

**Submission
No 1**

**FOLLOW UP OF THE AUDITOR-GENERAL'S
PERFORMANCE AUDITS APRIL 2012 – AUGUST
2012**

Organisation: Community Relations Commission
Name: Mr Stepan Keryasharian AO
Position: Chairperson
Date Received: 16/10/2013

Community Relations Commission

For a multicultural NSW

Your Ref:
Our Ref: DM6745
File Ref: 12/0349

Mr Jonathan O'Dea MP
Chair, Public Accounts Committee
Legislative Assembly
Parliament of NSW
Macquarie Street
SYDNEY NSW 2000

16 OCT 2013

Head Office
Level 8
175 Castlereagh Street
Sydney NSW 2000
PO Box A2618
Sydney South NSW 1235
Tel: (02) 8255 6767
TTY: (02) 8255 6758
Fax: (02) 8255 6868

Wollongong Office
84 Crown Street
Wollongong NSW 2500
PO Box 363
Wollongong NSW 2520
Tel: (02) 4224 9922
Fax: (02) 4224 9933

Newcastle Office
Government Office Block
117 Bull Street
Newcastle NSW 2300
Tel: (02) 4929 4191
Fax: (02) 4929 7369

Website
www.crc.nsw.gov.au
ABN 79 863 510 875



Dear Mr O'Dea

Please find attached the Community Relations Commission's response to the implementation of recommendations in the Auditor General's report on *Settling Humanitarian Entrants in New South Wales*.

While the Commission has progressed those recommendations it accepted, its capacity to finalise them has been hampered by various factors. These include COAG's decision not to re-instate the Select Council on Immigration and Settlement (SCIS), and unresolved multijurisdictional negotiations over the endorsement and implementation of the National Settlement Framework. The NSW Government Immigration and Settlement Planning Committee (NSWGISPC) played a critical role in the development of NSW positions for both the SCIS and the NSF. As the future of these policy and planning mechanisms remains uncertain, the focus of the NSWGISPC may require adjustment.

The recent change of government at the Commonwealth level has also raised questions about immigration in general, and the role of NSW agencies in responding to humanitarian settlement issues in the future.

At the time the report was released, the Department of Premier and Cabinet (DPC) and the Community Relations Commission (CRC) jointly reviewed the findings and recommendations. DPC and the CRC were concerned that the findings did not correctly represent the role of NSW in humanitarian settlement and did not support the general direction of the Report's recommendations. A copy of the joint response to the Auditor General's Report is attached for your information.

Should you require any further information, please don't hesitate to contact Steffanie von Helle, Director Policy and Community Relations on 8255 6795.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stepan Kerkyasharian'.

Stepan Kerkyasharian AO
Chairperson



PERFORMANCE AUDIT – SETTLING HUMANITARIAN ENTRANTS IN NEW SOUTH WALES

IMPLEMENTATION OF RECOMMENDATIONS

RECOMMENDATION	ACCEPTED OR REJECTED	ACTIONS TO BE TAKEN	DUE DATE	STATUS and COMMENT	RESPONSIBILITY
To support permanent residents who come into New South Wales under the humanitarian migration stream, the Department of Premier and Cabinet and the Community Relations Commission will:	Accepted	1. ensure that the Community Relations Commission has explicit responsibility and authority for leading engagement with the Commonwealth and other stakeholders on humanitarian settlement matters	January 2013	This outcome is linked to action 2. Through the revision of the NSW Government Immigration and Settlement Planning Committee (NSWGISPC), the Department of Premier Cabinet (DPC) and the Community Relations Commission (CRC) have aimed to ensure the Committee has the responsibility and authority to be the central point for settlement matters in NSW.	Department of Premier and Cabinet and Community Relations Commission
	Accepted	2. by January 2013, revise the existing immigration, planning and settlement structure (the NSW Government Immigration	January 2013	A NSWGISPC Review Committee comprising DPC, CRC and the Department of Trade and Investment (T&I) was established.	Department of Premier and Cabinet and Community Relations Commission

		<p>Settlement and Planning Committee) or develop an alternate structure that has the responsibility and authority to be the central point for New South Wales to develop, coordinate and implement its statewide settlement policy and planning, including to:</p> <ul style="list-style-type: none"> • hold agencies accountable • work in collaboration with the Commonwealth • develop partnerships with NSW local government organisations 		<p>New Draft Terms of Reference and a Workplan have been developed. CRC and DPC are currently negotiating the first meeting date of the new Committee (expected to meet prior to the end of 2013).</p>	<p>Department of Premier and Cabinet and Community Relations Commission</p>
	<p>Accepted (contingent on 2)</p>	<p>3. by June 2013, use the above structure to ensure humanitarian entrants are included in settlement planning at a State level</p>	<p>June 2013</p>	<p>Humanitarian entrants are identified as a target group in the new Terms of Reference</p>	

