promote social cohesion.

Australia's Race Discrimination Commissioner, Tim Soutphommasane congratulated Multicultural NSW and the New South Wales Government on the leadership in producing the new strategic vision for Multicultural NSW saying, "You have my full support for your efforts to engage, enable and enrich the people of New South Wales. After all, those of us who are friends of multiculturalism have an enduring collective responsibility—to tend to our cultural harmony."

Under new section 13 (1) (g), Multicultural NSW is to assist and develop programs for, and assess the effectiveness of, public authorities in observing the multicultural principles in the conduct of their affairs. One way that Government agencies demonstrate they comply with this requirement is through the implementation of a multicultural plan under the Multicultural Policies and Services Program. Reporting on the achievements of these plans enables Multicultural NSW to prepare a report on the state of community relations across the sector.

The bill will enable this report to be prepared by Multicultural NSW for a financial year rather than a calendar year, and for it to be furnished to the Minister not later than the end of February in the year following the end of the financial year to which the report relates.

The bill will also constitute and confer functions on the Advisory Board of Multicultural NSW. New section 8 retains the current maximum number of advisory board members at 15, with two of those being representatives of the youth of New South Wales and the CEO being made a non-voting member of the advisory board. The Minister will be required to have regard to a number of factors when appointing members to the advisory board. This will ensure that the advisory board consists of a range of skill sets and points of view as well as being broadly representative of our diverse communities.

New section 13A confers on the advisory board the functions of advising Multicultural NSW or the Minister on any issue relating to the objectives or strategic directions of Multicultural NSW it considers appropriate, or that is referred to it by either the organisation or the Minister, and to review and provide advice to Multicultural NSW on the state of community relations in New South Wales.

Amendments to current schedule 1 will enable the chairperson to be removed by the Governor, the appointment of deputies for members and the establishment of three-year terms for all members including the chairperson. Reappointment will be possible, for no more than three terms or nine years in total, provided the relevant eligibility criteria are met. This will enable fresh insights and experiences to be brought to the advisory board as appropriate.

The bill generally mirrors the existing provisions relating to members of the advisory board and its procedures. These include remuneration, vacancy in office, disclosure of pecuniary interests, filling of vacancies and the effect of the holder of the office being absent from three not four consecutive meetings, where the absence is unreasonable in all the circumstances. Also as the role of chairperson is now part-time, it is no longer necessary to have a nominated deputy and in the case of absence of the chairperson any member of the advisory board can be elected to preside at a meeting of the advisory board.

Finally schedule 1 item [57] of the bill contains savings and transitional provision related to the commencement of the bill, and schedule 2 makes consequential amendments to a number of other pieces of legislation which are needed as a result of the reforms contained in the bill.

Multicultural practice is not a natural forest—it is more like a garden. It is a human construct. If it is properly nurtured and developed it will produce a cornucopia-style bounty that will benefit us all. However if it is not cared for then challenges quickly arise. The purpose of this bill is to ensure that multicultural practice in New South Wales remains current and adaptive to our changing environment.

We should not take for granted the success of our harmonious multicultural society and we should not assume what we have done in the past will continue to work in the future. We need Multicultural NSW to be innovative and forward thinking in setting policies so we can continue to lead the way in the promotion of multicultural practice around the world—as outlined in Multicultural NSW's strategic plan, setting policies so we can continue to lead the way in the promotion of multicultural practice around the world. As outlined in Multicultural NSW's strategic plan, Multicultural NSW will become a multicultural policy centre of excellence by providing research, information and advice on multicultural issues including but not limited to initiatives to empower and support women and girls, initiatives to combat racism, and opportunities to increase volunteering and civic engagement.

On a personal note I thank the multicultural communities who have been with me on this journey for the past four years and for their input in this important piece of reform. In particular I thank Hakan Harman, CEO, of Multicultural NSW; Dr Hari Harinath, Chair of Multicultural NSW; the advisory board members, past and present; former Chair Vic Alhadeff and the staff at Multicultural NSW, particularly Marie Swain, for their commitment and dedication in developing this bill. I also thank Stepan Kerkyasharian for his leadership and guidance as Chair of the Community Relations Commission for 24 years.

I thank the members of my ministerial office, particularly my Deputy Chief of Staff, Jane Standish, and my Chief of Staff, Verity Lomax, who worked tirelessly to make sure this reform was driven and realised. I thank them for their time, knowledge and commitment.

I commend the bill to the House.