<p>To support permanent residents who come into New South Wales under the humanitarian migration stream, the Community Relations Commission will:</p>		<p>4. develop, implement and publicise an information portal to become a central access point for information for:</p> <ul style="list-style-type: none"> • local service providers to assist in planning and service delivery • humanitarian entrants to assist in accessing NSW Government services (page 29) 	<p>June 2013</p>		<p>Community Relations Commission</p>
		<p>5. develop a 'New South Wales Card' and explore how it may best be offered to new entrants. The card is to provide information for assistance in engaging with NSW Government agencies (page 29)</p>	<p>January 2013</p>		<p>Community Relations Commission</p>
	<p>Accepted</p>	<p>6. from June 2014, for five years:</p> <ul style="list-style-type: none"> • require all key agencies nominated 	<p>June 2014</p>	<p>Letters have been written to all Multicultural Policies and Services Program</p>	<p>Community Relations Commission</p>

	<p>by the Community Relations Commission to include a summary of current issues and outcomes for humanitarian entrants identified in the delivery of agency programs and services in their Multicultural Policies and Services Program report</p> <ul style="list-style-type: none"> • the Community Relations Commission to publicly report on humanitarian entrant issues and outcomes in the Community Relations Report 		<p>(MPP) key agencies advising that the 2013 Community Relations Report will focus on three priorities, including services for humanitarian entrants. The Report will be tabled in Parliament in March 2014.</p>
	<p>7. review the purpose and focus of:</p> <ul style="list-style-type: none"> • the Multicultural Coordinators Forum • the Settlement Service Coalition • the Community Relations Commission <p>Community Consultations and ensure that</p>	<p>January 2013</p>	<p>These forums are valuable to the NSWGISPC as they provide up-to-date information about new and emerging issues from the community and government sectors. Once the new NSWGISPC is instated</p>
	<p>Community Relations Commission</p>		

		<p>humanitarian settlement issues are elevated to the immigration, planning and settlement structure for action as required (page 29)</p>		<p>and the workplan is finalized, it may be appropriate to modify aspects of the forums to ensure they provide relevant and timely input to the Committee and other mechanisms, such as the National Settlement Framework (NSF).</p>	
		<p>8. identify opportunities to work collaboratively with stakeholders to collect better New South Wales data on settlement outcomes, e.g. the Commonwealth's Longitudinal Survey of Refugees and other Migrants. Use the data to monitor and improve outcomes for humanitarian entrants (page 29)</p>	<p>January 2013</p>	<p>The Commission maintains its view that the better coordination of data and information between the Commonwealth and States/Territories could improve outcomes for humanitarian entrants. CRC now has access to GOVDEX which supports collaboration across governments, and the Department of Immigration and Border Protection (DIBP) Settlement</p>	<p>Community Relations Commission</p>

		9. improve public promotion of the responsibility of NSW Government agencies to provide interpreters	January 2013	The Commission recognises the need for increased public awareness about access to interpreters. The Commission ensures State government agencies fulfil their responsibilities to culturally diverse clients through MPSP and promotes this service through its community engagement events.	Community Relations Commission	

Executive Summary

The Department of Premier and Cabinet (DPC) and the Community Relations Commission (CRC) jointly reviewed the Audit Office's Report findings and recommendations. Generally, DPC and the CRC are concerned that the Report's findings misrepresent the role of NSW in the settlement of humanitarian entrants.

The Report does not satisfactorily differentiate between planning for humanitarian settlement (a Commonwealth responsibility) and delivery of services to humanitarian entrants (a shared Commonwealth and State responsibility). In addition, a number of the findings within the Report are not supported by recent evaluations and literature. Data contained in the Report is not well presented, and DPC and the CRC believe that this detrimentally misrepresents humanitarian settlement outcomes, which are generally acknowledged within the literature to be positive in comparison to other overseas jurisdictions. Further, there appears to be a logical gap between the findings of the Report and its recommendations.

Given the respective Constitutional responsibilities, the size of the cohort concerned, and the limited ability of the NSW Government to influence humanitarian settlement placements and movements; DPC and the CRC does not support the general direction of the Report's recommendations.

However, DPC and the CRC will commit to a broad review of the NSW Government Immigration and Settlement Planning Committee (the Committee), as well as seeking to improve information flows between the Commonwealth and NSW to assist in coordinating and improving the delivery of services to this very vulnerable group of NSW citizens.

Response to Findings

Settlement Planning

A key finding of the Report is that there is no settlement plan for NSW, that NSW is not influencing the settlement of humanitarian entrants, and that the Committee should be fulfilling this role.

The Report fails to adequately acknowledge that immigration is the Commonwealth's constitutional responsibility stemming from Section 51 (xxvii) of the *Commonwealth of Australia Constitution Act*. Under this power, the Commonwealth manages the movement and settlement of people in and out of Australia. This includes determining immigration numbers (overall and by country), the location of unlinked humanitarian migrants who arrive in Australia, and supporting humanitarian settlement in Australia (from both offshore and onshore).

According to the Department of Immigration and Citizenship 9,236¹ offshore humanitarian migrants arrived in Australia in 2009/10. As indicated in the Report, only 20% of offshore humanitarian entrants arrive in Australia without either a sponsor or a link to family or friends (other estimates put this proportion even lower). This amounts to approximately 1800 people nationally. Based on historic trends, only a third of these, or roughly 600 people in

¹ Department of Immigration and Citizenship – Australia's Humanitarian Program, Information Paper, April 2011.

The Department of Premier and Cabinet and the Community Relations Commission's
Response to Auditor-General's Report
Performance Audit: Settling Humanitarian Entrants in NSW

total, would have been placed by the Commonwealth in a location in NSW, and linked to services to enable them to settle. The balance of humanitarian entrants to NSW, settle in locations determined by their sponsors, or in accordance with the existing location of family or friends.

This compares with 144,100 total overseas arrivals in NSW in 2010.²

DPC and the CRC do not support the contention that NSW should have a settlement plan to specifically influence the settlement of this small number of humanitarian entrants. First, the cohort whose settlement could be influenced is very small, only 600 people out of a total of around 144,000 migrants annually. Second, the State's ability to influence the placement decision is significantly constrained as the Commonwealth has principal constitutional responsibility in this area.

However, DPC and the CRC would be entirely supportive of the Commonwealth agreeing to a formal consultation process prior to settlement-decision making, and to the timely provision of data on the proposed numbers, location and capacity of humanitarian entrants. While it is acknowledged that the Office of the Auditor-General is restricted in making recommendations with respect to the Commonwealth, such a measure would greatly assist the NSW Government to provide better outcomes when humanitarian entrants arrive. DPC and the CRC believe this is a critical missing element for improving service delivery and planning, and notes that the Report highlights this was a key concern of NSW Government Agencies during consultation.

Outcomes for Humanitarian Entrants

A supporting finding of the Report is that, on key indicators, NSW was doing less well than other states.

The data used to support this contention is not compared against equivalent data relating to outcomes experienced in the broader community. For example, Exhibit 9 illustrates English language, Employment, Health and Housing outcomes for humanitarian entrants, but does not provide comparative information for the broader population.

More critically, recent reviews and research have concluded that "state of residence has little overall impact on the settlement experience. State experiences vary somewhat, but generally similar patterns prevail."³

The Report also paints a poor picture of humanitarian entrant outcomes over the five year horizon. Again, reference to recent research would have identified that generally migrants (of all categories, not just humanitarian entrants) often experience significant improvement in housing, employment, and education outcomes over more extended timeframes, e.g. 5 to 10 years.⁴

This is a reasonable proposition when it is considered that acquiring English language proficiency sufficient to meet educational prerequisites can take several years, that

² Australian Bureau of Statistics Catalogue 1367.0 State and Territory Statistical Indicators 2012

³ DIAC Settlement Outcomes April 2011, Australian Survey Research

⁴ DIAC Settlement Outcomes April 2011, Australian Survey Research

subsequent training can also take a number of years to complete and that improved outcomes are only likely after both of these objectives are achieved.

It should also be noted that within NSW, all residents, including humanitarian entrants, are eligible to access government initiatives and services. This is reinforced by legislation through the *Communities Relations Commission and Principals of Multiculturalism Act 2000*, with a requirement that such services are publicly reported through the Multicultural Policies and Services Program.

Ongoing Needs of Humanitarian Entrants

The remaining finding of the Report relates to NSW's approach to supporting humanitarian entrants. This is an area of particular interest to DPC and the CRC, and could have benefited from greater focus within the Report.

DPC and the CRC accept that services to humanitarian entrants could be better coordinated, that the responsibilities of respective Commonwealth and State agencies could be better articulated and managed through collaborative mechanisms, such as a reconfigured Immigration and Settlement Planning Committee.

These are areas where the NSW Government does have some ability to influence and determine outcomes for humanitarian entrants after their arrival in NSW. As such, it is disappointing that the Report makes very few findings or recommendations in this area. For example, anecdotal advice suggests that many of the service delivery challenges that arise for humanitarian entrants arise not from their initial placement, which the Audit focuses on almost exclusively, but as a result of secondary movements to alternate locations.

What DPC and the CRC will do

DPC and the CRC will review the composition of the NSW Government Immigration and Settlement Planning Committee and its Terms of Reference (TOR) to ensure that it has the responsibility and authority to be the central point for developing and implementing settlement policy and planning in NSW. This review will consider:

- developing a process to monitor and respond to humanitarian entrant settlement issues;
- seeking formal partnerships with the Commonwealth, NSW local government organisations and other relevant stakeholders ; and
- ensuring that service provision is coordinated, planned and transparent.

The CRC, as the co-ordinating agency, will also formally request that the Commonwealth provide regular data on humanitarian entrants, including statistics about intending humanitarian entrants and information about any planned release of asylum seekers from detention. This information will greatly assist NSW in planning service provision.